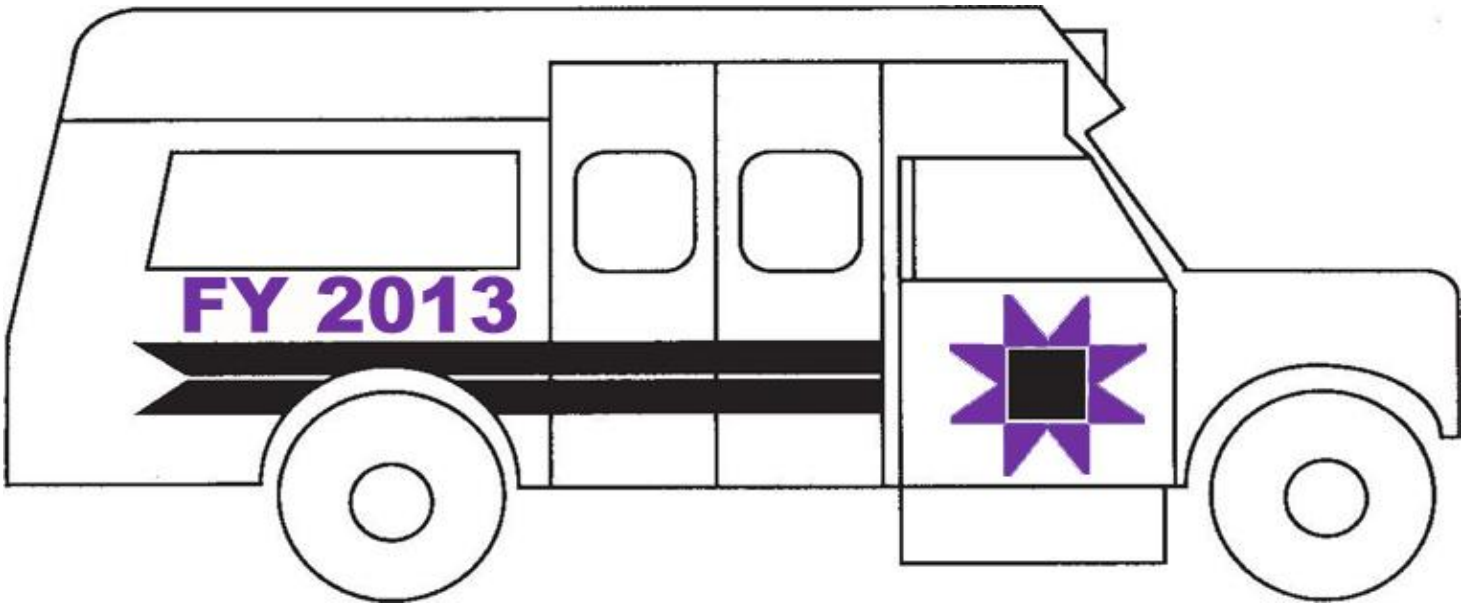
West Virginia Application Packet for

Section 5310 Capital Assistance Grant

To Provide Transportation Services For Elderly Individuals and Individuals with Disabilities



Department of Transportation

Division of Public Transit

FY 2013
SECTION 5310
GRANT APPLICATION PACKET

Prepared by:

WV Department of Transportation

DIVISION OF PUBLIC TRANSIT

Building 5, Room 906

1900 Kanawha Boulevard, East

Charleston, WV 25305-0432

Phone: 304-558-0428

FAX: 304-558-0174

TDD: 1-800-742-6991

www.transportation.wv.gov/publictransit

Toni.R.Boyd@wv.gov

ATTENTION PLEASE!

If your agency submits its application on or before **August 30, 2013,** the Division of Public Transit will review your sign-off documentation and check to see if your local intergovernmental review has been completed and included in your application packet.

As you are aware, failure to submit this information on or before the application deadline **September 5, 2013,** will prevent your application from being considered for funding.

♦ ♦IMPORTANT ANNOUNCEMENT♦ ♦

All drivers must be trained in

Passenger Service and Safety
(PASS)

Driver training is required by the
Americans With Disabilities Act (ADA)

TABLE OF CONTENTS

	Pages
I. General Information	A - A-25
II. Grant Application Packet	
-Application Format	B
-Calendar for Section 5310 Application	C
-Application Checklist	D
-Letter of Intent	E - E-2
Instructions for Application Title Page	F
-Title Page	1
Instructions for Authorizing Resolution	G
-Authorizing Resolution	2 - 3
Instructions for Verification Certification	H
-Verification Certification	4
Instructions for Articles of Incorporation	I
Instructions for Coordination/ Sign-off Documentation	J – J-4
-Transportation Provider Chart	5
-Sign-off Form	6
Instructions for Local Intergovernmental Review	K
Instructions for Certifications	L
-Certifications	7 - 15

TABLE OF CONTENTS
continued

	Pages
III. Grant Application	
-Questions 1 - 65	16 - 30
-Summary of Project Costs	31
-Operating Budget of Vehicle Requested	32
IV. Communication Equipment Application	
-Checklist for Communication Equipment	M
-Application for Communication Equipment Instructions	N
Communication Equipment Application	
-Questions 1 - 17	33 - 35
Maintenance Certification	36
V. Appendices	
Appendix I How To Resolve Objections Manual	O – O-18
Appendix II Glossary of Terms	P - P-3
Appendix III Vehicle Catalog	Q - Q-18
Appendix IV Regional Planning and Development Councils and Metropolitan Planning Organizations Addresses	R - R-5
Appendix V Title VI Nondiscrimination and Limited English Proficiency Requirements	S 1 - 14

SECTION I

GENERAL INFORMATION

GENERAL INFORMATION

Title 49 U.S.C. 5310 (CFDA Number 20.513) amended by MAP 21, authorizes a formula grant assistance program for the enhanced mobility of seniors and individuals with disabilities. The Federal Transit Administration (FTA), as well as, the West Virginia Division of Public Transit, refers to this program as "the Section 5310 Program." FTA, on behalf of the U.S. Secretary of Transportation, apportions the funds appropriated annually to the States based on an administrative formula that considers the number of seniors and individuals with disabilities in each state.

The goal of the Section 5310 Program is to enhance mobility for seniors and individuals with disabilities throughout the country. Towards 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.

Eligible applicants include (1) private non-profit organizations, if public transportation service provided by State and local governmental authorities is unavailable, insufficient, or inappropriate; (2) governmental authorities that certify to the Governor that no non-profit organizations are readily available in an area to provide the special services; and (3) governmental authorities approved by the State to coordinate services for seniors and individuals with disabilities.

Section 5310 funds are available for the purchase of equipment such as handicapped accessible vans and communication equipment used in the transportation of seniors and individuals with disabilities. Transportation services can be provided to the general public after the needs of seniors and individuals with disabilities are met. Section 5310 funds are available on an 80% federal, 20% local matching basis.

Applying agencies must demonstrate that they have the resources to provide operating expenses for the life of the equipment and the managerial capabilities to carry out the project. The Section 5310 Program is jointly administered by the FTA and West Virginia Department of Transportation, Division of Public Transit (DPT).

The 2013 Section 5310 Program Application Packet has been prepared to provide agencies requesting funding with information and guidance on the Section 5310 Program. Included is information on how to comply with program rules and regulations, preventative maintenance requirements and reporting requirements.

FTA regulations require the Division of Public Transit (the Division) to prepare and submit a Statewide Section 5310 Application on behalf of all recommended agencies in the State. Accordingly, the Division is responsible for notifying potential applicants and eligible local entities of funding availability; developing project selection criteria; preparing the application packet; determining applicant's eligibility; and selecting projects for inclusion in the Statewide Application. Upon FTA approval of the Statewide

Application, the Division procures all vehicles and equipment. The Division is required to ensure that all approved agencies comply with Federal requirements.

FY 2013 Section 5310 Program Funds will be awarded during calendar year 2013. When applicants are approved by FTA, Federal funds will be provided for 80% of the project cost. **Applicant organizations must provide the remaining 20% in cash from non-Federal sources, or if applicable, allowable federal sources.**

With limited moneys available, it is anticipated that competition for the Section 5310 funds will be intense. **It is imperative that each applicant adhere to the established guidelines and the calendar provided in this packet.** The Division is unable to guarantee that every request for funds will be met.

ELIGIBLE APPLICANTS

Any private non-profit organization that desires to provide transportation services for seniors and individuals with disabilities is eligible to apply for funds. Private and non-profit 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 non-profits 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.

Non-Profit 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 non-profit and for which the designated state agency has received documentation certifying the status of the non-profit organization.

Section 5310 funds may also go to governmental authorities that certify to the Governor that no non-profit corporations or associations are readily available in an area to provide the special services; and governmental authorities approved by the State to coordinate services for seniors and individuals with disabilities. Local governmental authorities eligible to apply for Section 5310 funds are coordinators of services for seniors and individuals with disabilities designated by the State to coordinate human service activities in a particular area.

Governmental authorities certifying that there are no non-profit 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 non-profit organization. **Approval to apply for a Section 5310 vehicle would have to be given prior to the grant application cycle.**

Governmental authorities (FTA Section 5307 or 5311 recipients) requesting designation from the State as the coordinator of services for seniors and individuals with disabilities must apply for approval to submit a Section 5310 application prior to the start of the annual grant application cycle. NOTE: Section 5307 recipients must coordinate with private non-profit providers of services under Section 5310.

Governmental authorities requesting approval to submit a Section 5310 Application, must submit an operation plan addressing the following:

- The designation of a facilitator or coordinator of the plan at the local level. A MPO or a local planning and development council could serve in this capacity or the governmental authority can suggest a facilitator that all parties have agreed to.

- Address the affects the proposed plan will have on ADA requirements of the governmental authority.

- 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 transportation 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?

- List of funding sources.

- How is the vehicle to be maintained?

- A copy of a written agreement reached by all parties addressing the following:

    - ♦ Ongoing coordination process to assess the level of service and how to meet any unmet needs of seniors and individuals with disabilities.

    - ♦ The ongoing involvement of private providers.

    - ♦ Early planning notification to all transit providers including affording an opportunity for a public hearing.

- ♦ Explanation of proposed service, in what geographic areas, providing transportation services to what seniors and individuals with disabilities.

- ♦ Will the vehicle be limited to a particular client group and/or a geographic area?

A governmental authority approved for funding must agree to:

- Purchase of the vehicle being requested by the Division.

- Upon receipt of the vehicle, sign the State's non-negotiable standard Section 5310 Project Grant Agreement.

- Be responsible for the successful completion of the project.

- Abide by the Section 5310 reporting requirements and be subject to the Section 5310 Late Reporting Penalty System.

- Dispose of any Section 5310 vehicle in accordance with the Division's procedures.

A governmental authority 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.

Exceptions

Because of the responsibilities of public transportation providers under the Americans with Disabilities Act (ADA), the Division is reluctant to accept any applications for the expansion of services in counties that currently have public transit providers. Should an agency want to expand services in one of these counties, they should submit a one page description of the project prior to the annual grant application cycle for review by the Division. Additionally, they will need to provide a letter of support for the project from the local public transit provider.

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

COORDINATION AND LOCALLY DEVELOPED PUBLIC TRANSIT- HUMAN SERVICES TRANSPORTATION PLANS

Lack of transportation can be a major obstacle for individuals with disabilities, older adults, children and youth, and other populations that need various social and health services. Interagency partnerships are essential to coordinate travel needs to help increase the quality of life for these populations, as well as, for the agencies to provide their services effectively and efficiently. A major goal of coordination is to provide more rides for targeted populations using the same or fewer assets.

Federal transit law requires locally developed coordinated public transit human services transportation plans as a condition for funding under the Section 5310 Enhanced Mobility of Seniors and Individuals With Disabilities Program.

By identifying both the transportation needs and issues of a particular area and the transportation services to meet these needs, locally developed coordinated plans can help reduce or eliminate many transportation problems such as duplication of services and underutilization of resources and actually help extend or expand service to meet unmet transportation needs.

In compliance with 49 U.S.C. 5310(d)(2)(B), the Division of Public Transit must certify that: (1) projects it has selected or will select for assistance under the Section 5310 Program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and non-profit transportation and human services providers and participation by the public.

Coordination plans with plan updates have been prepared for the State's eleven planning and development regions and metropolitan planning areas. Plan updates are prepared approximately every four years. Section 5310 applicants should participate in any coordination meetings, development of plans or on-going plan updates. Additionally, each agency should coordinate its services to the maximum extent feasible.

Another step taken by the Division to foster coordination is the policy of funding only one agency per county that provides transportation services for a particular client group. The local agencies meet and come to an agreement on which one will apply for Section 5310 funding. The agreed upon agency becomes the permanent Section 5310 applicant for the client group. The Division does not consider any applications from an area that has not met this requirement.

ELIGIBLE PASSENGERS

Section 5310 vehicles are for transporting seniors and individuals with disabilities.

Seniors include, at a minimum, all persons 65 years of age or older. Grantees may use a definition that extends eligibility for service to younger (e.g., 62 and older, 60 and over) persons.

Individual With a Disability means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility. 49 U.S.C. 5302(a)(5)

A disability substantially limits one or more of the major life activities of such an individual. It also includes a record of such impairment or being regarded as having such an impairment.

An individual with a disability does not include an individual who is currently engaging in the illegal use of drugs.

General Public After the needs of seniors and individuals with disabilities are met, the vehicle may be used for transporting the general public. The Division encourages the transporting of additional persons so that the vehicle is fully utilized. This action helps foster coordination efforts.

ELIGIBLE EQUIPMENT UNDER SECTION 5310 PROGRAM

The Section 5310 Program provides 80% of the equipment cost to purchase converted vans, converted vans with lifts, narrow body cutaway vans with lifts, narrow body cutaway vans, cutaway vans, cutaway vans with lifts, 12 passenger vans, minivans, low floor minivans with fold out ramps and communication equipment. The Americans With Disabilities Act requires that all agencies operating demand responsive service provide equivalent service to individuals with disabilities. In order to provide equivalent service, as a rule of thumb, 50% of an agency's fleet must be ADA accessible vehicles.

Vehicles with lifts/ramps meeting ADA specifications will be procured for agencies unable to meet this requirement. Agencies who have equipment to provide equivalent service can request a plain 12 passenger van or a minivan. Each agency's needs will be evaluated on a case by case basis by the Division.

AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS

Agencies providing transportation services to individuals with disabilities, including individuals who use wheelchairs, must ensure that the service offered is equivalent to the level and quality of service offered to individuals without disabilities. Equivalent service takes into consideration response time, fares, hours and days of operation, restrictions on trip purpose, geographic service area and constraints on capacity or service availability.

Agencies providing transportation services must ensure that they meet the following service provisions as required by the ADA.

1. Maintain lifts/ramps and other accessibility equipment in operative condition. **To achieve this, lifts/ramps must be cycled and tie downs checked daily.**

2. Require drivers to use accessibility features and provide assistance to passengers in the use of the equipment.

3. Deploy lifts/ramps at any designated stops.

4. Provide service to persons using respirators or portable oxygen or other mobility aids.

5. At a minimum, provide service to persons using “common wheelchairs,” including “scooters” if, when measured 2 inches off the ground, they are no larger than 30 inches by 48 inches and when fully occupied weigh no more than 600 pounds. If the wheelchair lift/ramp and vehicle can accommodate a mobility device that does not meet the definition of a “common wheelchair,” agencies should still provide the service.

6. Allow adequate time for vehicle boarding/disembarking.

7. Transport service animals. (Passengers are not required to provide any type of certification.)

8. Train personnel to proficiency so that they operate vehicles and equipment safely and properly and treat individuals who use the service in a respectful and courteous way.

9. Display blue accessibility symbol on all accessible vehicles.

10. Make information available in an accessible format upon request and have adequate telephone capacity, both voice and TDD.

11. Allow standees use of lifts or ramps upon request.

Applying agencies must take the above ADA regulations into consideration when deciding the type of equipment needed, as well as, the proposed service to be provided.

Approved agencies are required to develop ADA Policies and Procedures including complaint processes for passengers and employees.

VEHICLE USAGE

Agencies funded under the Section 5310 Program are required to provide transportation services to seniors and individuals with disabilities originally designated in their application and within the geographical area described in their Section 5310 Application for the duration of their vehicle's useful life.

Meal Delivery for Homebound Individuals

Agencies receiving assistance under Section 5310 may coordinate and assist in regularly providing meal delivery service for homebound individuals, if the delivery service does not conflict with or reduce services to seniors and individuals with disabilities as proposed in original Section 5310 Applications.

In-Home Services

Providing in-home services with a Section 5310 vehicle could result in a reduction of service to and interfere with transportation services for seniors and individuals with disabilities. Therefore, the Division discourages the use of vehicles for this activity.

Incidental Usage

"Incidental use" is the use of equipment or facilities purchased under the Section 5310 Program during those periods when the equipment is not used for specific grant related purposes. This type of use is allowed, but should be kept to a minimum and **must not interfere** with any transportation services for seniors and individuals with disabilities.

Out-of-State Usage

Agencies receiving assistance under the Section 5310 Program are to use the vehicle to provide transportation services to seniors and individuals with disabilities within the geographical area described in the agency's Section 5310 Application. **Out-of-state trips are strictly forbidden under the WV Section 5310 Program. Please note:** ***Agencies located in border counties, a 50-mile radius is allowed for "incidental" trips.***

Federal Motor Carrier Safety Administration Requirements

Agencies providing transportation services across state lines could be required to be licensed by the Federal Motor Carrier Safety Administration, as well as, meet other requirements. It is the responsibility of the agency to determine if these requirements apply to your transportation program. Two exceptions to the applicability of Federal Motor Carrier Licensing are:

Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States; and

The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation, provided the vehicle is not being operated beyond a 75 air mile radius (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location, and provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating such vehicles are required to comply with §§390.15, 390.19, and 390.21(a) and (b)(2).

For more information on these requirements, an agency can contact the Federal Motor Carrier Safety Administration's Charleston Office at (304) 347-5935 or visit their web site at **www.fmcsa.dot.gov**.

Low Usage

Normally, an actively used vehicle will accrue 100,000 miles after four years of operation. However, some agencies are only accruing between 30,000 and 40,000 miles on vehicles that are seven to ten years old. The Division considers this to be low mileage and usage.

Competition for Section 5310 funds dictates that the vehicles be placed with agencies that actively use them. Low vehicle mileage is taken into consideration regarding any agency's future Section 5310 Application.

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

LEASING SECTION 5310 VEHICLE TO ANOTHER AGENCY

Vehicles acquired under Section 5310 may be used only in the following ways:

1. By the private non-profit organization as described in its application.

2. By several private non-profit organizations in coordinated service for a variety of seniors and individuals with disabilities. It is understood that, at a minimum, the service, which was proposed by the private non-profit organization in its grant application, will be provided and that the originally designated clientele will be served.

3. By a private-for-profit operator, by lease or other contractual agreement with the private non-profit organization. FTA will permit vehicles acquired by non-profit agencies to be leased to private-for-profit companies where such arrangements provide for more efficient and effective service for seniors and individuals with disabilities.

4. By a public body when the private non-profit organization elects to lease a vehicle to the public body rather than provide the service itself because the public body may be a more efficient provider. However, control over service, clientele, and vehicle remains with the private non-profit organization.

Under all lease arrangements, ownership and effective policy control of vehicle usage must remain with the grant recipient. **Before entering into any contractual arrangements, prior approval is required from the Division of Public Transit.**

SERVICE CONTRACTS

There are no restrictions regarding a grant recipient contracting with a public body or private-for-profit operator for maintenance, repair, garaging, or assistance in routing and scheduling.

SECTION 5310 PROJECT GRANT AGREEMENT

Once an agency is approved for funding and upon receipt of equipment, the agency is required to enter into an Agreement with the State of West Virginia that states the terms and conditions under which the equipment is to be operated. The Agreement ensures grant compliance. Some of the significant requirements are:

1. The agency is responsible for operating and using the equipment as proposed in their Section 5310 Application.

2. The agency is required to maintain financial, maintenance and operating records on the equipment. Also, the agency is required to report monthly on vehicle usage for the useful life of the vehicle.

AGENCY FISCAL AND MANAGERIAL CAPABILITIES

Each recipient must demonstrate on an ongoing basis their fiscal and managerial capabilities to implement and carry out the project, which includes but is not limited to:

1. Demonstrating the financial and technical capacity to carry out the program including the safety and security aspects of the project.

2. Providing administrative and management support of the project implementation including sufficient administrative oversight to ensure that vehicles are being properly maintained and operated in a safe manner.

3. Ensuring that personnel are adequately trained in the safe operation of the equipment.

4. Accounting for project property and maintaining property inventory cards that contain all required information.

5. Demonstrating and retaining satisfactory continuing control over the use of project property.

6. Preparing and submitting required reports via the internet in a timely manner insuring accuracy of the information.

7. Ensuring compliance with all FTA, federal requirements, or Division of Public Transit requirements that are applicable to the project.

8. Ensuring local match funds are available for the life of the project and that operating funds are available for the life of the project.

9. Updating and retaining required reports and records for availability during audits or oversight reviews.

10. Documenting that equipment is in good working order and is being maintained in accordance with the manufacturer's recommendations.

11. Ensuring periodic reviews by project supervisor or agency management that maintenance procedures are being followed.

12. Ensuring that ADA equipment is in good working order and documentation is maintained verifying that the lifts/ramps and tie downs are in good working order.

13. Develop and implement sound financial procedures ensuring that the agency has an adequate financial system.

14. Keeping expenditures within the latest approved budget in accordance with project guidelines and eligible expense, if applicable.

PROJECT SELECTION

Once an agency has submitted their application to the Division of Public Transit, it is reviewed for completeness. The application is then scored based on need, vehicle utilization, coordination efforts, fiscal and managerial capabilities and the proposed operating plan. Past recipients reporting performance is taken into consideration in any funding request. Points are deducted from an agency's application score for late monthly reports.

If an application has missing documentation, the agency is given an opportunity to submit the omitted documents with penalty points being deducted. This **does not** include missing coordination documentation (sign-offs, objections resolved, resolved PSC complaints) or a positive Local Intergovernmental Review. **No application is considered for funding without a positive Local Intergovernmental Review or proper sign-off and coordination documentation.**

Any applications received after the grant application deadline are considered for funding ONLY after all other on-time requests have been met.

The application scores are then ranked from highest to lowest and the agencies receiving the highest scores are included in the State's consolidated application submitted to FTA. Due to sharp price increases in equipment cost, some agencies may be placed on a tentative funding list awaiting the actual equipment prices.

Equipment prices will determine whether or not an agency can be funded. An agency's placement on the tentative funding list is determined by the agency's score on their Section 5310 Application.

Two points will be deducted from an agency's application score for each piece of missing information.

THIS DOES NOT INCLUDE SIGN-OFFS OR INTERGOVERNMENTAL REVIEWS!

Applications submitted without completed sign-off documentation or a positive Local Intergovernmental Review will not be considered for funding.

OBJECTION RESOLUTION

Applications that **DO NOT** have transit provider objections resolved utilizing the procedures outlined in Appendix I, on or before **September 5, 2013**, or have not requested a meeting of the Special Transit Advisory Committee, on or before **September 5, 2013**, **WILL NOT be considered for funding!**

PSC COMPLAINT

An agency that has a PSC Complaint filed against it or pending before the Public Service Commission (PSC) cannot be considered for funding unless the issue is resolved prior to the **September 5, 2013,** deadline. Motor vehicles designated by the WV Bureau of Senior Services for use and operation by local county aging programs are exempt from PSC regulations.

SECTION 5310 GRANT APPLICATION PROCESS

Section 5310 grant application process involves two stages – the pre-grant approval stage and the grant implementation stage.

Pre-Grant Approval Stage

A. Review of the enclosed material by your organization to assure the Section 5310 Program will assist in meeting your transportation needs.

B. Analysis of your organization's current equipment and the determination of the appropriate equipment to be requested in your organization's grant application.

C. Contact by your organization with the various local and State governmental agencies necessary to fulfill all planning and State application requirements.

D. If requesting an expansion vehicle, contact ALL rural and small urban transit providers, ALL taxi companies and ALL paratransit providers in your organization's proposed service area in order to reach agreement on duplication and/or conflicts in service. This process is called obtaining sign-off documentation.

E. Your organization must assure that all private sector agencies in your area have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed transportation services.

F. Forward completed application to your MPO or Local Planning and Development Council for review on the basis of proposed service funding, suitability and need.

G. Submission of your organization's completed application to the Division of Public Transit. **No application is considered for funding without a positive Local Intergovernmental Review and proper sign-off and coordination documentation.**

Grant Implementation Stage

A. Submission of State recommended applications to the Federal Transit Administration for grant approval.

B. Grant approval received by the Division of Public Transit from the Federal Transit Administration.

C. Vehicle bid out by the Division of Public Transit, ordered and delivered to the approved agencies.

D. Approved agencies notified to come to Charleston to pick up new vehicle. Agency provides required proof of insurance and signs Project Grant Agreement agreeing to provide transportation services as described in their original Section 5310 Application.

E. Approved agency provides transportation services.

F. Agency maintains, on site, required records relating to: preventative maintenance schedule, completed Daily Vehicle Inspection Report Forms, completed Comprehensive Maintenance Record Forms with invoice backup, current proof of insurance reflecting the Division of Public Transit as co-insured, and the agency's written safety plan documenting procedures to be followed in the event of a vehicle accident, breakdown or other emergency situation.

G. Agency reports monthly to the Division of Public Transit on the vehicle's usage for its useful life.

TITLE AND OWNERSHIP OF VEHICLE

Title to and ownership of any vehicle, during its useful life, shall remain at all times with the Division. The actual title will read *WV DOT, Div Pub Trans c/o the approved agency*. This helps to protect the federal interest in the vehicle, as well as, keeps the agency from having to pay a 5% use tax on the original cost of the vehicle to the Division of Motor Vehicles (DMV).

USEFUL LIFE

Useful life of the vehicle will end at 100,000 miles or four years whichever comes first.

SELLING OF VEHICLE THAT WAS LISTED IN SECTION 5310 APPLICATION AS BEING REPLACED

If an agency states in their Section 5310 Application that they are replacing equipment, the agency is required to furnish **written documentation** (such as a copy of the bill of sale, signed over title, etc.), verifying that the equipment was replaced. This documentation must be received by the Division of Public Transit within sixty (60) days of receiving the new equipment.

An agency must sale the replaced equipment. It is not acceptable for the equipment to be transferred to another program under the agency.

RESTRICTIONS

1. No modifications are to be made on any equipment purchased with Section 5310 funds without prior approval from the Division of Public Transit.

2. Under no circumstances is any equipment purchased with Section 5310 funds to be used as collateral in order to obtain a loan.

INSURANCE REQUIREMENTS

Agencies are required to maintain an amount of insurance that will adequately cover the actual value of the project equipment should it be damaged or destroyed. Agencies are to list the Division of Public Transit as co-insured on any policy relating to said equipment. This action is necessary in order to protect the Federal interest in the equipment. **The agency shall provide the Division of Public Transit with a proof of insurance, reflecting that the Division is co-insured, upon each renewal of the policy.**

MONTHLY REPORTS

Agencies are required to input a Section 5310 Monthly Reporting Form on every active Section 5310 vehicle in their fleet.

The Section 5310 Monthly Reporting Form is required to be inputted in the Division of Public Transit's 5310 Online Vehicle Tracking System on or before the 15th day of each month reflecting the past month's figures. As an example, May's report entry is due on or before June 15th. The report must be inputted by this date in order to avoid penalty points toward your next Section 5310 Application.

Agencies are required to input a Section 5310 Monthly Reporting Form until the vehicle has reached its useful life. The Division will notify agencies when the useful life has been met on their vehicle. The notification will state that the vehicle has been turned over to the agency and that monthly reporting entries are no longer necessary.

LATE MONTHLY REPORTS

The procedures for dealing with delinquent Section 5310 Monthly Reporting entries are as follows:

(1) On the 20th day of the month, a phone call is made reminding the agency of the delinquent report entry. This is when an agency may begin accumulating penalty points.

(2) On the 25th day of the month, a first memo is sent to the agency.

(3) On the 10th day of the next month, a second memo is sent to the agency informing them of the consequences of delinquent reporting.

(4) On the 20th day of the next month, a third and final letter is sent to the agency informing them that if the report is not received in the DPT Office within 30 days, their Project Grant Agreement will be terminated and their Section 5310 vehicle will be removed.

If a Section 5310 vehicle sits idle, a blank report must be inputted along with an explanation as to why the vehicle was not operated. If a report is not inputted on behalf of the vehicle by the 15th day of the month, it will be considered late, and penalty points will be assessed.

PENALTIES FOR LATE REPORTING

Agencies failing to input their Section 5310 Monthly Reporting Form on or before the 15th day of the month will have the following points deducted from their next Section 5310 Application:

1 Late Submission	No Penalty
2 Late Submissions	3 points deducted
3 Late Submissions	7 points deducted
4 Late Submissions	15 points deducted
5 Late Submissions	30 points deducted
6 or more Late Submissions	**Agency Not Funded Next Application Cycle**

These penalties are assessed for late submissions during the time frame listed in the current Section 5310 Application. Late submissions do not have to be consecutive in order to have points deducted from an agency's funding request.

DRIVER TRAINING

The Americans With Disabilities Act requires that all drivers be trained in the safe and proper ways to transport disabled persons. In order to meet this requirement, the Division requires all drivers to be trained and certified in PASS (Passenger Service and Safety Certification) program free of charge to all 5310 recipients. The (PASS) Driver Certification Program ensures that community transportation drivers have current expertise in passenger assistance techniques and sensitivity skills appropriate for serving individuals with disabilities. The one day version is required of all 5310 drivers; however, drivers are encouraged to become PASS certified which involves a two day course. All applicants must meet this qualification before delivery can be taken of any vehicle.

Funded agencies must maintain certified drivers. All new hires are to be PASS certified within 60 days of employment. Section 5310 vehicles are to be operated only by persons who have the required training.

VALID DRIVER'S LICENSE

Each agency is responsible for ensuring that all drivers have valid and appropriate driver's license as required by the West Virginia Division of Motor Vehicles.

Commercial Driver License (CDL)

A Commercial Driver License (CDL) is required when a vehicle is designed to transport 16 or more persons (including the driver).

Class D License Program

The West Virginia Division of Motor Vehicles requires a Class D License if an individual meets the following:

> Any person eighteen (18) years and older with at least one year driving experience who operates motor vehicles which transport persons or property for compensation. This effects individuals whose primary job, duty or function would be the operation of a motor vehicle.

Class D vehicles must have a gross vehicle weight rating (GVWR) of less than 26,001 pounds, a passenger capacity of 15 or less passengers, including the driver, and cannot transport hazardous materials that require the vehicle to be placarded.

NOTE: Anyone who operates motor vehicles which transport persons or property on a volunteer basis are **NOT** required to obtain the Class D License, nor are individuals who operate emergency vehicles, such as ambulances, rescue equipment, law enforcement and firefighters.

Those persons for which the operation of a motor vehicle is incidental to their job duties or functions would NOT be required to obtain a Class D License.

Anyone with questions concerning the Class D License should contact the Division of Motor Vehicles at 304-558-3900 or 1-800-642-9066.

DRUG AND ALCOHOL TESTING

Any driver holding a CDL license could be required to submit to Drug and Alcohol Testing under the Omnibus Transportation Employee Testing Act of 1991. For Drugs the testing required is: pre-employment; reasonable suspicion; post-accident; random; return-to-duty and follow-up. For Alcohol the testing required is: reasonable suspicion; post-accident; random; return-to-duty and follow-up.

Individuals who are required to possess CDL's by virtue of State or local law or by employer policy, but not by Federal regulation, are not subject to the provisions of these regulations.

Any person who operates a commercial motor vehicle less than 26,001 GVWR is not required to be tested for controlled substances and/or alcohol under these rules unless the vehicle is designed to transport 16 or more passengers including the driver or is required to be placarded for hazardous materials transportation under Federal law. For additional information, contact the Division of Motor Vehicles at 304-926-3801 or 1-800-642-9066.

PROPERLY MAINTAINED VEHICLE

Each agency shall be responsible for maintaining all equipment in the best working condition possible, allowing for normal wear and tear. The agency shall establish a preventative maintenance program that at least meets the manufacturer's minimum requirements. The preventative maintenance plan shall include the maintenance of lifts, ramps and securement systems. The preventative maintenance program shall be utilized and maintained by the agency, in a file, on site, available for review by personnel from the Division of Public Transit or the Federal Transit Administration during periodic on site reviews.

DAILY VEHICLE INSPECTION REPORT

Drivers are required to perform a daily inspection of their vehicle which includes the cycling of the wheelchair lift, ramp and checking securement systems. Inspections are to be performed utilizing the Daily Vehicle Inspection Report Form. Vehicles should meet an acceptable level of both interior and exterior cleanliness. Completed forms shall be maintained by the agency, in a file, on site, available for review by personnel from the Division of Public Transit or the Federal Transit Administration during periodic on site reviews. During on site reviews, documentation will be checked to see how soon issues noted on the Daily Vehicle Inspection Report Form are resolved or repaired.

COMPREHENSIVE MAINTENANCE RECORDS

A Comprehensive Maintenance Record Form is required to be maintained for each piece of equipment. All preventative maintenance, repairs, etc. shall be recorded on the Comprehensive Maintenance Record Form thereby providing a complete history of the equipment's maintenance and repairs. The Comprehensive Maintenance Record Form shall include preventative maintenance and repairs of lifts, ramps and securement systems including no charge items. Copies of invoices for preventative maintenance and repairs shall be maintained with the form. Completed forms shall be maintained by the agency, in a file, on site, available for review by personnel from the Division of Public Transit or the Federal Transit Administration during periodic on site reviews.

WRITTEN EMERGENCY PROCEDURES

Each agency shall develop and implement written emergency procedures for use by vehicle operators in the event of a vehicle accident, breakdown or other emergency situation. The Division recommends the Safety Planning Information Directed to Emergency Response (SPIDER) kit be used. SPIDER is available on **www.transportation.wv.gov/publictransit/safety**. An agency's emergency procedures will be reviewed during on site reviews.

REPORT OF ACCIDENT/INCIDENT

Each agency is to immediately report to the Division of Public Transit when equipment is involved in an accident or an incident. The verbal report shall be followed by a written report that can be included on the Section 5310 Monthly Reporting Form entry. Records are to be maintained in the agency's files regarding all accidents or incidents for review by personnel from the Division of Public Transit or the Federal Transit Administration during periodic on site reviews.

INDEMNIFICATION

The recipient agency shall indemnify, and hold harmless the State of West Virginia, the Division of Public Transit and its agents, servants and employees from any and all claims, suits, proceedings, losses, expenses, damages and liabilities, including, but not limited to attorney's fees and court costs caused directly or indirectly by, or arising out of, agency's use of the equipment purchased with Section 5310 funds. The State of West Virginia shall not be liable for any loss or damage to any cargo or other property, real or personal, left stored, loaded or transported in or upon the equipment funded with Section 5310 funds, at any time or any place, including, without limitation, while located at any garage or other premises operated by the recipient agency and under any circumstances whatsoever, whether or not due to negligence of the Division of Public Transit, and the recipient agency shall waive all claims against the Division of Public Transit by reason thereof and shall indemnify, defend and hold the State of West Virginia or the Division of Public Transit harmless from and against any and all claims, suits, actions or proceedings based upon or arising out of such loss or damage.

CERTIFICATIONS

In this application packet your agency is signing various certifications. Agencies receiving equipment under the Section 5310 Program are required to abide by the signed certifications regarding areas such as the **Americans With Disabilities Act - Certification of Equivalent Service; Certification of Compliance With Title VI of the Civil Rights Act of 1964, as amended; Equal Employment Opportunities; Certification of Special Efforts to Provide Transportation That Handicapped Persons Can Use; Assurance Concerning Nondiscrimination on the Basis of Disability in Federally-Assisted Programs and Activities Receiving or Benefiting from Federal Financial Assistance; School Transportation Operations Agreement; Energy Conservation; No Federal Government Obligations to Third Parties; Program Fraud and False or Fraudulent Statements or Related Acts; Debarment, Suspension, and Other Responsibility Matters, etc.**

Any complaints received by an approved agency regarding the above shall be reported to the Division of Public Transit.

OTHER FEDERAL REQUIREMENTS

SCHOOL BUS SERVICE

Grantees are prohibited from providing exclusive school bus service unless the service qualified under an allowable exemption and is approved by the FTA Administrator. In no case can federally funded equipment or facilities be used to provide exclusive school bus service. Head Start transportation is considered human service transportation, not school bus service.

CHARTER

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" (seniors or individuals with disabilities). The agency's service only qualifies for the exemption contained in 49 CFR 604.2(e) if the service is designed to serve the needs of 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 FTA'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.

TITLE VI

Grantees must ensure that no person shall, on the grounds of race, color or national origin, be excluded from participating, or denied the benefits of, or be subject to discrimination under any program, or activity receiving federal financial assistance. The Division of Public Transit administers the Section 5310 Program without regard to race, color and national origin. To find out more information on the Division's Title VI responsibilities or to file a Title VI complaint, please contact:

http://www.transportation.wv.gov/publictransit/Pages/CivilRights.aspx

In addition to complying with the requirements itself, the Division must ensure that recipients of Section 5310 vehicles meet Title VI requirements. Recipients must:

- notify clients that the agency will operate programs without regard to race, color and national origin;

- describe the procedures that members of the public should follow in order to request additional information on the agency's nondiscrimination obligations;

- describe the procedures that members of the public should follow to file a discrimination complaint against the agency.

The complete requirements are available under Appendix V, Page S of this application packet. **Appendix V must be completed and submitted as part of your application packet.**

To help agencies meet their requirements, the Division will provide Title VI signs/ stickers that are to be posted in Section 5310 vehicles at all times. If the sign/sticker becomes damaged or is lost, please contact the Division for a replacement.

Besides posting this information on the vehicles, you should include this information on either your agency's web site or in your agency's brochures. "*In accordance with the Civil Rights Act of 1964, (Your agency's name), does not discriminate on the basis of race, color or national origin. For more information about these protections or to file a complaint, please contact (insert Contact person).*" Remember to keep the contact person information updated.

The Division must report Title VI complaints to FTA. **Therefore, the Division requires that you report any Title VI complaints within 24 hours**.

LIMITED ENGLISH PROFICIENCY (LEP)

Grantees must provide meaningful access to individuals who are limited English proficient (LEP). LEP includes persons who are illiterate. Each grantee must determine what steps are necessary to provide meaningful access based on four factors:

1. The number and proportion of LEP persons served or encountered in the eligible service population.

2. The frequency with which LEP individuals come into contact with the program, activity or service.

3. The nature and importance of the program, activity or service provided by the program.

4. The resources available to the recipient and costs.

The complete requirements are available under Appendix V, Page S of this application packet. **Appendix V must be completed and submitted as part of your application packet.**

EQUAL EMPLOYMENT OPPORTUNITY

Grantees may not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, or disability. Grantees can demonstrate compliance with these requirements in several ways:

1. Have the Board adopt an EEO policy statement.

2. Post the EEO statement in conspicuous and accessible places.

3. Include an EEO statement on employment applications and want ads.

4. Provide sensitivity training to employees.

Title I of the ADA prohibits discrimination in employment and requires grantees to make reasonable accommodations for qualified employees and applicants.

SENSITIVE SECURITY INFORMATION

Each agency must protect, and take measures to ensure that its sub agreement at each tier protect, "sensitive security information" made available during the administration of any agreement or any sub agreement to ensure compliance with 49 U.S.C. Section 40119(b) and implementing DOT regulations, "Protection of Sensitive Security Information," 49 CFR Part 15, and with 49 U.S.C. Section 114(s) and implementing Department of Homeland Security regulations, "Protection of Sensitive Security Information," 49 CFR Part 1520.

ACCESSIBILITY

Agency agrees that products and services provided shall be in accordance with the 42 U.S.C. Sections 12101 et seq. and DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR Part 37; and Joint ATBCB/DOT regulations, "Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 CFR Part 1192 and 49 CFR Part 38.

TRAFFICKING IN PERSONS

Agency agrees to comply with, and assures the compliance of each sub recipient with, the requirements of the subsection 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended, 22 U.S.C. § 7104(g), and the provisions of the Trafficking in Persons subsection of the current FTA Master Agreement.

Agency agrees to inform the DIVISION of any information it receives from any source alleging a violation of a prohibition in the current FTA Master Agreement.

ENVIRONMENTAL JUSTICE

Agency agrees to facilitate compliance with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 42 U.S.C. § 4321 note, except to the extent that the Federal Government determines otherwise in writing.

ENERGY CONSERVATION

Agency agrees to comply with, and obtain the compliance of its subcontractors, with mandatory standards and policies relating to energy efficiency contained in applicable state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. §§ 6321 et seq.

APPLICATION OF FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS

Agency agrees to comply with changing federal, state and local requirements. The agency shall note that federal, state and local requirements may change and the changed requirements will apply to the Project as required.

FEDERAL REGULATION CHANGES

Agency shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the current FTA Master Agreement between the WV Department of Transportation, Division of Public Transit and FTA, as they may be amended or promulgated from time to time during the term of this Project. The agency's failure to so comply shall constitute a material breach of the Project.

NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTIES

Agency agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Project, absent the express written consent by the Federal Government, the Federal Government is not a party to this Project and shall not be subject to any obligations or liabilities to the WV Division of Public Transit, agency, or any other party (whether or not a party to the Project) pertaining to any matter resulting from the underlying Project.

PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS

Agency acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the Project, the agency certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Project or the Federal Transit Administration (FTA) assisted Project for which the Project work is being performed. In addition to other penalties that may be applicable, the agency further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the agency to the extent the Federal Government deems appropriate.

SEAT BELT USAGE

Pursuant to Executive Order No. 13043, April 16, 1997, 23 U.S.C. § 402, agency is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-operated vehicles and include this provision in third party contracts, third party subcontracts, and sub-agreements entered into under this Project.

DISTRACTED DRIVING, INCLUDING TEXT MESSAGING WHILE DRIVING

Pursuant to Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009, 23 U.S.C. § 402 note and DOT Order 3902.10, "Text Messaging While Driving," December 30, 2009, the RECIPIENT is encouraged to adopt on-the-job policies and programs for its employees when operating company-owned, rented, or personally operated vehicles to reduce text messaging while driving and avoid distracted driving. This Special Condition is to be included in each third party sub-agreement at each tier financed with Federal funds.

AUDITS

Agency is required to report any audit findings that involve Section 5310 funded equipment immediately to the Division of Public Transit.

ON-SITE MONITORING REVIEWS

To ensure compliance with the various program requirements, the Division of Public Transit or its representative(s) and/or the FTA will periodically conduct on-site reviews. These reviews will also confirm the existence, condition and proper maintenance of funded equipment.

At a minimum, during these reviews the agency will be required to produce their preventive maintenance schedule; completed daily vehicle inspection reports also known as the "pre-trip" inspection; completed comprehensive maintenance record forms with invoice backup; current proof of insurance reflecting the Division of Public Transit as co-insured and the agency's written safety plan documenting procedures to be followed in the event of a vehicle accident, breakdown or other emergency situation. The actual equipment will be inspected to verify usage reported, as well as, its condition. Agencies will also be reviewed for the appropriate postings and other program requirements.

In addition to these inspections, upon request by the Division, agencies on a periodic basis may be required to submit their comprehensive vehicle maintenance records for a desk review.

Failure to take corrective action of any deficiencies found during a review will result in an agency's suspension from the Section 5310 Program until the agency can adequately demonstrate that procedures have been put into place to prevent further failures and that the agency is in compliance with all program requirements.

PROJECT COMPLETION

The Division will notify an agency in writing when a vehicle has reached its useful life. At that time, the agency will receive a title for the vehicle signed over to them. The agency will be responsible for paying the Division of Motor Vehicles (DMV) a 5% use tax on the fair market value, determined by the Division of Motor Vehicles, of the vehicle at the time the title is transferred.

An agency can continue to use the van as needed. When the van is disposed of, the agency will retain all of the proceeds from its sale.

Agencies should keep in mind that with the passage of the Americans With Disabilities Act (ADA) any agency providing transportation services, when viewed in its entirety, must provide a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities. This is a requirement for any transit provider regardless of their funding sources.

Should circumstances arise (major mechanical problems, wrecked, etc.) where a vehicle purchased with Section 5310 funds needs to be disposed of **prior to meeting its useful life**, permission must first be obtained from the Director of the Division of Public Transit.

TECHNICAL ASSISTANCE AND TRAINING

PASS Program

The Division offers the PASS (Passenger Service and Safety Certification) program free of charge to all 5310 recipients. The (PASS) Driver Certification Program ensures that community transportation drivers have current expertise in passenger assistance techniques and sensitivity skills appropriate for serving individuals with disabilities. The one day version is required of all 5310 drivers; however, drivers are encouraged to become PASS certified which involves a two day course.

Instructors of PASS are located around the state to minimize travel time and expense. Instructor courses are offered approximately every three years. If your agency has a trained instructor you are required to open your PASS training to other agencies in the region. There is no charge to become an instructor or for the PASS materials.

If you are interested in becoming a PASS instructor or are unable to locate a PASS course, please email **Christina.A.Risk@wv.gov** or by calling (304) 558-0428. A list of PASS instructors is available on the Division's web site at **www.transportation.wv.gov/publictransit**. Christy is the contact person for all PASS materials.

Maintenance Training

Almost every year, usually in September, the Division offers maintenance training. This is a good opportunity for your drivers to learn how to do preventative maintenance on their wheelchair lifts/ramps or tie downs and to discuss any problems they are having with their vehicles with Division staff and manufacturer's representatives. Agencies are highly encouraged to attend this training.

Other Training Opportunities

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 that we provide to our customers. Announcement of training opportunities are made on the Division's web site or through mailings. If you have any training needs, you are encouraged to contact the Division.

Other Training Resources

The Division maintains a list of resources available for training on its web site at **www.transportation.wv.gov/publictransit** under the Rural Transit Assistance Program. This material is available for loan for a three week period. You can request this material by emailing **Christina.A.Risk@wv.gov** or by calling (304) 558-0428.

LATE APPLICATION SUBMISSION

Applications that are received after **4:00 p.m. on September 5, 2013**, will be considered for funding only after all other agencies on time requests have been met. The Division of Public Transit **WILL NOT** be responsible for late, lost or misdirected mail.

NOTE: If this application is submitted prior to August 30, 2013, the Division will review all Sign-Off and Local Intergovernmental Review Documentation to ensure that your agency's application is in compliance.

SECTION II
GRANT APPLICATION PACKET

APPLICATION FORMAT

This application packet has been assembled in a very specific format which the Division of Public Transit hopes will reduce the amount of preparation time and aid in the fair evaluation of each application. **Applications received by the Division that do not follow this format will be returned for revision to the submitting organization which may jeopardize your organization's Section 5310 funding.**

All pages in the application packet that are **printed on WHITE PAPER may be used as is**. All general information, instructions for completing this application packet, and examples are printed on **LILAC PAPER**. (The LILAC pages have been lettered alphabetically.)

A checklist of items to be included in your application packet has been provided on Page D. The pages of the application packet that you will be required to submit have been numbered for you.

As soon as possible, an applicant should contact their Regional Planning and Development Council or Metropolitan Planning Organization to request a Local Intergovernmental Review. Planning organizations need 30-45 days to review your application.

Applications will not be accepted without a positive Local Intergovernmental Review and completed sign-off documentation. The Local Intergovernmental Review must be submitted with your application on or before September 5, 2013.

It is the **responsibility** of applying agencies to make sure that an intergovernmental review is provided on your proposed project and not the responsibility of the Division of Public Transit.

Toni Boyd, Section 5310 Program Administrator, is available to answer any questions concerning this application packet and may be reached at **(304) 558-0428 or by email at Toni.R.Boyd@wv.gov. Pay particular attention to the Application Calendar provided on Page C.**

On or before 4:00 p.m., September 5, 2013, please submit one (1) original of your agency's application to the Division, at the following address:

Division of Public Transit
West Virginia Department of Transportation
Building 5, Room 906
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0432
Phone: (304) 558-0428
Website: www.transportation.wv.gov/publictransit

APPLICATION CALENDAR FOR FY 2013 SECTION 5310 GRANT

This calendar has been provided for use as a guide in planning the completion and submission of your application. Applicants should adhere to the dates as outlined in order to ensure proper completion and timely submission of their applications.

May 30	Applications available; DPT Workshop on FY 2013 Grant.
July 5	Letters of Intent to be received by DPT (see Page E).
July 5	If requesting an expansion vehicle, all transit provider sign-offs should have been mailed out by grant applicant (see Section J).
August 9	All sign-offs not returned are considered non-objectionable. If an objection is received during the 30 day period, the applicant must send a letter offering the transit provider an opportunity to submit a proposal on how they could provide the service. Transit provider has 15 days to submit his proposal to the Local Planning and Development Council or Metropolitan Planning Organization.
August	Application should be submitted to Local Planning and Development Council or Metropolitan Planning Organization for review.
August 30	Last date for Division of Public Transit to pre-check applications for any missing sign-off documentation and local intergovernmental reviews.
September 5	Last day for application to be submitted to the Division of Public Transit.
September-	Division reviews applications, objections are resolved, projects are selected for inclusion in the State Consolidated Application to FTA.
September	State Consolidated Application submitted to FTA

***A positive Local Intergovernmental Review must be included with application when submitted (see page K).**

APPLICATION CHECKLIST

_____ Letter of Intent

_____ Title Page

_____ Authorizing Resolution **(SIGNED IN BLUE INK)**

_____ Verification Certification **(SIGNED IN BLUE INK)**

_____ Articles of Incorporation (IRS Tax Exemption letter is not acceptable)

_____ List of ALL public, private, and paratransit providers including taxi companies **(IF REQUESTING EXPANSION VEHICLE)**

_____ Sign-Off Letters (Include a copy of all letters sent, sign-offs returned completed and all return mail receipts for any agency not responding) **(MANDATORY AT TIME OF SUBMISSION**) **(IF REQUESTING EXPANSION VEHICLE)**

_____ Signed Coordination/Service Agreement **(MANDATORY AT TIME OF SUBMISSION)** (If required - See Section J)

_____ Positive Local Intergovernmental Review **(MANDATORY AT TIME OF SUBMISSION**)

_____ Certifications **(SIGNED IN BLUE INK)**

_____ Questions 1 - 65

_____ Summary of Project Costs

_____ Operating Budget of Vehicle Requested

_____ **Notarized** Proof of Necessary Local Matching and Operating Funds

_____ Appendix S – Title VI Nondiscrimination and Limited English Proficiency

_____ Maintenance Invoices for Vehicles to be Replaced (If applicable)

LETTER OF INTENT

A Letter of Intent will be required from all prospective Section 5310 applicants**. These letters are due to the Division of Public Transit by July 5, 2013,** with a copy sent to your Local Planning and Development Council or Metropolitan Planning Organization. A sample of the Letter of Intent has been included on the following page. Letters of Intent must be typed on your agency's letterhead.

LETTER OF INTENT

TO BE TYPED ON YOUR AGENCY'S LETTERHEAD

Director
Division of Public Transit
Building 5, Room 906
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0432

Dear Director:

The _____ is hereby applying
(NAME OF AGENCY)

for capital assistance under the Section 5310 Program to purchase

_____
(type of vehicle or communication equipment or both)

and we plan to: **(agencies should state appropriate choice)**:

-Purchase a Section 5310 vehicle and sell non-Section 5310 vehicle
-Purchase a Section 5310 vehicle and retain non-Section 5310 vehicle as spare which expands agency's fleet
-Purchase a Section 5310 vehicle and retain previously acquired Section 5310 vehicle as a spare which expands agency's fleet
-Purchase a Section 5310 vehicle and sell previously acquired Section 5310 vehicle
-Purchase a Section 5310 vehicle to expand fleet

It is my understanding that failure to submit the FY 2013 application on or before **September 5, 2013,** will mean that my organization will not be funded under the FY 2013 Section 5310 Program.

It is also understood that failure to submit a positive Local Intergovernmental Planning Review with the application and all necessary sign-off documentation on or before September 5, 2013, will mean that my organization will not be considered for funding, and it is understood that the Division of Public Transit will not be responsible for any late, lost or misdirected mail.

All correspondence and questions may be directed to **(name of contact person who has been designated to represent the applicant in this matter**). He/she may be reached at **(address, telephone, agency name, fax number, email address**).

Very truly yours,

(Name and address)

cc: Local Planning & Development Council
or Metropolitan Planning Organization

TITLE PAGE

Complete the following page by filling in the necessary blanks. It is not necessary to retype this page as this sheet will be the first page of your application.

TITLE PAGE

The_____
(Name of Your Agency)

located at_____
(Street Address)

_____
(City) **(State)** **(Zip)**

is hereby applying for funding under the Section 5310 Capital Assistance Grant Program.

◆◆◆◆◆◆◆◆◆◆◆◆

Person(s) Completing Application:

_____
(Name) **(Title)** **(Phone)**

_____
(Name) **(Title)** **(Phone)**

DUNS Number: _____

Fiscal Year 2013 Grant Program

AUTHORIZING RESOLUTION

On the following page is a statement authorizing you to file a grant application on behalf of your organization. Complete all blanks and place it directly after the cover page in your application. **(Do not retype.**) **Sign the resolution using a blue pen.**

AUTHORIZING RESOLUTION
C E R T I F I C A T E

I, _____, do hereby certify that I am the duly qualified and
Name of Certifying Officer

acting _____ of the _____
Title of Certifying Officer **Name of Applicant**

and as such, I am keeper of the seal, records and files of the _____.
Name of Applicant

I do further certify that a regularly constituted meeting of the _____

_____ of the **Board of Directors, Executive Committee, etc.**
Name of Applicant

_____ held on the _____ day of_____, _____,

at which a quorum of all of the members were present and voting, a certain Resolution was

_____ (or)_____ (Check one of the blanks) adopted in full
Unanimously **By Majority Vote**

accordance and conformity with the _____or_____
By-Laws of the Applicant **Statutes of the**

_____ (check one of the blanks) as made and provided, and that the following
State of West Virginia

is a complete and true copy of the pertinent provisions of said Resolution:

"BE IT RESOLVED by the _____ of the _____"
Governing Body **Name of Applicant**

1. That an application be made to the West Virginia Department of Transportation, Division of Public Transit, for a Federal grant under the Section 5310 Program to acquire funds to provide

   _____:
   Brief Description of Project

2. That _____ of the _____
   Name of Authorized Individual **Name of Applicant**

is authorized to furnish such additional information as may reasonably be required by the Federal Transit Administration or the West Virginia Department of Transportation, Division of Public Transit, in connection with the aforesaid application for said grant.

I further certify that the original of the complete said Resolution is on file in the records of

the _____ in my custody.
Name of Applicant

I do further certify that the foregoing Resolution remains in full force and effect and has not been rescinded, amended, or altered in any manner since the date of its adoption.

IN WITNESS WHEREOF, I have affixed my official signature and the seal (if appropriate) of the

_____,this_____day of _____, _____.

Name of Applicant

_____

Signature

SEAL

_____

Title

VERIFICATION CERTIFICATION

Sign the following verification **using a blue pen**.

VERIFICATION

I am an officer of the applicant corporation herein and am authorized to make this verification on its behalf. The statements in the foregoing application and its exhibits are true to the best of my knowledge.

I declare that the following is true and correct.

Executed on _____ at _____
(Date) **(City and State)**

_____ _____
(Signature of Officer) **(Title)**

ARTICLES OF INCORPORATION

Submit a copy (**must be on 8½ x 11 size paper**) of your organization's Articles of Incorporation**. Note that a tax exempt statement from the IRS is not acceptable**.

The Articles of Incorporation should be inserted directly following the Verification Assurance (page 4) when submitting your application.

COORDINATION & SIGN-OFF SECTION

ATTENTION PLEASE!

If your agency submits its application on or before **August 30, 2013,** the Division of Public Transit will review your sign-off documentation and check to see if your local intergovernmental review has been completed and included in your application packet.

As you are aware, failure to submit this information on or before the application deadline **September 5, 2013,** will prevent your application from being considered for funding.

SIGN-OFFS/
COORDINATION PROCEDURES

The Federal Transit Administration requires the State to sign an assurance that they are providing for the "maximum feasible coordination" of services under the Section 5310 Program. During the application cycle, the sign-off process is used to determine that the State can sign the required certification.

Also, the Older Americans Act now has provisions that affect community transportation services. There is strengthened language describing expectations for coordination of senior—oriented and public transportation services under the "Title III-B" supportive services and senior centers program.

The sign-off process ensures that all transportation providers in an area have been notified that an agency is applying for a Section 5310 Grant. If requesting an expansion vehicle, agencies are required to seek sign-offs from all organizations, both private and public, including head start providers, which provide transportation services in their proposed service area. This allows the existing transportation providers a fair and timely opportunity to participate, to the maximum extent feasible, in the development of the transportation program and in the provision of any special transportation services for seniors and individuals with disabilities.

Another step taken by the Division to foster coordination is the policy of funding only one agency per county that provides transportation services for a particular client group.

FOR EXAMPLE: Lewis County Senior Citizens, Region VII Aging Services, Inc. and Central West Virginia Community Action Agency all provide transportation services for seniors in Lewis County. These agencies met and came to an agreement that the Lewis County Senior Citizens would become the permanent Section 5310 applicant to provide transportation services for seniors in Lewis County.

The permanent Section 5310 applicant for a particular client group, is to **submit a signed agreement** between their agency and all of the other agencies relative to the particular client group in the county. **The Division does not consider any application from an area that has not met this requirement.**

NO APPLICATION IS SCORED WITHOUT THE CORRECT SIGN-OFF AND COORDINATION DOCUMENTATION

A listing of known transportation providers by county is available on the web at **www.transportation.wv.gov/publictransit/Pages/OnlineDirectory.aspx** - (2012 West Virginia Transportation Providers Directory). An agency should never consider this the only source for the names of transportation providers but it is a good place to start.

The request for **completed sign-off forms** must be sent certified mail. Copies of all letters sent, completed sign-off forms and all certified mail receipts must be included in your agency's application submittal including any additional correspondence with **ALL public, private and paratransit operators, including the head start provider, in your proposed service area**.

Should an agency have a complaint filed against them or pending before the Public Service Commission (PSC), the Division considers this to be an objection to the application. An application cannot be considered for funding unless the issue is resolved prior to the **September 5, 2013,** deadline.

In order to meet the grant application deadline, **September 5, 2013**, **sign-off letters should be sent to all transit providers on or before July 5, 2013**. This allows an applicant ample time to resolve any objections they may receive.

Agencies funded by the Section 5310 Program are required to provide transportation services to seniors and individuals with disabilities as proposed in their Section 5310 Application. Transportation services are to be provided as stated in your agency's sign-off letters mailed to all transportation providers in the proposed service area. **The Division of Public Transit is to be notified prior to any changes being made in a Section 5310 vehicle's service area.**

SIGN-OFF LETTER

If requesting an expansion vehicle, this letter must be on your agency's letterhead and sent certified mail. All providers, including the head start provider, must be given 30 days to respond.

Dear **(Transit Provider)**:

The _____ intends to apply for a capital
(Name of Organization)
assistance grant under the Section 5310 Program of the Federal Transit Act, as amended, for the purchase of a **(type of vehicle)** which will be used to provide transportation services for seniors and individuals with disabilities in
_____.
(Service Area)

We plan to **(agencies should state appropriate choice)**:

-Purchase a Section 5310 vehicle and retain non-Section 5310 vehicle as spare which expands agency's fleet

-Purchase a Section 5310 vehicle and retain previously acquired Section 5310 vehicle as a spare which expands agency's fleet

-Purchase a Section 5310 vehicle to expand fleet

The _____ plans to initiate/
(Name of Applicant)
continue _____.
(Describe Agency Service Area and Specific Routes; Number and Type of Persons to be Transported; Number of Days Per Week; Types of Activities)
This service is necessary because _____
(Features precluding the provision of such
_____.
services by existing carriers or operators.)

Please complete and return the attached form by _____.
(Within 30 days of mailing)
Should you have any questions, objections, or propose any restrictions to this project, please contact _____ at _____
(Name) **(Phone)**
to discuss this proposal further.

Sincerely,

COORDINATION OF TRANSPORTATION SERVICES
PLEASE COMPLETE THE CHART BELOW

List all public, private and paratransit providers including headstart, taxi companies, transit authorities and social service agencies that provide transportation services in your proposed service area.

ALL PROVIDERS MUST BE GIVEN 30 DAYS TO RESPOND! **Do not include county boards of education or Greyhound.**

ALL CORRESPONDENCE MUST BE SENT CERTIFIED MAIL

NAME & ADDRESS OF PROVIDER	DATE SIGN-OFF REQUESTED	DATE CERTIFIED MAIL RECEIPT RETURNED	DATE SIGN-OFF RECEIVED	DATE OBJECTION RECEIVED	NO RESPONSE RECEIVED

SECTION 5310 SIGN-OFF FORM

The _____requests a sign-off from
(Requesting Organization's Name)

_____
(Requesting Organization's Address)

_____ who (check one):
(Name of organization from which you are requesting a sign-off)

A. ____ supports the Section 5310 Application.

B. ____ supports the Section 5310 Application with the following restrictions:

_____
_____
_____

C. ____ objects to the Section 5310 Application for the following reasons:

_____
_____
_____
_____

D. ____ is interested in providing this proposed service and/or participating in the coordination of this service by:

_____
(Brief description of interest)

_____

_____ _____
(Date) (Authorizing Signature)

Organizations making any objections, requesting any restriction or having an interest in providing or participating in the coordination of this service, should send a copy of this form to:

West Virginia Department of Transportation
DIVISION OF PUBLIC TRANSIT
Building 5, Room 906
1900 Kanawha Boulevard, East
Charleston, WV 25305-0432

FAILURE TO REPLY TO THIS REQUEST SHALL INDICATE THAT YOUR AGENCY HAS NO OBJECTIONS TO THE PROJECT AS PROPOSED

ALL PROVIDERS HAVE 30 DAYS TO RESPOND FROM DATE OF RECEIPT

LOCAL INTERGOVERNMENTAL REVIEW
ALL APPLICANTS

As soon as your organization has completed its application, immediately submit a copy of the application to the appropriate Regional Planning and Development Council or Metropolitan Planning Organization and request a local intergovernmental review for your application**. The Division of Public Transit and the Federal Transit Administration will not accept any applications that do not have a positive local intergovernmental review**.

Because of the responsibilities of public transportation providers under the Americans with Disabilities Act (ADA), the Division is reluctant to accept any applications for the expansion of services in counties that currently have public transit providers. Should an agency want to expand services in one of these counties, they should submit a one page description of the project prior to the annual grant application cycle for review by the Division. Additionally, they will need to provide a letter of support for the project from the local public transit provider.

See Appendix IV for addresses of the planning organizations throughout the State.

It is not necessary for your local planning organization to submit your local intergovernmental review to the State Clearinghouse. The Division of Public Transit will do this for you.

A positive local intergovernmental review must accompany your application when submitted to the Division of Public Transit on or before September 5, 2013, or it will not be considered for funding. Your agency is responsible for insuring that a local intergovernmental review is forwarded to the Division of Public Transit, not the local planning organization.

It is the applying agency's responsibility to ensure that it allows the local planning organizations adequate time to review the application**. Most planning organizations take 30 to 45 days to review an application**.

CERTIFICATIONS

Read and sign the following certifications using a **blue pen**. Failure to sign these certifications will mean that your agency will not be considered for funding.

CERTIFICATIONS

I, _____,hereby certify that the _____;
(Name) (**Name of Applicant)**

1. CERTIFICATION OF PROVISION OF NECESSARY LOCAL MATCHING FUNDS

shall provide the total amount of local match from non-Federal sources, or if applicable, allowable Federal sources required for the purchase of vehicle(s) or communication equipment within fifteen (15) days of receipt of written notification from the Division of Public Transit of the actual amount needed.

It is my understanding that failure to comply with this stipulation will result in the Division of Public Transit's cancellation of the purchase order that is required in order to obtain my agency's vehicle(s) or communication equipment. I further understand that this cancellation will cause my agency to be delayed in the receipt of any vehicle(s) or communication equipment for approximately one (1) year.

2. MAINTENANCE CERTIFICATION

The Federal Transit Administration (FTA), realizing the potential problems of operability, safety, and reliability of the vehicle(s) or communication equipment, if it is not properly maintained, has instituted a requirement that all Section 5310 grantees must certify that a vehicle(s) or communication equipment purchased under the program will be maintained in accordance with the detailed maintenance and inspection schedules provided by the manufacturer. Also, see the Section 5310 Project Guide. Failure of a private non-profit agency to maintain vehicle(s) or communication equipment in accordance with their certification will preclude additional FTA assistance to that agency. I certify that I understand the FTA maintenance and inspection requirements and that the agency will comply.

3. CIVIL RIGHTS

Agree that the applicant will comply with the following requirements:

(1) Nondiscrimination. In accordance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, et seq., Section 4 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101, et seq., Section 102 of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. and Federal transit law at 49 U.S.C. § 5332,as amended by MAP 21, the APPLICANT agrees that it will not discriminate against any employee or applicant for employment because of race, color, national origin, religion, sex, age, or disability. In addition, the APPLICANT agrees to comply with any other applicable Federal statutes that may be signed into law or regulations that may be promulgated.
(2) Equal Employment Opportunity. The following equal employment opportunity requirements apply to this Project:
(a) Race, Color, National Origin, Religion, Sex, Disability or Age. In accordance with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the APPLICANT agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Agreement Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity, " 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The APPLICANT agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, disability or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the APPLICANT agrees to comply with any implementing requirements FTA may issue.
(b) Sex. APPLICANT agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681-1683, 1685-1688, with U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 C.F.R. Part 25, and with any implementing directives that U.S.DOT or FTA may promulgate, which prohibit discrimination on the basis of sex.
(c) Age. In accordance with the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 et seq. and implementing regulations, the APPLICANT agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the APPLICANT agrees to comply with any implementing requirements FTA may issue.
(d) Disabilities. In accordance with Section 102 of the Americans With Disabilities Act, as amended, 42 U.S.C. § 12112, the APPLICANT agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans With Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the APPLICANT agrees to comply with any implementing requirements FTA may issue.
(3) APPLICANT also agrees to include these requirements in each sub-agreement financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

4. ENERGY CONSERVATION

APPLICANT agrees to comply with, and obtain the compliance of its subcontractors, with mandatory standards and policies relating to energy efficiency contained in applicable state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. §§ 6321 et seq.

5. CERTIFICATION OF SPECIAL EFFORTS TO PROVIDE TRANSPORTATION THAT DISABLED PERSONS CAN USE

The applicant hereby certifies that special efforts are being made in its service area to provide transportation that disabled persons, including wheelchair users and semi-ambulatory persons can use. The transportation resulting from these special efforts is reasonable in comparison to the transportation provided to the general public and meets a significant fraction of the actual transportation needs of such persons within a reasonable time.

6. LITIGATION CERTIFICATION

As the authorized representative for the applicant, I hereby certify that to the best of my knowledge there is no litigation pending or threatened which might affect the performance of this Project.

7. FISCAL AND MANAGERIAL CAPABILITY CERTIFICATION

As the authorized representative for the applicant, I hereby certify that, based on my experience with the applicant and a review of the applicant's record's, that the applicant has the requisite fiscal and managerial capability to carry out this Project.

8. APPLICATION OF FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS

The agency hereby certifies that it will comply with changing federal, state and local requirements, the APPLICANT shall note that federal, state and local requirements may change and the changed requirements will apply to this Project as required.

Federal Regulation Changes - APPLICANT shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the current FTA Master Agreement between the WV Department of Transportation, Division of Public Transit and FTA, as they may be amended or promulgated from time to time during the term of this Project. The APPLICANT'S failure to so comply shall constitute a material breach of this Project.

9. INSPECTION

The agency hereby certifies that it shall permit the Division, the Comptroller General of the United States and the Secretary of the United States Department of Transportation, or their authorized representatives, to inspect all vehicles, facilities and equipment used by the Agency as part of the Project to verify compliance with the requirements of the Section 5310 Program. All records of the transportation services rendered by the Agency, including maintenance records, records verifying usage of the vehicle, and all relevant Project records shall also be available for inspection. The Agency shall also permit the above named persons or agencies to audit the records and accounts of the Agency pertaining to the Project.

10. COORDINATION

As the authorized representative for the applicant, I hereby certify that to the best of my knowledge the agency has coordinated, to the maximum extent feasible, with other transportation providers and users, regardless of their funding source.

11. EFFECTS ON PRIVATE MASS TRANSPORTATION COMPANIES

The applicant as required by 49 U.S.C. 5323(a)(1)(C) or 5323 (a)(2)(B), certifies that before it acquires property or an interest in property of a private mass transportation company or operates mass transportation equipment or a facility in competition with or in addition to transportation service provided by an existing mass transportation company it has or will have:

A. Provided for the participation of private mass transportation companies to the maximum extent feasible; and
B. Paid or will pay just compensation under state or local law to a private mass transportation company for its franchises or property acquired.

12. NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTIES

The applicant acknowledges and agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Project, absent the express written consent by the Federal Government, the Federal Government is not a party to this Project and shall not be subject to any obligations or liabilities to the WV Division of Public Transit, APPLICANT, or any other party (whether or not a party to the Project) pertaining to any matter resulting from the underlying Project.

13. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS

As the authorized representative for the applicant, I certify the applicant acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying Project, the APPLICANT certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Project or the Federal Transit Administration (FTA) assisted Project for which the Project work is being performed. In addition to other penalties that may be applicable, the APPLICANT further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the APPLICANT to the extent the Federal Government deems appropriate.

14. SENSITIVE SECURITY INFORMATION

The applicant, if selected for funding, must protect, and take measures to ensure that its sub agreement at each tier protect, "sensitive security information" made available during the administration of any agreement or any sub agreement to ensure compliance with 49 U.S.C. Section 40119(b) and implementing DOT regulations, "Protection of Sensitive Security Information," 49 CFR Part 15, and with 49 U.S.C. Section 114(s) and implementing Department of Homeland Security regulations, "Protection of Sensitive Security Information," 49 CFR Part 1520.

15. ACCESSIBILITY

The applicant, if selected for funding, agrees that products and services provided shall be in accordance with the 42 U.S.C. Sections 12101, et seq. and DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR Part 37; and Joint ATBCB/DOT regulations, "American with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 CFR Part 1192 and 49 CFR Part 38.

16. TRAFFICKING IN PERSONS

The applicant, if selected for funding, agrees to comply with, and assures the compliance of each sub recipient with, the requirements of the subsection 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended, 22 U.S.C. § 7104(g), and the provisions of the Trafficking in Persons subsection of the current FTA Master Agreement.

The applicant also agrees to inform the DIVISION of any information it receives from any source alleging a violation of a prohibition in the Trafficking in Persons subsection of the current FTA Master Agreement.

17. ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

To the extent applicable and except to the extent that FTA determines otherwise in writing, any approved applicant agrees to facilitate compliance with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. § 2000d-1 note, and with the provision of U.S. DOT Notice, "DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) Persons," 70 Fed. Reg. 74087, December 14, 2005.

18. ENVIRONMENTAL JUSTICE

Any approved applicant agrees to facilitate compliance with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 42 U.S.C. § 4321 note, except to the extent that the Federal Government determines otherwise in writing.

19. CHARTER SERVICE

The applicant, if selected for funding, may not engage in charter service operations except as permitted by 49 U.S.C. §5323(d), and FTA regulations, "Charter Service," 49 C.F.R. Part 604, and any amendments thereto that may be issued. Any charter service agreement entered into under these regulations is incorporated into any future Project Grant Agreement by reference.

20. SEAT BELT USAGE

Pursuant to Executive Order No. 13043, April 16, 1997, 23 U.S.C. § 402, any approved applicant, is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-operated vehicles and include this provision in third party contracts, third party subcontracts, and sub-agreements entered into under this Project.

21. DISTRACTED DRIVING, INCLUDING TEXT MESSAGING WHILE DRIVING

Pursuant to Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009, 23 U.S.C. § 402 note and DOT Order 3902.10, "Text Messaging While Driving," December 30, 2009, the RECIPIENT is encouraged to adopt on-the-job policies and programs for its employees when operating company-owned, rented, or personally operated vehicles to reduce text messaging while driving and avoid distracted driving. This Special Condition is to be included in each third party sub-agreement at each tier financed with Federal funds.

22. AUDITS

Any approved applicant agrees to report any audit findings that involve Section 5310 funded equipment immediately to the Division of Public Transit.

I declare that the foregoing certifications are true and correct.

Executed on _____ at _____.

(Date) **(City and State)**

_____ _____

(Signature of Official) **(Title)**

CERTIFICATION OF EQUIVALENT SERVICE

The _____
Name of Applicant
certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

(1) Response time;
(2) Fares;
(3) Geographic service area;
(4) Hours and days of service;
(5) Restrictions on trip purpose;
(6) Availability of information and reservation capability; and
(7) Constraints on capacity or service availability.

In accordance with 49 CFR 37.27, public entities operating demand responsive systems for the general public which receive financial assistance under Sections 5310 or 5311 of the Federal Transit Act, as amended, must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving Federal Transit Act funds shall also file the certification with the appropriate state program office. Such public entities receiving Federal Transit Act funds under any other Section of the Federal Transit Act must file the certification with the appropriate Federal Transit Administration regional office. This certification is valid for no longer than one year from its date of filing.

_____
Typed Name & Title of Authorized Official

_____
Signature

_____
Date

Assurance Concerning Nondiscrimination on the Basis of Disability in Federally-Assisted Programs and Activities Receiving or Benefiting from Federal Financial Assistance

Implementing the Rehabilitation Act of 1973, as amended, and the Americans With Disabilities Act of 1990

(Federal Transit Administration)

_____, (the "Recipient") AGREES THAT,
Name of Applicant

as a condition to the approval or extension of any Federal financial assistance from the Federal Transit Administration (FTA) to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research or to participate in or obtain any benefit from any program administered by the FTA, no otherwise qualified person with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance administered by the FTA or any entity within the United States Department of Transportation (DOT).

Specifically, the Recipient GIVES ASSURANCE that it will conduct any program or operate any facility so assisted in compliance with all applicable requirements imposed by DOT regulations implementing the Rehabilitation Act of 1973, as amended, and the Americans With Disabilities Act of 1990 (any subsequent amendments thereto) set forth at 49 C.F.R. Parts 27, 37, and 38, as well as all applicable regulations and directives issued pursuant thereto by other Federal departments or agencies.

_____ _____

Date **Legal Name of Applicant**

BY: _____

Signature of Authorized Official

Federal Transit Administration
(FTA)
CIVIL RIGHTS ASSURANCE

The _____ HEREBY CERTIFIES THAT,
Name of Applicant
as a condition of receiving Federal financial assistance under the Federal Transit Administration (FTA) Transportation Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.

2. The _____ will compile, maintain, and
Name of Applicant
submit in a timely manner Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI regulation, 49 C.F.R. Part 21.9.

3. The _____ will make it known to the
Name of Applicant
public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

_____ **DATE**: _____
NAME AND TITLE
OF AUTHORIZED OFFICIAL

_____
SIGNATURE OF
AUTHORIZED OFFICIAL

TITLE VI REPORT

List any active lawsuits or complaints naming the applicant which allege discrimination on the basis of race, color, or natural origin with respect to service or other transit benefits. The list should include: date the lawsuit or complaint was filed; a summary of the allegation; and the status of the lawsuit or complaint; including whether the parties to a lawsuit have entered into a consent decrees. **If none, please state.**

A description of all pending applications for financial assistance and all financial assistance currently provided by other federal agencies. **If none, please state.**

A summary of all civil rights compliance review activities conducted in the last three years. The summary should include: the purpose or reasons for the review; the name of the agency or organization that performed the review; a summary of the findings and recommendations of the review; and a report on the status and/or disposition of such findings and recommendations. **If none, please state.**

School Transportation
Operations Agreement

Name of Applicant: _____

A. As required by 49 U.S.C. 5323 (f) and FTA regulations, "School Bus Operations," at 49 CFR 605.14, the Applicant agrees that it will:

(1) Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by an exception provided by 49 U.S.C. 5323(f), and implementing regulations, and

(2) Comply with the requirements of 49 CFR Part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. Chapter 53 or Title 23 U.S.C. awarded by FTA for transportation projects.

B. The Applicant understands that the requirements of 49 CFR Part 605 will apply to any school transportation it provides, the definitions of 49 CFR Part 605 apply to this school transportation agreement, and a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

_____
Typed Name & Title of Authorized Official

_____
Signature

_____
Date

CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The Primary Participant (applicant for an FTA grant or cooperative agreement, or potential contractor for a major third party contract),

_____ (NAME OF APPLICANT) certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and

4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

If the primary participant (applicant for an FTA grant, or cooperative agreement, or potential third party contractor) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.)

THE PRIMARY PARTICIPANT (APPLICANT FOR AN FTA GRANT OR COOPERATIVE AGREEMENT, OR POTENTIAL CONTRACTOR FOR A MAJOR THIRD PARTY CONTRACT),

_____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

_____
Signature and Title of Authorized Official

SECTION III
GRANT APPLICATION

Complete the following application using the forms provided.

AGENCY NAME: _____

SECTION A
DELINEATION OF VEHICLE NEEDS

1. Please check the description that best fits your plan for the proposed vehicle(s).

A. _____ Purchase of Section 5310 vehicle with previously acquired Section 5310 vehicle being retained as a spare which expands agency's fleet **(sign-offs required)**

B. _____ Purchase of Section 5310 vehicle with previously acquired Section 5310 vehicle being sold

C. _____ Purchase of Section 5310 vehicle to expand fleet **(sign-offs required)**

D. _____ Purchase of Section 5310 vehicle with non-Section 5310 vehicle being sold

E. _____ Purchase of Section 5310 vehicle with non-Section 5310 vehicle being retained as a spare which expands agency's fleet **(sign-offs required)**

NOTE: All vehicle(s) to be **replaced**, must have at least 90,000 miles of service at the time of application submission.

NOTE: The Division of Public Transit will allow one spare vehicle for agencies that have a fleet size of 1-5 and two spare vehicles for agencies that have a fleet size of 6-12.

Describe in detail:

How existing transportation services are unavailable, insufficient or inappropriate for your clients:

_____
_____
_____

How the requested vehicle will overcome these shortcomings: _____
_____
_____

Steps the applicant will take to ensure that this project does not duplicate any existing service: _____
_____
_____

SERVICE AREA

2. The "transportation service area of the Project is intended to include the geographic area over which the Project is operated and the area whose population is served by the Project, including adjacent areas affected by the Project." Please answer these questions using 2010 Census information for each county in your service area.

Description of Service Area: (State exactly where requested vehicle is going to be utilized. From what location (center) will the vehicle be dispatched into what areas?
_____

_____

_____

3. Total population of service area_____

   Source of information_____

4. Total disabled population of service area _____

5. Elderly population of service area _____

6. Number of total clients within the following groups:

   _____Black _____Asian or Pacific Islands _____Hispanic _____American Indian or Alaskan Native

7. Is your agency a minority organization? Yes _____ No _____

8. Does your agency provide assistance to minority communities?

   Yes_____ No_____

   Describe your assistance: _____

_____

9. Are any other local transit systems and/or authorities (excluding Boards of Education or Greyhound) operating within the area delineated in Question #2? Check appropriate blank.

   Yes_____ No_____

10. Are taxi companies operating within the area delineated in Question #2? Check appropriate blank.

Yes_____ No_____

11. Are other private non-profit organizations currently providing transportation services within the area delineated in Question #2? Check appropriate blank. (Do not include your agency.)

Yes_____ No_____

12. Check the statement which best describes the type of transportation services within the area delineated in Question #2?

_____a. Seniors and individuals with disabilities within your service area will depend almost entirely upon your agency for their transportation in addition to that required for them to utilize and/or participate in the services and activities of the agency.

_____b. Seniors and individuals with disabilities within your service area will be provided transportation by your agency only to the extent necessary for them to utilize and/or participate in the service activities of your agency.

13. Type of clients served:

% Non Disabled Elderly _____ % Physically Disabled Elderly _____

% Mentally Disabled Elderly _____ % Physically Disabled Non Elderly _____

% Mentally Disabled Non Elderly _____ % Other _____

14. Number of both elderly and non elderly disabled individuals to be **served weekly** by the **vehicle(s) you have requested**?_____

15. Number of elderly individuals to be **served weekly** by the vehicle(s) you have requested**? (Do not count an individual twice - an individual is either disabled or elderly, not both.)**_____

16. Total number of persons **served weekly** by **all of the vehicles in your current fleet**?_____

17. Check the days of the week and indicate the hours of operation of your agency's **transportation program**.

____M_____ ____Th_____ ____Su_____

____Tu_____ ____F_____

____W_____ ____Sa_____

SECTION B
VEHICLE UTILIZATION

18. How many hours per day will the **vehicle(s) requested** actually be in operation?

Vehicle #1_____ Vehicle #2_____ Vehicle #3_____

19. How many vehicles does your organization **currently** own and/or lease?
Own_____ Lease_____

20. How many vehicles are **currently** used for the transportation of seniors and/or persons with disabilities?_____

21. How many spares does your agency have?_____

22. Have satisfactory procedures been established to provide "back-up" transportation when regular vehicles are out of service?

Yes_____ No_____

Describe your procedures: _____

_____

_____

23. Indicate by percentages what type of transportation will be provided with the **vehicle being requested**.

_____% Adult Day Care _____% Mental Health

_____% Education _____% Nutrition

_____% Employment _____% Shopping/Personal

_____% Medical _____% Social/Recreation

_____% Other _____

24. How many runs (one way trips) will be made daily with the **vehicle being requested** to bring clients into your agency's site? _____

25. How many runs (one way trips) will be made daily with the **vehicle being requested** to take clients home from your agency's site? _____

26. Anticipated daily mileage for **vehicle being requested**? _____

27. List the serial number(s) and mechanical condition of the vehicle(s) that will be replaced.

	Serial Number(s)	Mileage	Mechanical Condition
Vehicle #1	_____	_____	_____
Vehicle #2	_____	_____	_____

28. Average yearly mileage of **current fleet**? _____

29. Average age of **current fleet**? _____

The Americans With Disabilities Act of 1990 requires that persons with disabilities receive the same level of service from a transportation provider as a non-disabled person.

30. If you do not have lift-equipped vehicles in your inventory, do you have a written agreement with another provider in your service area to provide a lift-equipped vehicle when needed?

Yes_____ No_____

If yes, give name, contact person, address and telephone number of agency:

_____

_____

CURRENT VEHICLE INVENTORY

Complete the Current Vehicle Inventory Chart on Page 21. List all of your agency's vehicles that are used to provide transportation services. Attach additional sheets if necessary.

CURRENT VEHICLE INVENTORY
(Please List Each Vehicle Separately)

Vehicle Make Model	Vehicle Serial Number	Model Year	Current Mileage	Seating Capacity	Special Equipment (Lift or Ramp)	Funding Source For Purchase	Spare Vehicle (Yes/No)	Utilized In What County

31. What procedures do persons with disabilities (persons who use wheelchairs, have visual impairments, hearing impairments, communication disabilities, etc.) use to access your agency's transportation service? Are these procedures different than for a non-disabled person?

_____

_____

_____

_____

32. Has your agency ever received a request for transportation services from a person who uses a wheelchair, has a visual impairment, hearing impairment, communication disability, etc.? If yes, how did you provide this service? Be specific.

_____

_____

_____

_____

SECTION C
COORDINATION EFFORTS

33. Does your agency currently participate in a cooperative/coordinated effort in your area?

Yes_____ No_____

If yes, please describe the arrangement and specify the type of trips shared; number of clients served; and any other cooperative activities, such as; joint training; joint purchasing; joint grant writing, etc.

_____

_____

_____

If no, please explain _____

_____

34. Will the **vehicle requested** be used to provide transportation services for Welfare to Work Programs?

Yes _____ No _____

If yes, please describe services to be provided. _____

_____

_____

COORDINATION WITH OTHER FEDERAL PROGRAMS

The U.S. Department of Transportation (U.S. DOT) signed an interagency agreement with the U.S. Department of Health and Human Services (DHHS) in 1996 to improve the coordination of programs funded by the two departments. States are to encourage their Section 5310 recipients to participate in coordinated systems at the local level, along with recipients of funds from the programs of DHHS. The State must sign an assurance that the consolidated program of projects submitted for funding provides for maximum feasible coordination of transportation services assisted under Section 5310 with transportation services assisted by other Federal sources.

Also, the Older Americans Act now has provisions that affect community transportation services. There is strengthened language describing expectations for coordination of senior-oriented and public transportation services under the "Title III-B" supportive services and senior centers program.

35. Describe the processes that your agency undertakes to ensure that the proposed transportation services are or will be coordinated to the maximum extent possible with other federally funded agencies and private transportation providers in the proposed service area? Refer to the 2012 West Virginia Transportation Providers Directory and specifically address how you have coordinated with providers in your service area.

_____

_____

_____

_____

Locally Developed Coordinated Public Transit-Human Services Transportation Plan

In August of 2005, Congress passed the Safe, Accountable, Flexible and Efficient Transportation Equity Act – A legacy for Users (SAFETEA-LU), reauthorizing the surface transportation act. As part of this reauthorization, grantees under the New Freedom Initiative (5317), Job Access and Reverse Commute (5316) and Elderly and Disabled Transportation Program (5310) must meet certain requirements in order to receive funding.

One of the SAFETEA-LU requirements is that projects from the programs listed above must be part of a "locally developed coordinated public transit-human services transportation plan." This plan was required to be developed through a process that included representatives of public, private, and non-profit transportation service providers, human services transportation providers and the general public.

All known transportation agencies were notified that any agency planning on applying for funding under the Sections 5310, 5316 or 5317 programs, anytime within the next four years, had to PARTICIPATE IN THE PLAN DEVELOPMENT AND ATTEND THE DEVELOPMENT MEETINGS!

Regional Planning and Development Councils across the state facilitated the development of the Coordinated Public Transit-Human Services Transportation Plans for each region and over the past year updated the plans. The Councils held meetings in your Region, surveyed agencies and ask for input.

36. Did someone from your agency attend focus group meetings facilitated by the Regional Planning and Development Councils or Metropolitan Planning Organizations?

    Yes _____ No _____

    Name of person(s) attending: _____

    _____

    Location(s) of meeting: _____

37. Was your agency requested to complete a survey in regards to the plan?

    Yes _____ No _____

38. Did your agency complete the survey? Yes _____ No _____

39. Is your agency involved in any new coordination activities as a result of these efforts? Yes _____ No _____

If yes, please describe:

_____

_____

_____

SECTION D
FISCAL AND MANAGERIAL CAPABILITIES

40. Indicate the statement which describes the availability of local funds to defray your operating expenditures. The funds required by this organization to operate your existing and proposed new vehicles **over the next five years** are:

a._____ A certainty because of the stability of the income source.

b._____ Reasonably secure but because several of the sources are subject to variation, the operational expenses are not guaranteed.

c._____ Fairly uncertain because all funding sources are not reliable or guaranteed.

SECTION E
OPERATING PLAN

41. Maintenance Program

Do you have a vehicle maintenance plan which at least meets the minimum recommendations of the vehicle manufacturer?

Yes_____ No_____

42. Is there a daily pre-trip vehicle inspection program in place?

Yes_____ No_____

Describe:_____
_____

43. Are deficiencies noted in pre-trip inspections repaired in a timely manner and properly reviewed by management?

Yes_____ No_____

44. If you utilize vehicles which have tie-down mechanisms for wheelchairs/ramps, how often are these checked to insure proper operation?

_____

45. If you utilize vehicles that are lift/ramp equipped, how often is it being cycled even when it is not used?

Daily_____ Weekly_____ Monthly_____ Never_____

46. Maintenance Facilities (Check **the one** that best describes your program)

a._____ You have your own maintenance facilities and personnel that can handle any repairs required on the vehicles.

b._____ You have facilities and personnel that can handle routine maintenance and tune-ups. Major repairs would be contracted out on an as needed basis.

c._____ You have a maintenance contract which provides the required maintenance for all of your agency's vehicles.

d._____ You will contract out, on an as needed basis, for required maintenance.

47. Storage: Where will the vehicle you are applying for be stored? (Check **only one**.)

a._____ The vehicle will be stored at an indoor facility located at _____.

b._____ The vehicle will be stored at an outside but secured area located at _____.

c._____ The vehicle will be stored at the home of the driver.

d._____ No special storage provisions have been made at this time.

e._____ Other (Please explain)_____.

48. Driver Selection (check all that apply)

When selecting your drivers, does your agency:

a.____ Check their driving record? (valid, appropriate vehicle operator's license, eligible for insurance coverage?)

b.____ Require a physical examination?

c.____ Require driving experience with vehicles similar to those operated for your agency or satisfactory completion of a training program prior to actual passenger transportation?

d.____ Require a pre-employment drug/alcohol test?

49. Driver Training: Describe your agency's driver orientation program:

_____

_____

_____

_____

_____

50. List the types and amount of driver training your agency has provided within the last two years:

_____

_____

_____

_____

_____

51. Describe any safety training your agency has provided within the last two years (evacuation procedures, safety plans):

_____

_____

_____

52. What type of safety materials does your agency provide to it's drivers?

_____

_____

_____

_____

53. Does your agency have an on going driver safety program? ___ Yes ____No

54. The Americans With Disabilities Act requires training of all drivers. Please list all drivers from your organization who have had Passenger Service and Safety Training (PASS) and are still driving.

Name of Driver(s)	Still Employed	
	__Y__	__N__
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets if necessary.

55. Please list all drivers from your organization who **have not** had PASS training.

_____

_____

56. Have your drivers received Operation Lifesaver Training (Railroad Crossing Awareness Training)? _____ Yes _____ No

57. Has your agency prepared a transportation safety plan or yearly update using the S.P.I.D.E.R. materials?

_____ Yes _____ No

58. Does your agency have a communication system?

_____ Yes _____ No

If yes, please check type:

Mobile Radios _____ CB _____ Pager _____ Cellular Phone _____

Other _____ (specify) _____

Explain dispatch procedures used with communication equipment.

_____

_____

59. If your agency does not have a communication system, please check the appropriate choice below:

a.____ One person will be assigned as dispatcher and he/she will handle van schedules and assign drivers. The dispatcher will also be responsible for assigning replacements for drivers failing to report to work.

b.____ The dispatcher will be a part time job assigned to one of our staff members.

c.____ No one has been assigned, the job will be handled on an as needed basis.

60. Why should this application be funded?

_____

_____

_____

_____

_____

61. **If your agency is selected for funding, list below your agency's name and phone number as it should appear on the side of an approved vehicle.** Should your agency not want it's name or phone number on the side of an approved vehicle, please state so below.

_____

62. If your agency is selected for funding, would it prefer one or two tie down spaces for wheelchairs in the vehicle? (See Section Q for more details)

_____ One Tie-Down _____ Two Tie-Downs

63. If your agency is selected for funding, would it prefer cloth or vinyl passenger seats (if available)? _____ Cloth _____ Vinyl

64. If your agency is selected for funding, would you like a child restraint seat provided with your vehicle (if available)? _____ Yes _____ No

65. If your agency is selected for funding, would you like a security camera system, including playback system, for inside the van (if available) for your van request? The estimated cost is $5,000 per van with your estimated 20% being $1,000.
_____ Yes _____ No

SUMMARY OF PROJECT COSTS

TOTAL PROJECT COSTS MAY BE MORE OR LESS THAN PROJECT ESTIMATE

		AMOUNT
A.	Total Estimated Vehicle Cost (See Section Q for choices)	$_____
B.	Contingencies (5% of A)	_____
C.	Storage and Security Costs ($150 x # of vehicles)	_____
D.	Total Estimated Cost (A + B + C)	_____
E.	Federal Grant Request (80% of D)	_____
F.	Local Contribution (20% of D)	_____

Sources and amounts of Non-Federal 20% local share, or if applicable, allowable federal sources for the project costs being requested:

SOURCE	AMOUNT
_____	_____
_____	_____
_____	_____

Attach documentation of vehicle match funds immediately behind this page. Proof may consist of, but not be limited to: written statements from county commissions, state agencies, city managers, mayors, town councils, organizations, accounting firms and financial institutions.

All of the above must be notarized and show the date that these funds become available.

PLEASE NOTE: These funds must be from non-Federal sources, or if applicable, eligible Federal sources!

OPERATING BUDGET OF VEHICLE REQUESTED

		ANNUAL COST
A.	Salaries and Fringe Benefits	$_____
B.	Overhead (Rent and other)	_____
C.	Fuel, Lubricants and Tires	_____
D.	Maintenance	_____
E.	Insurance	_____
F.	Contract Service	_____
G.	Administrative and Reporting Costs	_____
H.	Other	_____
TOTAL ESTIMATED ANNUAL COST		**$**_____

Sources and amounts of proposed annual operating budget
for the requested vehicle(s).

SOURCE	AMOUNT
_____	_____
_____	_____
_____	_____
_____	_____

Attach notarized documentation of local operating support immediately behind this page.

SECTION IV

COMMUNICATION EQUIPMENT APPLICATION

CHECKLIST FOR COMMUNICATION EQUIPMENT

_____ Letter of Intent

_____ Title Page

_____ Authorizing Resolution **(SIGNED IN BLUE INK)**

_____ Verification Certification **(SIGNED IN BLUE INK)**

_____ Articles of Incorporation (IRS Tax Exemption letter is not acceptable.)

_____ Positive Local Intergovernmental Review
(MANDATORY AT TIME OF SUBMISSION)
(must approve communication equipment purchase)

_____ Certifications **(SIGNED IN BLUE INK)**

_____ Application for Communication Equipment (Questions 1 - 17)
Include Equipment Specifications

_____ Appendix S – Title VI Nondiscrimination and Limited English Proficiency

_____ **Notarized** Proof of Necessary Local Matching Funds

APPLICATION FOR COMMUNICATION EQUIPMENT INSTRUCTIONS

When applying for communication equipment (two-way radio), an agency is required to provide the information shown on the previous checklist. This information is to be provided based on the instructions given in the application packet. Also, an agency applying for communication equipment is required to provide the following additional items:

1. Projected cost of equipment.

2. Equipment specifications - **The applying agency is required to obtain from a communication equipment vendor and submit**.

3. Proof that the equipment will not interfere with current communication facilities in agency's service area (i.e. - interference to television, radio station, or ambulance radio equipment.)

An agency is required to follow the same time frame as applicants applying for vehicles. Applications for funds to purchase communication equipment are due on or before **September 5, 2013.**

Citizen's band radios, cellular phones and AM and/or FM radios ARE NOT ELIGIBLE FOR FUNDING

APPLICATION FOR COMMUNICATION EQUIPMENT

Agency Name:_____

1. Service Area:_____
2. Service Area **(check only one)**
   a. _____ Predominantly Urban
   b. _____ Predominantly Rural
   c. _____ Mixed
3. Service Area **(check only one)**
   a. _____ Countywide
   b. _____ Localized
4. Number of agencies (including your own) providing transportation to seniors and individuals with disabilities in your service area:
   a. _____ 1-2
   b. _____ 3-5
   c. _____ 6 or more
5. Number of taxi companies in your service area:
   a. _____ 0
   b. _____ 1
   c. _____ 2 or more
6. Is there a public transit system in your service area?
   a. _____ YES
   b. _____ NO

7. Most recent funding under a Section 5310 grant:

   a. _____ 2012

   b. _____ 2011

   c. _____ 2010 or earlier

8. Dispatching **(check only one)**

   a. _____ One person will be assigned as dispatcher and will handle vehicle scheduling and driver assignments.

   b. _____ Dispatcher will be a part-time job assigned to one or more staff members.

   c. _____ No dispatcher will be assigned. The job will be handled on an as-needed basis.

9. Number of Vehicles in Your Fleet_____

10. Number of Radios Requested_____

11. Explain why communication equipment (radios) is needed by your agency. (If more room is needed, use another page.)

_____

_____

_____

_____

_____

_____

12. What is the estimated cost of the communication equipment requested? Include all costs (i.e. radios, base stations, towers, license fees, repeater service, hookups, etc.) **(Agencies should determine what their operating cost such as monthly access fees, etc. will be.)**

_____

_____

13. **SUMMARY OF PROJECT COSTS**

TOTAL PROJECT COSTS MAY BE MORE OR LESS THAN THE PROJECT ESTIMATES

A. Total Estimated Radio Equipment Costs (from Question #12) $ _____
B. Contingencies (5% of A) _____
C. Total Estimated Cost (A + B) _____
D. Federal Grant Request (80% of C) _____
E. Local Contribution (20% of C) _____

14. Sources and amounts of non-Federal 20% local share, or if applicable, allowable federal sources for the radio equipment being requested:

SOURCE	AMOUNT
_____	$_____
_____	$_____
_____	$_____
TOTAL	$_____

15. Attach notarized proof of local match and operating funds. Proof may consist of, but not be limited to: written statements from county commissions, state agencies, city managers, mayors, town councils, organizations, accounting firms and financial institutions.

All proof must be notarized and show the date when these funds will be available.

NOTE: These funds must be from non-Federal sources, or if applicable, allowable federal sources!

16. **Attach communication equipment specifications prepared by a communication equipment vendor.**

17. **Attach statement from communication equipment vendor verifying that your requested equipment will not interfere with current communication facilities in agency's service area (i.e. interference to television, radio station, or ambulance radio equipment.)**

COMMUNICATION EQUIPMENT MAINTENANCE CERTIFICATION

The _____ agrees to
(Agency Name)

maintain and operate in good working condition any communication equipment purchased with Section 5310 funds.

_____ _____
(Date) **(Authorizing Signature)**

SECTION V

APPENDICES

APPENDIX I

HOW TO RESOLVE OBJECTIONS MANUAL

STATE OF WEST VIRGINIA
SECTION 5310

HOW TO RESOLVE
OBJECTIONS MANUAL

TABLE OF CONTENTS

	Page
Resolution of Sign-Off Objections	O-3 - O-6
"Opportunity to Participate" Letter and Attachments	O-7 - O-13
Request Form For Special Transit Advisory Committee Meeting	O-14 - O-15
Competitive Services Board's Principles on Cost Comparisons in Competitive Bidding	O-16 - O-18

RESOLUTION OF SIGN-OFF OBJECTIONS

RESOLUTION OF SIGN-OFF OBJECTIONS

Section 5310 applicants, requesting expansion vehicles, must obtain a sign-off from every taxi company, transit system, head start provider or other paratransit operator in the proposed service area. ***The agency must send all transportation providers a sign-off letter and form.*** **All sign-off letters must be sent certified mail, and all certified mail return receipts, as well as, a copy of the letter sent must be submitted with the application on or before September 5, 2013.**

The transportation provider may sign-off or object to the agency's proposed service. Should the transportation provider fail to return the sign-off within 30 days, they forfeit the right of objection. The 30-day period begins on the day the transportation provider receives the sign-off letter (date listed on the certified mail receipt).

STEP I

Should a transportation provider submit an objection as a result of the request for sign-off, the agency must review the objection and **must** send a letter **(within five (5) business days of receipt of the objection)** offering the transportation provider an opportunity to **submit a proposal to provide the service** (letter to be used can be found on pages O-8 - O-13). **This letter must be sent certified mail and the return receipt must be submitted with the application by September 5, 2013**.

Guidance for comparison of costs between transportation providers in deriving a budget for your agency and the objecting transportation provider can be found on pages O-16 - O-18. Should the transportation provider refuse or fail to respond within fifteen (15) days, (the 15-day period begins on the day the transportation provider receives the letter, which is the date listed on the certified mail return receipt) the objection will be considered resolved.

STEP II

If the transportation provider wants to respond with a proposal, the applying agency will notify their Local Planning and Development Council or Metropolitan Planning Organization that an objection has arisen and request the formation of a local resolution committee. The applicant and private provider will submit their proposals to the Local Planning and Development Council or Metropolitan Planning Organization for review. One of the following methods will be used by the Local Planning and Development Council or Metropolitan Planning Organization in resolving the objection or dispute:

A. The Local Planning and Development Council or Metropolitan Planning Organization will review both proposals in-house and reach a decision based upon the established evaluation criteria shown on page O-12.

B. The Local Planning and Development Council or Metropolitan Planning Organization can form a local resolution committee. A list of the individuals, selected by the Council to serve on the committee will be provided to the applicant and private provider for their review. Both parties shall agree on the list of Committee members prior to the review of their proposals.

C. The Local Planning and Development Council or Metropolitan Planning Organization may develop another method for local resolution of objections and/or disputes. Any additional methods for resolving disputes and/or objections must be submitted to the Division of Public Transit for review and approval prior to implementation.

The criteria to be used in reviewing the two (2) proposals is shown on page O-12.

Should the decision made by the Local Planning and Development Council or Metropolitan Planning Organization be unsatisfactory to either party, an appeal may be made to the Division of Public Transit. This appeal shall be done through a "Request For Special Transit Advisory Committee Meeting" (request form on page O-15). This form must be included in your Application at the time it is submitted to the Division on **September 5, 2013**, should your agency or private provider require such a meeting.

The Division of Public Transit will, upon written request of either party, form a Special Transit Advisory Committee (STAC) to review the dispute or objection. STAC will be composed of members who will be representatives of the following groups: public transit, private transit, and paratransit, as well as, a governmental agency representative and a consumer.

It shall be the responsibility of the Division to select the members of STAC and to determine the time and location of the Special Committee meeting. Every effort will be made to select members for the Special Committee from areas other than those involved in the dispute of the proposed projects.

The applicant involved in the objection or dispute and a representative of the objector or opposing individual will both be allowed to present their cases both orally and written to STAC and to answer any questions that may arise during the meeting.

Only one (1) meeting of STAC will be held and a decision will be made by its members after each side has presented their case. Members of the Division staff will be present at the meeting, but will not be involved in reaching the decision of the Committee. A private vote of the Committee members will be taken, and the two parties involved in the dispute will be notified of the Committee's decision in writing.

The decision of the Special Transit Advisory Committee shall be final and **there is no appeal process**. However, private providers may appeal to the Federal Transit Administration (FTA), but "only upon procedural grounds that the local planning and programming process has not established procedures for the maximum feasible participation of private transportation providers consistent with Section 8(e) of the Federal Transit Act, as amended; procedures were not followed; or that the process does not provide for the fair resolution of disputes."

Private transportation providers can file their appeal with FTA at the following address:

Brigid Hynes-Cherin, Regional Administrator
United States Department of Transportation
Federal Transit Administration
Region III
1760 Market Street
Suite 500
Philadelphia, Pennsylvania 19103

"OPPORTUNITY TO PARTICIPATE" LETTER

"OPPORTUNITY TO PARTICIPATE"
(ON YOUR AGENCY'S LETTERHEAD)

Name and Address of Transit/Private Provider(s)

Dear _____:
(Transit/Private Provider)

This letter is in response to your communication concerning an application to be submitted by our organization for capital assistance under Section 5310 of the Federal Transit Act, as amended. I understand your concern relative to our proposed services and the role of public and private carriers in the provision of such services in the **(name of service area)**.

As you are aware, the Section 5310 Program provides capital assistance to private non-profit organizations to provide transportation services for seniors and individuals with disabilities, where existing mass transportation services are unavailable, insufficient, or inappropriate. Consequently, in reviewing each application, the (**Local Planning and Development Council or Metropolitan Planning Organization**) in our service area will compare the proposed services outlined in the application with existing transportation services and resources to determine if the proposed services can be provided by existing carriers. As a part of the review, the Division of Public Transit requires applicants to contact private carriers, such as yourself, explain the services they intend to provide and obtain a sign-off from each carrier stating that the services he (the private carrier) is providing or is prepared to provide, are not designed to meet the special needs of seniors or individuals with disabilities within the area.

In your response, you stated that you object to the proposed service to be provided by our organization because the service would result **(state reason for objection**). **A detailed description of the proposed service and the procedures that will be followed in providing these services, with the requested vehicle, is attached to this letter.** We invite you to comment on the need for such services and how they will result in duplication of transportation services in the area, as well as, compete with the proposed services you provide.

Additionally, if your company would like to provide the proposed services, we invite you to submit a proposal outlining the details of the service you could provide to the (**Local Planning and Development Council or Metropolitan Planning Organization)**. A letter notifying our organization that you intend to submit a proposal must be sent within fifteen (15) working days after receipt of this letter so that our organization can notify the (**Local Planning and Development Council or Metropolitan Planning Organization**) of the need for a local resolution committee.

You should use the form provided with this letter in preparing your proposal as it has been designed to follow the same format as ours. This will ensure a fair and accurate comparison of our two proposals. A listing of the criteria to be used in evaluating the two proposals has also been attached for your information. Please note that your proposal **cannot** be changed after it is submitted. Therefore, you should be sure to review and proof it carefully before submission.

Due to time constraints we are facing relative to the submission of the application to the Federal Government, we must receive a reply from you within fifteen (15) working days after receipt of this letter (the 15-day period begins on the date listed on the certified mail return receipt). If you decline to respond to our letter, the State of West Virginia will continue processing our application for Section 5310 assistance.

If you would like to submit a proposal to provide the proposed services, within fifteen (15) working days after receipt of this letter (the 15-day period begins on the date listed on the certified mail return receipt), forward your proposal to our (**Local Planning and Development Council or Metropolitan Planning Organization**) and it will be evaluated along with the proposal submitted by us. A decision, based on the merits of each proposal, will be rendered by the (**Local Planning and Development Council or Metropolitan Planning Organization**).

Should the decision made by the (**Local Planning and Development Council or Metropolitan Planning Organization**) be considered unsatisfactory by your agency or ours, an appeal may be made to the State level through the Division of Public Transit.

We recognize your interest in this application and hope a satisfactory solution can be reached. Should you require additional information, please let me know.

Sincerely,

Applicant

1. A completed Transportation Budget for the **vehicle(s)** needed to provide the proposed service.

TRANSPORTATION BUDGET

		Annual
A.	Salaries (include fringe benefits)	_____
B.	Overhead (rent and other)	_____
C.	Fuel, Lubricants, and Tires	_____
D.	Maintenance	_____
E.	Insurance	_____
F.	Contract Service	_____
G.	Administration and Reporting Cost	_____
H.	Other	_____
	TOTAL ESTIMATED ANNUAL COST. . . .$	_____

REVENUES	**DONATIONS**
_____	_____
_____	_____
_____	_____
_____	_____

2. Level of service you would provide to meet the needs of the proposed service. List days and hours of operation; vehicle accessibility for seniors and individuals with disabilities; passenger fares, etc.

_____
_____
_____
_____

3. Show what it would cost your agency to provide this proposed service (cost per vehicle). Fully allocated costs should be shown including all subsidies, capital grants, and the use of public facilities.

_____
_____
_____
_____

4. Describe any training that your drivers have received that would exhibit safe driving records, specialized skills in handling seniors and individuals with disabilities, etc.

_____
_____
_____
_____
_____

5. Describe your current preventative maintenance and/or safety check program.

_____
_____
_____
_____
_____

6. What existing facilities does your agency have for wheelchair users?

_____
_____
_____
_____

7. Certification that your agency will comply with all applicable Federal laws and regulations such as: Equal Employment Opportunity: Non-Discrimination on the Basis of a Handicap; Title VI of the Civil Rights Act of 1964; Americans With Disabilities Act; School Transportation Operations; the Disadvantaged Business Enterprise Procurement Program; Energy Conservation; No Federal Government Obligations to Third Parties; Program Fraud and False or Fraudulent Statements or Related Acts; Debarment, Suspension, and Other Responsibility Matters, and requirements of the Section 5310 Program

8. Attach a copy of your organization's most recent financial statement.

9. Other

_____
_____

CRITERIA

Criteria to be utilized in evaluating public/private service decisions shall include but not be limited to the following:

A. Certification that the provider has or will have the legal, financial and technical capabilities to carry out the proposed transportation service. This includes but is not restricted to the following: regulatory approval, if the private provider is a regulated carrier (e.g. taxi); financial solvency now and in the near future; insurance coverage to cover the type of vehicle that is being requested by the private non-profit agency; administrative capability to effectively and efficiently run their operation; and, trained personnel to properly operate and maintain their vehicles.

B. The existence or planned implementation of a documented preventative maintenance and daily safety check program to insure that the vehicles are in a safe operating condition.

C. That vehicle operators have a safe driving record, proper training, have or will complete a defensive driving course, and will complete the Passenger Service and Safety Training Course.

D. That the proposed private service be less expensive to operate than the present or proposed public service based on the fully allocated cost of the service. Fully allocated costs will include all subsidies utilized by public providers (e.g. operating subsidies, capital grants and the use of public facilities).

   In addition, at least the following ratios should be examined: cost/revenue; cost/passenger; and cost/route mile.

E. That the proposed private service offer at least a comparable level of service to the community in terms of convenience and cost as the existing or proposed public service.

   Factors to consider include but are not limited to: frequency of service; daily hours of service; vehicle accessibility for seniors and individuals with disabilities; and, passenger fares, especially non-peak fares for seniors and individuals with disabilities.

F. That the provider will comply with Federal laws and regulations in the areas of: Equal Employment Opportunity: Non-Discrimination on the Basis of a Handicap; Title VI of the Civil Rights Act of 1964; Americans With Disabilities Act; School Transportation Operations; the Disadvantaged Business Enterprise Procurement Program; Energy Conservation; No Federal Government Obligations to Third Parties; Program Fraud and False or Fraudulent Statements or Related Acts; Debarment, Suspension, and Other Responsibility Matters, and requirements of the Section 5310 Program.

CERTIFICATION

Organization Name: _____

I hereby certify on behalf of the above mentioned organization that it does have or will have the legal, financial and technical capabilities to carry out the proposed transportation service.

> This includes but is not restricted to the following: regulatory approval, if the private provider is a regulated carrier (e.i. taxi); financial solvency now and in the near future; insurance coverage to cover the type of vehicle being requested by the private non-profit agency; administrative capability to effectively and efficiently run their operation; and, trained personnel to properly operate and maintain the vehicle.

_____

(Signature of Authorized Representative)

REQUEST FORM FOR

SPECIAL TRANSIT ADVISORY COMMITTEE MEETING

REQUEST FOR
SPECIAL TRANSIT ADVISORY COMMITTEE MEETING

I, _____, hereby request a meeting of the
(Name of Individual)
Special Transit Advisory Committee (STAC) to resolve the objections(s) to the

_____ proposed service stated by
(Private Non-Profit Agency)

_____.
(Objecting Transit/Private Provider)

I understand that the Special Committee's decision will be final and that there is no appeal process. The decision by the STAC will be accepted by my agency.

Should the Special Committee rule in favor of the objecting transit/private provider, I understand that my options will be to:

A) lease the vehicle to the objecting transit/private provider;

B) develop a coordinated plan in that both the transit/private provider and paratransit agency provide a joint transportation service or;

C) withdraw the Application.

I understand that this decision must be made and submitted in writing to the Division of Public Transit within five (5) days after the Special Committee's decision.

Should we decide to lease the vehicle to the objecting transit provider or coordinate services, I understand that our agency will be responsible for finalizing the lease agreement and/or coordination plan by **October 31, 2013**.

I further understand that if the lease agreement and/or coordination plan is not finalized by this date, our application will not be considered for funding.

The _____ hereby agrees to, and
(Private Non-Profit Agency)

shall comply with all of the aforementioned terms and conditions.

_____ _____
(Date) **(Signature)**

THE COMPETITIVE SERVICES BOARD'S PRINCIPLES ON COST COMPARISONS IN COMPETITIVE BIDDING

The current interest in encouraging competition for the provision of public transportation services has raised a number of issues regarding the proper way to compare public and private-sector costs. The Competitive Services Board has developed the principles presented here with the intent of helping state and local decision makers resolve these issues. These principles are responses to actual concerns raised by state and local decision makers and public and private operators with respect to cost comparisons in competitive bidding. The Board recognizes that cost comparison is an important consideration, but not the sole consideration, in evaluating competitive bids. Other considerations include service quality, service continuity, financial and managerial ability to carry out the contract, and relevant experience in the provision of public transportation services.

In developing these principles, the Competitive Services Board recognized the complexities inherent in balancing the demands of public policy, sound economics, and service to the public. The Board also recognized that competition which draws upon the skills and resources of both the public and private sectors is extremely valuable. Accordingly, the Board has developed these principles on cost comparisons as a practical, general guide to help in fostering an even-handed competitive environment for public transportation.

The public agency has a responsibility to minimize public-sector costs and to maximize the amount of service that can be provided. Guided by this objective, the Board has adopted the principle that public/private cost comparisons should employ a fully allocated costing procedure. Fully allocated costs include all direct and shared costs of capital, operations, and administration attributable to the services under consideration for competition. Fully allocated cost comparisons in competitive bidding require that all public-sector costs be shown with an explanation of what is attributable and what is not. Such cost comparisons will provide the information necessary for decision makers to assess both the short-run and long-run cost implications of public versus private-sector transit operations. In the evaluation of the bids, however, decision makers should take into account the fact that upon contracting out for service, some or all of the shared public-sector costs attributable to such service may not be eliminated, and therefore may not produce cost savings for the public agency, and the fact that public operators bidding on new services under fully allocated costs may not actually incur some of the costs identified.

The following sections deal with the application of the fully allocated costing principle to specific aspects of public/private cost comparisons.

Government Financial Support

The total cost, regardless of source of financial support, should be used in cost comparisons to reflect actual costs to the taxpayer. For example, if vehicles are purchased with 75 percent federal funds, 10 percent state funds, and 15 percent local funds, the full 100 percent cost should be used in the cost comparison.

Administrative Costs

The portion of a transit agency's administrative costs that are attributable to the service should be included in the cost comparison, including the attributable portion of senior management compensation.

Contributions from Other Government or Agency Units

Some public operators use without charge the services or facilities of other government or agency units (for example, legal or clerical services, or parking lots). Because these contributions are real costs to the taxpayer, they should be included in cost comparisons at their actual cost to the relevant government or agency unit.

Non-attributable Public-Sector Costs

Public-sector costs that benefit both public and private operators should not be included by the public carrier in a fully allocated cost comparison if they are not attributable to the service up for bid. Fund raising, grants management, and financial reporting, among others, generally fall into this category. Other activities, such as marketing and planning, may be partly attributable and partly non-attributable. For example, to the extent that a private operator is responsible under the contract for planning and marketing a proposed service, the public agency's costs of performing the same functions should be included in the cost comparison.

Capital Assets

Public agencies' physical assets should be included in cost comparisons using generally accepted accounting principles for computing appropriate depreciation charges. However, if the public agency provides the capital assets (such as vehicles or facilities) for a private bidder, those capital costs should not be included in the cost comparison.

Costs Imposed by Federal and State Requirements

Public agencies incur some costs as a result of federal and state requirements for grant fund recipients. Some of these costs are not attributable to the service up for bid (such as financial reporting), and should not be included in a fully allocated cost comparison. Other costs, such as handicapped accessibility, will be attributable, and should be included in both public and private-sector costs.

Taxes and Fees

Taxes and fees paid by some operators and not others should be recognized by decision makers as revenue to the public sector. To some extent, these revenues may be available for local public transportation purposes, and to that extent should be considered as an offset against the bid costs of those operators that pay them. Ideally, efforts should be made to remove these tax and fee differentials through changes in relevant laws and regulations.

Disclosures of Private-Sector Cost Information

Whether private carriers should be required to disclose the composition of their bids, and if so, to what level of detail, are matters to be decided based on local conditions and preferences. In principle, full disclosure is not necessary for cost-comparison reasons, since the "bottom line" provides sufficient cost information to award a contract.

However, there are other reasons for requiring disclosure. Some limited disclosure is necessary to take advantage of the capital cost of contracting policy, although competitive pressures and FTA's percentage limits on the capital component of contracts can provide adequate safeguards without requiring detailed information. Disclosure is necessary also when the outcome of the contract competition is legally challenged, and may be preferred in order to ensure fairness in terms of bid preparation costs, reassure the public agency about the validity of the private carrier's cost structure, or guard against "low-balling" (bidding low to win the initial contract, with the intention of recovering losses in subsequent negotiations). Identification of taxes and fees paid by the private operator may also be necessary if they are to be adequately considered in cost comparisons.

On the other hand, strict disclosure requirements may greatly increase paperwork, and may discourage private operators from bidding, especially where the information would be public knowledge under freedom of information laws.

Private-Sector Donations

Some transit providers' costs are offset by contributions of services or facilities from private organizations or individuals (for example, volunteer drivers for specialized services). Since no financial costs are incurred in these instances, there is no need to impute a cost in cost comparisons.

Interest

The cost of capital equipment used to provide transit services will often include interest charges. These charges should be included in the cost comparison to reflect the cost of capital. Although the public agency will often have access to a lower interest rate than private operators, this appears to be an advantage inherent to the public sector, and there is no valid reason to compensate for it in the cost comparison. Where public-sector interest charges are much lower, it may be preferable for the public agency to obtain the vehicles, regardless of who operates them.

Costs of Contracting

Certain costs will arise as a result of contracting services to the private sector, such as bid preparation, labor protection, and contract management. To the extent that these costs are identifiable and unavoidable, they should be included in the costs associated with the contracting option.

APPENDIX II

GLOSSARY OF TERMS

GLOSSARY OF TERMS

ADMINISTRATION COSTS - The State's costs incurred in the implementation and monitoring of the Section 5310 project, which are directly related to the grant.

CAPITAL EQUIPMENT OR FACILITIES - Vehicles, equipment and facilities which have a multi-year usable life. For the purpose of this program only transportation related capital equipment is eligible for funding.

CROSS-COUNTRY - Land, not owned or maintained by the State or local governments, but used as access to private residences. Roadbed may also be creek bed, farm field access, etc.

DEMAND-RESPONSIVE - Service which is tailored to meet the specific transportation needs of travelers, usually through route deviations based on requests for the service. Dial-A-Ride is a common form of demand-responsive transportation.

DIAL-A-RIDE - Dial-A-Ride is a term that has been applied to a variety of shared-ride services operated by the private sector. These services utilize vans, small buses, or other vehicles larger than a taxi cab, but in many respects they resemble a shared-ride taxi service in that they provide door-to-door service. However, most Dial-A-Ride services do not pick up in response to hailing in the street.

DISABLED INDIVIDUAL - Any individual who due to a physical or mental impairment is substantially limited in one or more of the major life activities; has a record of such an impairment; or is regarded as having such an impairment.

DUAL LANE SURFACED HIGHWAY - Hard surfaced (concrete/68) roadways maintained by and listed within the State Highway Department's Primary or Secondary System.

FIXED ROUTE/FIXED SCHEDULE - Vehicles operating on a definite route and schedule.

FTA - Federal Transit Administration

INCIDENTAL USE - Incidental use means use of equipment or facilities purchased under the Section 5310 Program during periods when the equipment is not used for specific grant related purposes. This type of use is allowed, but should be kept to a minimum, and **must not interfere** with any transportation service to seniors and individuals with disabilities.

LOCAL FUNDS OR SHARE - Refers to the match for the Section 5310 Federal dollars.

LOCAL INTERGOVERNMENTAL REVIEW - A process whereby all levels of government are notified of proposed projects involving Federal funds. It is intended to assure that conflicting projects or projects not in the best interest of the community are identified early in the planning phase. This review can be done by the regional planning and development council or metropolitan planning organization.

MODIFIED FIXED ROUTE/DEMAND RESPONSIVE - Vehicles that operate on a fixed route, but will detour from the route to pick up or drop off passengers. After the passenger is served, the vehicle will return to the fixed route.

NON-PROFIT ORGANIZATION - Non-profit organization means 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. 501(a) or Section 101.

OFFICIALLY ADOPTED TRANSPORTATION PLAN - That plan and portions of the plan which has been adopted by the policy body of the Metropolitan Planning Organization in the applicant's service area. In urbanized areas the short range portion of the transportation plan is known as the Transportation Improvement Program. In non-urbanized areas it is known as the Transportation Development Program. All Section 5310 projects must be part of an official transportation plan.

OPERATING ASSISTANCE - Financial assistance for transit operation (not capital expenditures) which originates at the local level.

OPERATING EXPENSES - Any costs incurred while running the project, such as salaries, fuel, maintenance, insurance, training, etc.

PARATRANSIT - Paratransit services are "those forms of intra-urban passenger transportation which are available to the public, are distinct from conventional transit (scheduled bus and rail), and can operate over the highway and street system." They include conventional taxi services, shared-ride taxi services, dynamically routed and scheduled bus and van services, jitneys, car pools, van pools and bus pools.

PASSENGERS - The number of one-way passenger trips, a round trip taken by the same individual should be counted as two passengers.

PRIVATE - Private means non-public, to wit: bodies which are not municipalities or other political subdivision of States; are not public agencies or instrumentalities of one or more States, municipalities or political subdivision of States; are not Indian tribes (except private non-profits that were 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.

ROUTE - A fixed path traversed by a transit vehicle in accordance with a predetermined schedule.

RUN - One transit vehicle trip in one direction from the beginning of a route to the end of it. When a transit vehicle makes a round trip on one route, it has completed two runs.

SECTION 5311 PROGRAM - A federal transportation program that provides operating and capital assistance to agencies that provide public transportation services in the small urban and rural areas of the State. The Division of Public Transit is the State administering agency.

SECTION 5311 RECIPIENT - Those agencies that receive Section 5311 funds.

SENIOR - Any person 65 years of age or older

SERVICE AREA - Geographic area over which the project is operating and the area whose population is served by the project including adjacent areas affected by it.

SIGN-OFF LETTERS - Letters sent to and returned by transportation providers in your service area offering comments on your agency's proposed Section 5310 project.

SPARE - Reserve vehicle to be used only when regular van(s) cannot be operated, (i.e., breakdown, emergency, etc.).

STORAGE COST - Fees charged for storing the vehicles until they can be presented to the agencies who receive them.

SUBSCRIPTION BUS - A transit service operating on specified schedules on fixed routes (although such routes can be modified), but not available to the general public.

UNPAVED ROADS - Roadways not surfaced by artificial means (concrete/blacktop) but whose surface is maintained by the State Highway Department.

UNPAVED-UNSURFACED ROADS - Roadways open to the general public but not surfaced or serviced by the State Highway Department.

URBAN TRANSIT AUTHORITIES - Those transit authorities operating in the urbanized areas of Charleston, Huntington, Martinsburg, Morgantown, Parkersburg, Weirton, and Wheeling.

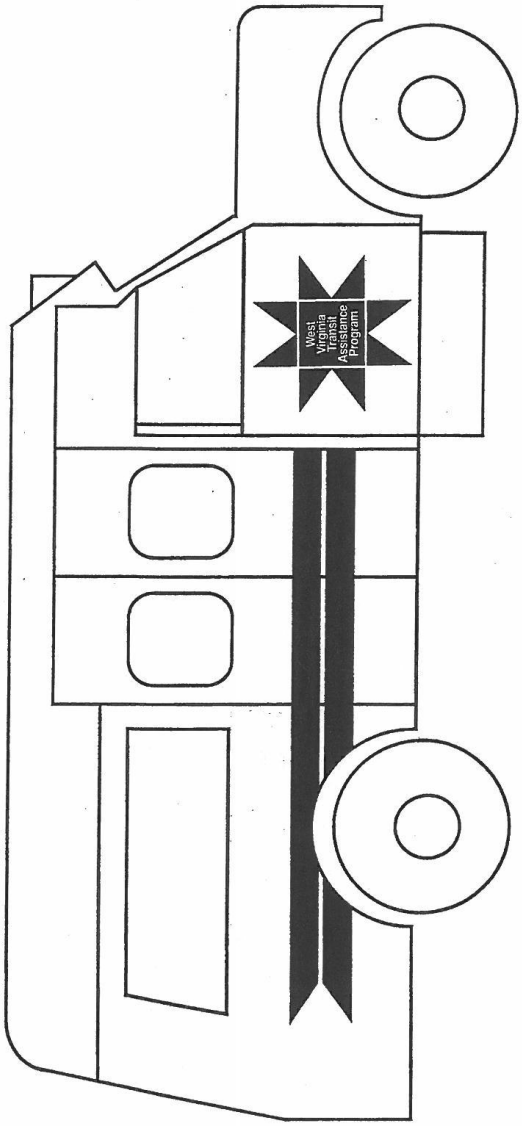
APPENDIX III

Vehicle Catalog

NOTES:

1. All vehicles will be white and carry the eight point star logo of the Section 5310 Program. All vehicles will have two blue stripes and the agency's name and phone number in red. This information can be deleted at an agency's request. Please see the picture of the logo design on the next page.

2. ADA requires that all wheelchair spaces be forward facing. See seating diagrams on pages following the description of the vehicle.


West
Virginia
Transit
Assistance
Program

Handicapped Accessible Converted Vans
Meeting The
Americans With Disabilities Act of 1990
Requirements

SEATING CAPACITY:

One wheelchair space: Converted Van **seats 9** plus the driver if wheelchair space is not in use. Converted Van **seats 1 in wheelchair, 5 others** plus the driver if the wheelchair space is used.

Two wheelchair spaces: Converted Van **seats 8** plus the driver if the wheelchair spaces are not in use. Converted Van **seats 2 in wheelchairs, 3 others** plus the driver if the wheelchair spaces are used.

With no lift: Converted Van **seats 11** plus the driver.

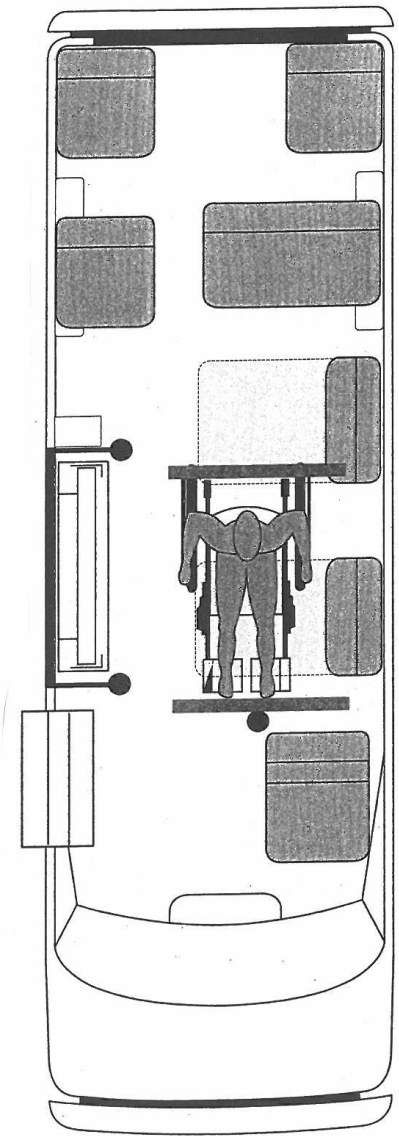
Description: V-8 engine, 72" minimum headroom, electronically operated front entrance door, low height front entrance step, automatic transmission, power steering, power brakes, rust proofing, front and rear air conditioning, auxiliary heater, backup camera system, and forward facing fold down double seats at wheelchair positions. Aisle width 10" minimum.

Estimated Unit Cost for vehicle with one wheelchair space: $51,346

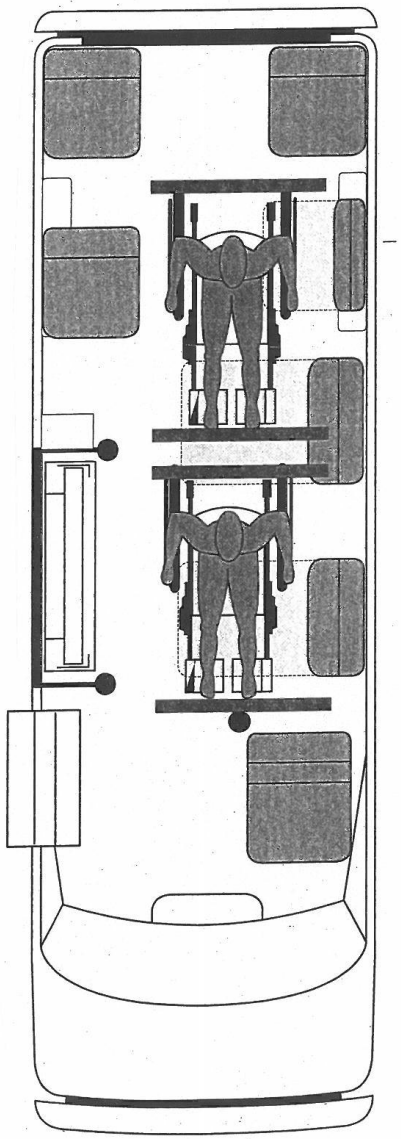
Estimated Unit Cost for vehicle with two wheelchair spaces: $51,822

Estimated Unit Cost for vehicle with no wheelchair spaces: $50,087
(ONLY AVAILABLE TO AGENCIES THAT HAVE EQUIPMENT TO PROVIDE EQUIVALENT SERVICE, AS REQUIRED BY ADA, TO DISABLED PASSENGERS)

CONVERTED VAN
SEATING CAPACITY
WITH ONE
WHEELCHAIR SPACE

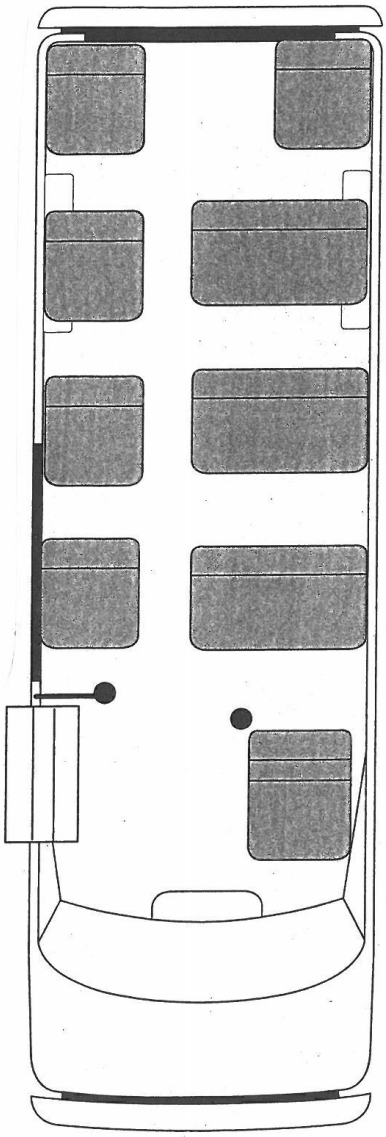


CONVERTED VAN
SEATING CAPACITY
WITH TWO
WHEELCHAIR SPACES



CONVERTED VAN
SEATING CAPACITY
WITH NO
WHEELCHAIR SPACES

ONLY AVAILABLE TO AGENCIES THAT HAVE EQUIPMENT TO PROVIDE EQUIVALENT SERVICE, AS REQUIRED BY ADA, TO DISABLED PASSENGERS



EXAMPLE OF CUTAWAY VAN
(Narrow Body)

Handicapped Accessible Cutaway Vans
(Narrow Body)
Meeting The
Americans With Disabilities Act of 1990
Requirements

SEATING CAPACITY:

One wheelchair space: Narrow Body Cutaway Van **seats 8** plus the driver if wheelchair space is not in use. Narrow Body Cutaway Van **seats 1 in wheelchair, 8 others** plus the driver if the wheelchair space is used.

Two wheelchair spaces: Narrow Body Cutaway Van **seats 8** plus the driver if the wheelchair spaces are not in use. Narrow Body Cutaway Van **seats 2 in wheelchairs, 4 others** plus the driver if the wheelchair spaces are used.

With no lift: Narrow Body Cutaway Van **seats 12** plus the driver.

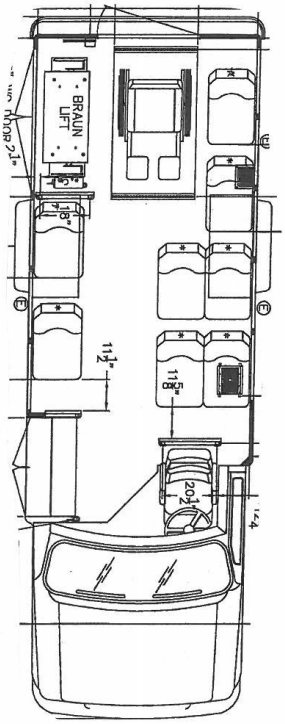
Description: V-8 engine, 72" minimum headroom, electronically operated front entrance door, low height front entrance step, automatic transmission, power steering, power brakes, rust proofing, front and rear air conditioning, auxiliary heater, backup camera system, and forward facing fold down double seats at wheelchair positions. Aisle width 14" minimum.

Estimated Unit Cost for vehicle with one wheelchair space: $52,883

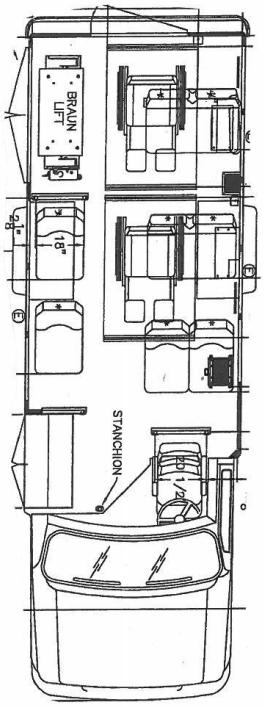
Estimated Unit Cost for vehicle with two wheelchair spaces: $53,128

Estimated Unit Cost for vehicle with no wheelchair spaces: $50,801
(ONLY AVAILABLE TO AGENCIES THAT HAVE EQUIPMENT TO PROVIDE EQUIVALENT SERVICE, AS REQUIRED BY ADA, TO DISABLED PASSENGERS)

CUTAWAY VAN
(Narrow Body)
SEATING CAPACITY
WITH ONE
WHEELCHAIR SPACE

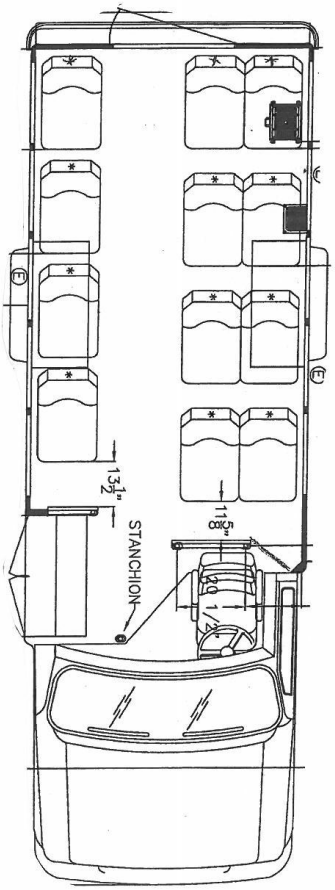


CUTAWAY VAN
(Narrow Body)
SEATING CAPACITY
WITH TWO
WHEELCHAIR SPACES

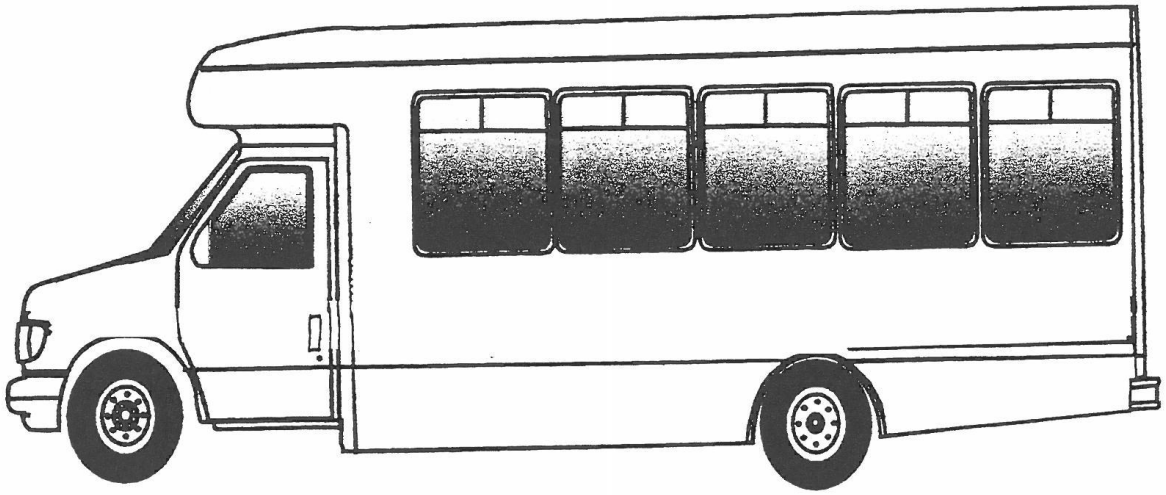


CUTAWAY VAN
(Narrow Body)
SEATING CAPACITY
WITH NO
WHEELCHAIR SPACES

ONLY AVAILABLE TO AGENCIES THAT HAVE EQUIPMENT TO PROVIDE EQUIVALENT SERVICE, AS REQUIRED BY ADA, TO DISABLED PASSENGERS



EXAMPLE OF CUTAWAY VAN



Handicapped Accessible Cutaway Vans Meeting The Americans With Disabilities Act of 1990 Requirements

SEATING CAPACITY:

One wheelchair space: Cutaway Van **seats 12** plus the driver if wheelchair space is not in use. Cutaway Van **seats 1 wheelchair, 12 others** plus the driver if the wheelchair space is used.

Two wheelchair spaces: Cutaway Van **seats 12** plus the driver if the wheelchair spaces are not in use. Cutaway Van **seats 2 wheelchairs, 12 others** plus the driver if the wheelchair spaces are used.

With no lift: Cutaway Van **seats 13** plus the driver.

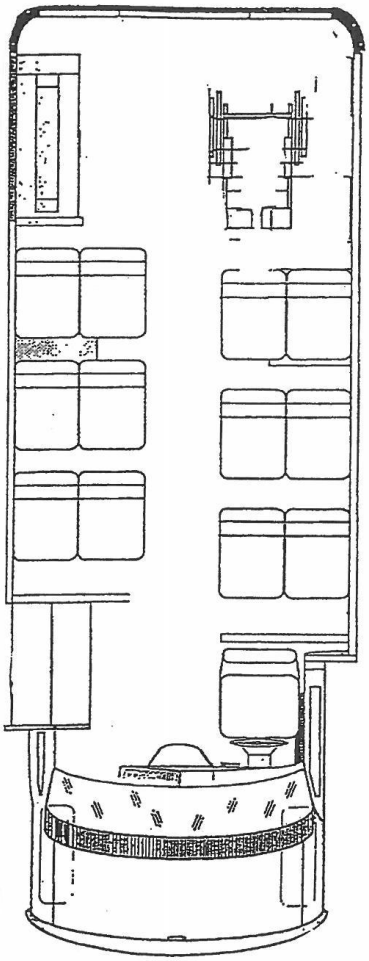
Description: V-10 engine, 120" maximum headroom, 81" maximum width, electronically operated front entrance door, low height front entrance step, automatic transmission, power steering, power brakes, rust proofing, Mor-Ryde suspension system, backup camera system, and front and rear air conditioning/heater. Aisle width 14" minimum.

Estimated Unit Cost for vehicle with one wheelchair space: $54,789

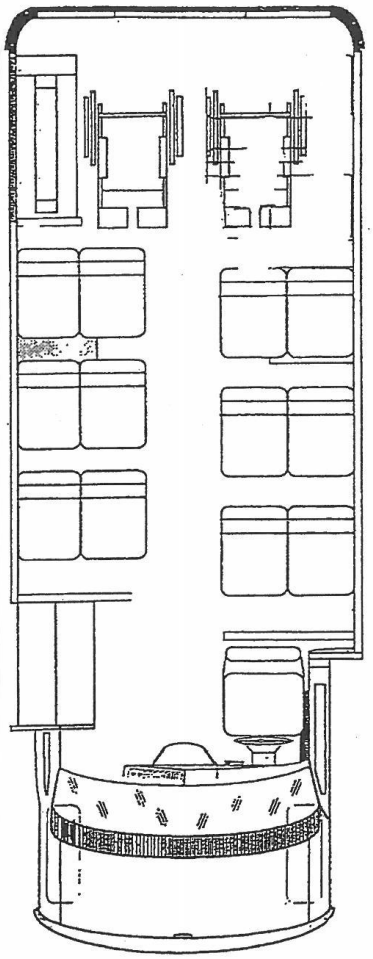
Estimated Unit Cost for vehicle with two wheelchair spaces: $54,963

Estimated Unit Cost for vehicle with no wheelchair spaces: $52,706
(ONLY AVAILABLE TO AGENCIES THAT HAVE EQUIPMENT TO PROVIDE EQUIVALENT SERVICE, AS REQUIRED BY ADA, TO DISABLED PASSENGERS)

CUTAWAY VAN
SEATING CAPACITY
WITH ONE
WHEELCHAIR SPACE

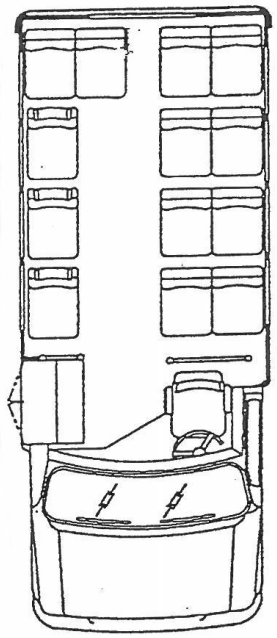


CUTAWAY VAN
SEATING CAPACITY
WITH TWO
WHEELCHAIR SPACES



CUTAWAY VAN
SEATING CAPACITY
WITH NO
WHEELCHAIR SPACES

ONLY AVAILABLE TO AGENCIES THAT HAVE EQUIPMENT TO PROVIDE EQUIVALENT SERVICE, AS REQUIRED BY ADA, TO DISABLED PASSENGERS



Handicapped Accessible Minivans
Meeting The
Americans With Disabilities Act of 1990
Requirements

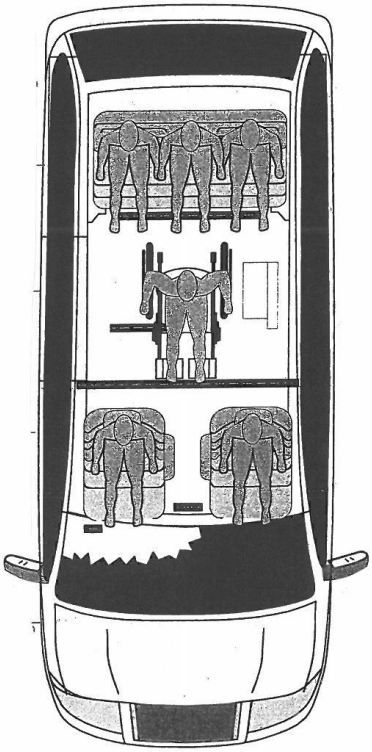
SEATING CAPACITY:

One wheelchair space: Minivan **seats 6** plus the driver if wheelchair space is not in use and flip down seat is used. Minivan **seats 1 wheelchair, 4 others** plus the driver if the wheelchair space is used.

Description: 3.5L, V-6 gasoline engine, manual ramp, automatic transmission, power steering, power brakes, rust proofing, and front and rear air conditioning/heater.

Estimated Unit Cost for vehicle with one wheelchair space: $37,528

MINIVAN
SEATING CAPACITY
WITH ONE
WHEELCHAIR SPACE



PLAIN VANS

12 PASSENGER
or
MINIVAN

ONLY AVAILABLE TO AGENCIES THAT HAVE EQUIPMENT TO PROVIDE EQUIVALENT SERVICE, AS REQUIRED BY ADA, TO DISABLED PASSENGERS

Description: V-8 engine, automatic transmission, power steering, power brakes, with front and rear air conditioning/heater

Estimated Unit Cost for 12 passenger vehicle: $25,792

Estimated Unit Cost for 7 passenger minivan: $24,860

APPENDIX IV

REGIONAL PLANNING
AND
DEVELOPMENT COUNCILS
AND
METROPOLITAN PLANNING ORGANIZATIONS
ADDRESSES

REGIONAL PLANNING AND DEVELOPMENT COUNCILS
AND
METROPOLITAN PLANNING ORGANIZATIONS

REGION I

Region I Planning and Development Council

Consisting of:	**McDowell, Mercer, Monroe, Raleigh, Summers and Wyoming Counties**
Executive Director:	**David N. Cole** **1439 East Main Street, Suite 5** **Princeton, West Virginia 24740** **PH: (304) 431-7225** **FAX: (304) 431-7235** **Email: regionone@regiononepdc.org**
Contact:	**Jeffrey Johnson, Community Development Director** **Email: jeffjohnson@regiononepdc.org**

REGION II

KYOVA Interstate Planning Commission

Consisting of:	**Huntington, WV and Ironton, OH** **Lawrence County, OH & Cabell and Wayne Counties, WV**
Executive Director:	**Michele P. Craig** **Attention: Saleem Salameh, P.E.** **Technical Study Director** **214 4th Street** **P.O. Box 939** **Huntington, West Virginia 25712** **PH: (304) 529-3357, Ext. 17** **FAX: (304) 529-7229** **Email: mcraig@ntelos.net** **ssalameh@ntelos.net**

Region II Planning and Development Council

Consisting of:	**Cabell, Lincoln, Logan, Mason, Mingo and Wayne Counties**
Executive Director:	**Michele P. Craig** **Same address and phone information**
Contact:	**Kathy Elliott, Senior Project Administrator** **Email: kkelliott@ntelos.net**

REGION III

Regional Intergovernmental Council

Consisting of: **Kanawha and Putnam Counties**

BCKP Regional Intergovernmental Council

Consisting of: **Boone, Clay, Kanawha and Putnam Counties**

Executive Director: **Mark Felton**
315 "D" Street
South Charleston, WV 25303
PH: (304) 744-4258
FAX: (304) 744-2534
Email: markfelton@wvregion3.org

REGION IV

Region IV Planning and Development Council

Consisting of: **Fayette, Greenbrier, Nicholas, Pocahontas and Webster Counties**

Executive Director: **W. D. Smith**
885 Broad Street, Suite 100
Summersville, West Virginia 26651
PH: (304) 872-4970
FAX: (304) 872-1012
Email: wdsmith@reg4wv.org

REGION V

Mid-Ohio Valley Regional Development Council

Consisting of: **Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt and Wood Counties**

Executive Director: **James Mylott**
531 Market Street
Parkersburg, West Virginia 26101

P.O. Box 247
Parkersburg, West Virginia 26102
PH: (304) 422-4993
FAX: (304) 422-4998
Email: jim.mylott@movrc.org

Wood Washington Wirt Interstate Planning Commission

Consisting of: Parkersburg, WV, Marietta & Belpre, OH
Wood County, WV and Washington County, OH

Contact: Randy Durst, Transportation Planning Director
Same address and phone number, Ext. 125
Email: randy.durst@movrc.org

REGION VI

Region VI Planning and Development Council

Consisting of: Doddridge, Harrison, Marion, Monongalia, Preston and Taylor Counties

Executive Director: James Hall
34 Mountain Park Drive
White Hall, West Virginia 26554
PH: (304) 366-5693
FAX: (304) 367-0804
Email: jhall@regionvi.com

Contact: Lea Wolfe, Assistant Director
Email: leawolfe@regionvi.com

Morgantown/Monongalia Metropolitan Planning Organization

Consisting of: Morgantown/Monongalia County

Executive Director: Bill Austin, AICP
82 Hart Field Road, Suite 105
Morgantown, West Virginia 26505
PH: (304) 291-9571
FAX: (304) 291-9573
Email: baustin@labyrinth.net

REGION VII

Region VII Planning and Development Council

Consisting of: Barbour, Braxton, Gilmer, Lewis, Randolph, Tucker and Upshur Counties

Executive Director:
Rosemary Wagner
99 Edmiston Way, Suite 225
Buckhannon, West Virginia 26201
PH: (304) 472-6564
FAX: (304) 472-6590
Email: rwagner@regionvii.com

REGION VIII

Region VIII Planning and Development Council

Consisting of: Grant, Hampshire, Hardy, Mineral and Pendleton Counties

Executive Director:
Terry Lively
8 Grant County Industrial Park
P.O. Box 849
Petersburg, West Virginia 26847
PH: (304) 257-2448
FAX: (304) 257-4958
Email: tlively@regioneight.org

REGION IX

Eastern Panhandle Regional Planning and Development Council

Consisting of: Berkeley, Jefferson and Morgan Counties

Executive Director:
Carol A. Goolsby
Suite 301, 400 West Stephen Street
Martinsburg, West Virginia 25401
PH: (304) 263-1743
FAX: (304) 263-7156
Email: cgoolsby@region9wv.com

Hagerstown-Eastern Panhandle Metropolitan Planning Organization

Consisting of: Washington (MD), Franklin (PA), Berkeley and Jefferson (WV) Counties

Executive Director:
Mr. Robert S. Gordon
33 West Washington Street
Hagerstown, MD 21740
PH: (240) 313-2080
FAX: (240) 313-2084
Email: rgordon@hepmpo.net

REGION X

Bel-O-Mar Regional Council

Consisting of: Belmont (OH), Marshall, Ohio and Wetzel (WV) Counties

Executive Director:
William C. Phipps
105 Bridge Street Plaza
P.O. Box 2086
Wheeling, West Virginia 26003
PH: (304) 242-1800
FAX: (304) 242-2437
Email: belomar@belomar.org

REGION XI

Brooke-Hancock-Jefferson Metropolitan Planning Commission

Consisting of: Weirton, WV & Steubenville, OH
Brooke and Hancock (WV) Counties
and Jefferson County (OH)

and Brooke-Hancock Regional Planning and Development Council

Consisting of: Brooke and Hancock Counties

Executive Director:
Dr. John Brown, AICP
Second Floor – 124 North Fourth Street
Steubenville, Ohio 43952
PH: (740) 282-3685 & (304) 797-9666
FAX: (740) 282-1821
Email: jbrown@bhjmpc.org

Contact:
Michael Paprocki, Transportation Study Director
Email: mikepap@bhjmpc.org, Ext. 209

APPENDIX V

TITLE VI NONDISCRIMINATION
AND
LIMITED ENGLISH PROFICIENCY
REQUIREMENTS

This appendix must be completed and returned as part of your application packet.

S

Title VI Program

[Insert agency name here]

Adopted Date

Table of Contents

NOTICE TO THE PUBLIC 1
COMPLAINT INSTRUCTIONS AND FORM 2
TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS 2
PUBLIC PARTICIPATION PLAN 2
LIMITED ENGLISH PROFICIENCY PLAN 3
PLANNING AND ADVISORY BOARDS 6
ATTACHMENT A: TITLE VI NOTICE TO THE PUBLIC 8
ATTACHMENT B: TITLE VI COMPLAINT FORM AND PROCEDURES 9
ATTACHMENT C: STAFF LEP SURVEY FORM 13
ATTACHMENT D: OUTSIDE ORGANIZATION LEP SURVEY FORM 14

TITLE VI PROGRAM QUESTIONNAIRE

The Federal Transit Administration (FTA) requires all recipients of FTA assistance to develop a Title VI program. This is a new requirement. In the past, the WVDPT's program covered the State and its grantees. Now, each grantee must have its own program. To help you develop a Title VI program, the WVDPT has developed this questionnaire, after which reviewed and accepted by the WVDPT, will become your Title VI program. You will be required to submit the completed questionnaire to your Board or council for approval and then provide evidence of the approval to the WVDPT.

NOTICE TO THE PUBLIC

FTA requires that each grantee notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI program. The notice must include:

- *A statement that the agency operates programs without regard to race, color, and national origin*
- *A description of the procedures that members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations*
- *A description of the procedures that members of the public should follow in order to file a discrimination complaint against the grantee*

The notice can be a separate document, such as a posted sign, a statement that is in another document, or a stand-alone document, such as a Title VI brochure. ***Attachment A*** *presents two notices developed by WVDPT, a longer "stand-alone" statement and a shorter statement that can be included in documents, such as a service brochure or as a placard in the van. The WVDPT will supply copies of the notices that should be placed in your vehicles.*
An agency should post the longer Title VI notice on its website and in the reception area or public meeting spaces of its offices.
We recommend that you post the longer notice in your office in an inexpensive frame.

1. Please provide a copy of ***your*** Title VI notice(s).

2. Where are the notices posted?

3. Have you posted a Title VI notice on your website and in the reception area or the public meeting spaces of your office?

COMPLAINT INSTRUCTIONS AND FORM

FTA requires each grantee to have instructions for the public to follow and a form for the public to use for filing a Title VI complaint. The WVDPT has developed for you the form and procedures for filing a Title VI complaint. ***Attachment B*** *presents the sample form and procedures.*

4. Please provide a copy of ***your*** agency's complaint form and procedures.

TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS

FTA requires that the Title VI program include a list of transit-related Title VI complaints, investigations, and lawsuits. WVDPT obtains this information with grant applications. Please note that EEO and ADA complaints are not Title VI complaints so do not list them. If you are part of a city, county, or human service agency, only list Title VI complaints, investigations, or lawsuits related to transportation services.

5. Have you had any Title VI complaints, investigations, or lawsuits related to your transportation services? If yes, please complete the following table.

Type	Date	Summary	Status	Action(s) Taken
Complaints				
Investigations				
Lawsuits				

PUBLIC PARTICIPATION ELEMENT

FTA requires that the Title VI program include a public participation plan that includes an outreach plan to engage minority and limited English proficient (LEP) populations. The plan may include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others. Applicants to WVDPT for FTA assistance are required to comply with several requirements that help meet this Title VI requirement. These requirements include the published notice of intent to apply to WVDPT for FTA assistance and participation in the public transit-human services transportation coordinated plan development. Other public participation methods include open Board/ council meetings, council meetings of cities and counties that provide local funding, advisory committees, public involvement efforts for transportation services,

passenger surveys, marketing efforts, such as booths at fairs, and presentations to service and other organizations.

6. Are Board/council meetings open to the public?

7. How do you publicize the dates, times, and locations of Board/council meetings?

8. Where are Board/council meetings held?

9. Is the location accessible to persons with disabilities?

10. Is the location served by your agency's transportation services during the hours Board/council meetings are held? If yes, please describe. If not, do you offer transportation to the meetings upon request?

11. What other efforts do you undertake to ensure that transportation riders or clients can attend Board/council meetings?

12. Do you rely on any counties or cities for funding? If yes, please describe how interested parties can comment on your budget and services at city and town council meetings.

13. Discuss any other outreach efforts, including transportation advisory committees, procedures for soliciting comments for service changes, passenger surveys, public involvement for transportation services, presentations, etc.

LIMITED ENGLISH PROFICIENCY (LEP) ELEMENT

FTA requires that the Title VI program include a plan for providing language assistance to LEP persons. An LEP person is someone who speaks English less than very well. To document what languages are spoken by LEP persons and to help determine what language assistance efforts you should undertake, FTA requires that you analyze the following four factors:

- *the number and proportion of LEP persons served or encountered in your service area*
- *the frequency with which LEP individuals come into contact with your transportation service*
- *the nature and importance of your transportation service*

- *the language assistance resources potentially available to assist LEP persons*

By completing this questionnaire, you will have completed the required four-factor analysis.

The primary source data on LEP populations is the U.S. Census. We have provided a table for you to fill with Census data. To look up the 2010 Census data:

- *Go to US Census Fact Finder*
- *Search each county or city in your service area*
- *Select American Community Survey "Education, Marital Status, Relationships, Fertility,....."*
- *Scroll down to "language spoken at home"*

Please add columns, if needed.

Table 1 **2010 Census Numbers for LEP Persons Residing within the Service Area**					
Population 5 Years and Over by Language Spoken at Home and Ability to Speak English	**City/County 1**	**City/County 2**	**City/County 3**	**Total**	**Percentage of Population 5 Years and Older**
Population 5 Years and Over					
Speak English less than "very well"					
Spanish					
Speak English less than "very well"					
Other Indo-European					
Speak English less than "very well"					
Asian and Pacific Island					
Speak English less than "very well"					
All Other					
Speak English less than "very well"					

Survey your staff, including van drivers, reservationists/dispatchers, customer service agents, and office personnel, to determine the frequency of contact with

LEP persons, what languages are spoken by these persons, and the foreign languages they speak and/or understand. Attachment C presents a sample survey form. After conducting the survey, please complete the following table. If conducting the survey and completing the table does not make sense for you, please discuss the frequency of contact with LEP persons and the languages spoken by these persons in the space provided below.

Table 2 **Frequency of Contact with LEP Persons**	
Frequency	**Language Spoken by LEP Persons**
Daily	
Weekly	
Monthly	
Less frequently than monthly	

14. If you have not completed Table 2, discuss the frequency of contact with LEP persons and the languages spoken by these persons. (Section 5310 applicants only)

Conduct a telephone survey of organizations, such as municipalities, tribes, police departments, school systems, major employers, human service agencies, and churches, to find out if they encounter people with language assistance needs, what languages these people speak, and what language assistance efforts they are undertaking. Attachment D presents a sample survey form.

15. What outside organizations did you survey?

16. Do any of these organizations encounter people with language assistance needs? If yes, what languages do these people speak?

17. Provide a description of your service (type, days and hours) and list the major activity centers served (communities, employers, Rail Runner stations, park and ride lots, government and human service agencies, medical facilities, shopping centers, and recreational facilities).

18. Discuss trip purpose from passenger surveys or transportation development plans, if conducted.

19. Does staff speak foreign languages? If so, what languages? Do you use staff to translate?

20. Have you translated documents into Spanish or another language? If yes, please list the documents and the languages they are translated into.

21. Do you use Google Translate for your web site? If yes, what languages?

22. What other language assistance efforts are you undertaking?

23. Have you made arrangements with other organizations to provide language assistance efforts? If yes, what organizations and what services?

24. How are LEP persons notified of language assistance services?

25. Discuss outreach programs, such as travel training, school presentations, and community presentations and if these efforts potentially reach LEP persons.

26. Describe how language assistance efforts are monitored, evaluated, and updated.

27. Describe how employees are trained in language assistance efforts.

PLANNING AND ADVISORY BOARDS

FTA requires that the Title VI program present the racial make-up of all transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, and a description of the efforts to encourage the participation of minorities on such committees.

28. List all of your transit-related advisory boards and committees and the purpose of each.

29. How are members selected?

30. What is the racial makeup of each board and committee?

31. What efforts are undertaken to encourage participation of minorities on these committees?

Attachment A
Title VI Notice to the Public

Long Title VI Notice

Your Rights Under Title VI

[Agency] operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the 1964 Civil Rights Act. Any person who believes that she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with our agency.

Any such complaint must be in writing and filed with this agency within 180 days following the date of the alleged discriminatory occurrence. For information on our nondiscrimination obligations or how to file a complaint, please contact (Agency's name) by any of the methods listed below.

Agency Name and Address

Phone

Fax

Email

If this information is needed in another language, please contact us.

Short Title VI Notice

[Agency] operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the 1964 Civil Rights Act. To find out more about our nondiscrimination obligations or to file a complaint, please contact us at [phone].

Attachment B
Title VI Complaint Form and Procedures

SAMPLE

(Agency Name) TITLE VI COMPLAINT FORM

"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."

If you feel that you have been discriminated against in the provision of transportation services, please provide the following information to assist us in processing your complaint. Should you require any assistance in completing this form or need information in alternate formats, please let us know.

Please mail or return this form to
Director
Agency Name
Address
Including Email and Fax number
PLEASE PRINT if you are not completing the on-line version of this form.

1. Complainant's Name:
a. Address:
b. City: State: Zip Code:
c. Telephone (Home ☐ or Cell ☐) Please include area code Telephone Number (Work) ( ) ( )
d. E-Mail Address:
Do you prefer to be contacted via this e-mail address? ☐Yes ☐No
2. Accessible Format of Form Needed? ☐Large Print ☐Audio Tape ☐TDD ☐Other (please specify):
3. Are you filing this complaint on your own behalf? ☐ Yes **If YES, please go to Question 7** ☐ No If no, please go to question 4
4. If you answered NO to question 3 above, please provide your name and address. a. Name of Person Filing Complaint:
b. Address:
c. City: State: Zip Code:
d. Telephone (Home ☐ or Cell ☐) Please include area code Telephone Number (Work) ( ) ( )
e. E-Mail Address:
Do you prefer to be contacted via this e-mail address? ☐Yes ☐No
5. What is your relationship to the person for whom you are filing the complaint?
6. Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. ☐Yes, I have permission. ☐No, I do not have permission.
7. I believe that the discrimination I experienced was based on (check all that apply) ☐ **Race** ☐ **Color** ☐ **National Origin (Classes protected by Title VI)** ☐ Other (please specify)

Attachment B
Title VI Complaint Form and Procedures

8. Date of Alleged Discrimination (Month, Day, Year):
9. Where did the Alleged Discrimination take place?
10. Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). *Use the back of this form or separate pages if additional space is required.*
11. Please list any and all witnesses' names and phone numbers/contact information. *Use the back of this form or separate pages if additional space is required.*
12. What type of corrective action would you like to see taken?
13. Have you filed a complaint with any other Federal, State, or local agency, or with any Federal or State court? ☐Yes If yes, check all that apply ☐No a.☐Federal Agency (List agency's name) b.☐ Federal Court (Please provide location) c.☐ State Court d.☐ State Agency (Specify Agency) e.☐ County Court (Specify Court and County) f. ☐ Local Agency (Specify Agency)
14. Please provide information about a contact person at the agency/court where the complaint was filed. Name: Title:
Agency: Telephone ( )
Address:
City: State: Zip Code:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date is required:

_____ _____
Signature Date

If you completed Questions 4, 5 and 6, your signature and date is required

_____ _____
Signature Date

Attachment B
Title VI Complaint Form and Procedures

SAMPLE
(Your agency's name)
Title VI Procedures

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the grounds 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."

Any person who believes that he/she has been aggrieved by an unlawful discriminatory practice on the basis of race, color or national origin by (insert your agency's name) may file a complaint by completing and submitting (your agency's name) the Title VI Complaint form.

How do you file a complaint?

You may download the (your agency's name) Title VI Complaint Form at (give web address), or request a copy by writing or phoning (list your agency's full name, address and phone number).

You may file a signed, dated and written complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- Your name, address and telephone number. (See Question 1 of the Complaint Form)
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. (See Questions 7, 8, 9, and 10 of the Complaint Form)
- The names of any persons, if known, whom the director could contact for clarity of your allegations. (See Question 11 of the Complaint Form)

Please submit your complaint form to address listed below:

Director
Your agency's name and address

How will your complaint be handled?

(Your agency's name) investigates complaints received no more than 180 days after the alleged incident. (Your agency's name) will process complaints that are complete. Once a completed complaint is received, (Your agency's name) will review it to determine if (your agency's name) has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by (your agency's name).

Attachment B
Title VI Complaint Form and Procedures

(Your agency's name) will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, (your agency's name) may contact the complainant. Unless a longer period is specified by (your agency's name), the complainant will have ten (10) days from the date of the letter to send requested information to the (your agency's name) investigator assigned to the case.

If (your agency's name) investigator is not contacted by the complainant or does not receive the additional information within the required timeline, (your agency's name) may administratively close the case. A case may be administratively closed also if the complainant no longer wishes to pursue their case.

After an investigation is complete, (your agency's name) will issue a letter to the complainant summarizing the results of the investigation, stating the findings and advising of any corrective action to be taken as a result of the investigation. If a complainant disagrees with (your agency's name) determination, he/she may request reconsideration by submitting a request in writing to (your agency's name) director (or the appropriate title) within seven (7) days after the date of (your agency's name) letter, stating with specificity the basis for the reconsideration. The director (or the appropriate title) will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 days. In cases where reconsideration is granted, the director (or the appropriate title) will issue a determination letter to the complainant upon completion of the reconsideration review.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, then contact (your agency's name) at (phone number).

Attachment C
Staff LEP Survey Form

STAFF LEP SURVEY

[Agency] is studying the language assistance needs of its riders so that we can better communicate with them and increase ridership. Please complete the following survey and return it to X by X.

How often do you come into contact with passengers who do not speak English or have trouble understanding you when you speak English to them? (Circle one)

Daily Weekly Monthly Less frequently than monthly

What languages do these passengers speak? Please list.

What other foreign languages do you understand or speak?

Would you be willing to serve as a translator when needed?

Attachment C
Staff LEP Survey Form

OUTSIDE ORGANIZATION LEP SURVEY

Organization:

What language assistance needs are encountered?

What languages are spoken by persons with language assistance needs?

What language assistance efforts are you undertaking to assist persons with language assistance needs?

When necessary, can we use these services?

Would you like information on transportation services?