



SACRAMENTO REGIONAL TRANSIT DISTRICT

FTA Section 5339 Program Management Plan

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BACKGROUND AND INTRODUCTION

Authorizing Federal Legislation

The Federal Transit Act was reauthorized by Congress under the Fixing America's Surface Transportation Act (FAST Act), Public Law 114-94, signed into law on December 4, 2015, with an effective date of October 1, 2015.

As part of the Federal Transit Act, as amended, the Bus & Bus Facilities Infrastructure Investment Program (49 U.S.C. 5339) makes federal resources (hereinafter Section 5339 funds) available to States and designated recipients to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities including technological changes or innovations to modify low or no emission vehicles or facilities.

Section 5339 funds are available through three funding subprograms:

- Section 5339(a): A statutory formula to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities.
- Section 5339(b): Competitive grants to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities.
- Section 5339(c): Competitive grants for bus and bus facility projects that support low and zero-emission vehicles.

Section 5339 funds for the Sacramento urbanized area (UZA) are apportioned as described in this Program Management Plan to public agencies or private nonprofit organizations engaged in public transportation. As the designated recipient for the Sacramento UZA, some Section 5339 funds are apportioned to the Sacramento Regional Transit District (SacRT) and sub-allocated to other public transportation operators. Other Section 5339 funds may be awarded directly to government entities that operate fixed route bus service and are eligible to receive direct federal grants under Section 5307 and 5311.

Statutory References

49 U.S.C. Section 5339 / FAST Act Section 3017

Program Guidance

FTA Circular C 5100.1 Bus and Bus Facilities Program: Guidance and Application Instructions (https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_C_5100_4-16-15.pdf), issued on May 18, 2015.

A. PROGRAM GOALS AND OBJECTIVES

The purpose of this Program Management Plan (PMP) is to:

1. Facilitate program management of Section 5339 funds;
2. Ensure that Section 5339 funds are fairly and equitably distributed and provide program guidance to Section 5339 applicants;
3. Provide public information on the administration of SacRT's Section 5339 fund program; and
4. Serve as the basis for FTA to perform management reviews of SacRT's Section 5339 fund program

B. ROLES AND RESPONSIBILITIES

SacRT:

As the designated recipient in the Sacramento urbanized area, SacRT sub-allocates some Section 5339 funds to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation. This process is done in coordination with the Sacramento Area Council of Governments (SACOG) and the Transit Coordinating Committee (TCC). See below and Section F for additional information on SACOG and the TCC. SacRT assists with preparing applications to FTA Region IX for both formula and discretionary Section 5339 fund projects. SacRT then monitors subrecipients of Section 5339 funds for compliance with federal laws and regulations and the terms and conditions of the subrecipient agreement.

Sacramento Area Council of Governments (SACOG):

As the Metropolitan Planning Organization (MPO) for the Sacramento Region and Regional Transportation Planning Agency (RTPA) for the counties of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba, and the cities therein, SACOG assists with regional transit activities and coordination. SACOG is responsible for the Sacramento Metropolitan Transportation Improvement Program (MTIP), which is a comprehensive listing of upcoming transportation projects covering a period of four years that is circulated for public review. SACOG is also responsible for soliciting Section 5339 competitive/discretionary projects, performing a technical evaluation of project applications, and, once approved, adding projects to the MTIP.

Sacramento Urbanized Area (UZA) Public Transportation Providers:

Eligible public transportation providers in the Sacramento UZA include the City of Citrus Heights, El Dorado County Transit Authority, City of Elk Grove, City of Folsom, City of Lincoln, County of Placer, City of Rocklin, City of Roseville, SacRT, Yolo County Transportation District, Yuba-Sutter Transit Authority, Paratransit, Inc., South County Transit/Link, and Unitrans. Public transportation providers in the Sacramento UZA are responsible for providing data for the earned share based Section 5339 funds, submitting proposed projects for competitive/discretionary Section 5339 funds, and providing a representative for the TCC.

Transit Coordinating Committee (TCC):

SACOG established the TCC to assist in federal planning and oversight of transit activities in the region. Members are transit operators in the region including Sacramento Regional Transit District, Paratransit, Inc., e-tran/Elk Grove Transit, Folsom Stage Line, Yolo County Transportation District, Yuba-Sutter Transit, Roseville Transit, El Dorado Transit, South County Transit/Link, Unitrans, and Placer County Transit. The TCC meets bimonthly (February, , April, June, August, October, and December) to discuss current issues and updates on service and planning projects. The TCC also contributes to the policy-making and programming activities of SACOG and facilitates coordination within the region. Each TCC meeting is open for public observation. Through the TCC, the performance based earned share distribution of Section 5339 funds are determined and the award of competitive 5339 funds are coordinated.

C. COORDINATION

The TCC provides a forum for the discussion of transit plans and issues, coordinates transit studies and systems on a regional basis, and disseminates federal, state and local transit information. SACOG is the facilitator of the TCC

and provides support for service and planning coordination among the region's transit operators through this committee. Through the TCC the distribution of earned share 5339 funds is determined and grants for competitive 5339 funds are coordinated.

D. ELIGIBLE SUBRECIPIENTS

Eligible Subrecipients are public agencies or private nonprofit organizations engaged in public transportation in the Sacramento Region.

E. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

5339(a) and 5339(b) Formula and Competitive Programs:

The maximum federal share for projects selected under the Buses and Bus Infrastructure Program is 80 percent of the net project cost, unless one of the following exceptions applies:

1. The maximum federal share is 85 percent of the net project cost of acquiring vehicles (including clean-fuel or alternative fuel vehicles) that are compliant with the Clean Air Act (CAA) and/or the Americans with Disabilities Act (ADA) of 1990; or
2. The maximum federal share is 90 percent of the net project cost of acquiring, installing or constructing vehicle-related equipment or facilities (including clean fuel or alternative-fuel vehicle-related equipment or facilities) that are required by the ADA of 1990, or that are necessary to comply with or maintain compliance with the Clean Air Act. The award recipient must itemize the cost of specific, discrete, vehicle-related equipment associated with compliance with ADA or CAA to be eligible for the maximum 90 percent federal share for these costs.

5339(c) Low or No Emissions Bus Discretionary Program:

The maximum federal participation under the Low or No Emissions Bus Discretionary Program is:

1. 85 percent of the total costs to lease or acquire a transit bus.
2. 90 percent of the net project cost of leasing or acquiring bus-related equipment or facilities that are attributable to compliance with the Clean Air Act, such as recharging or refueling facilities.

For both the 5339 Competitive Program and the 5339 Low and No Emissions Bus Discretionary Program, the FTA may prioritize projects proposed with a higher local share.

Eligible sources of local match include the following:

Cash from non-Government sources other than revenues from providing public transportation services; revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; or funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; or

new capital. In addition, transportation development credits or documentation of in-kind match may substitute for local match if identified in the application.

F. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

SACOG (MPO and RTPA) and public transportation providers in the Sacramento urbanized area (City of Citrus Heights, El Dorado County Transit Authority, City of Elk Grove, City of Folsom, City of Lincoln, County of Placer, City of Rocklin, City of Roseville, SacRT, Yolo County Transit District, and Yuba-Sutter Transit Authority), as set forth in a Memorandum of Understanding executed on August 17, 2015, developed a locally-acceptable methodology process for the selection of transit projects and sub-allocation of federal funds in the Sacramento urbanized area, including Section 5339 funds.

Sub-allocation methodology is comprised of two parts: the Performance Based Earned Share and the Discretionary Share.

The Performance Based Earned Share allocates 88% of the Sacramento urbanized area funds based on transit system service data derived from the most recent National Transit Database information available. Service and performance attributes include vehicle revenue miles, vehicle revenue hours, population and unlinked passenger trips.

The Discretionary Share distributes the remaining 12% of the Sacramento urbanized area funds based on a regional competition for projects. The process involves a Call for Projects. SACOG staff then provides technical evaluation of projects and score applications using criteria developed and agreed upon by a working group of local public transit operators. When scoring is complete, the TCC reviews the prioritized project list, which is then submitted to SACOG's Transportation Committee and Board of Directors. Once approved, projects are added by SACOG to the MTIP.

Project Selection

Project selection is based on factors that include the following criteria:

- Consistency with implementation of the SRTP's and the RTP/MTIP.
- Degree to which the project will sustain or improve transit levels of service
- Project readiness
- Timely implementations of projects programmed through the SRTP and MTP planning process.
- Ability to segment, phase or defer project work
- Availability of other funds.

Method of Distributing Funds

Distribution of funds is determined by the award agreement with the FTA. Award agreements are either made directly with a Transit provider or through an award to SacRT with a sub-allocation agreement to a transit provider. This method of distribution depends on the direct recipient status of the transit provider or whether a single competitive application includes more than one transit provider:

- Government entities that operate fixed route bus service and are eligible to receive direct federal grants under Section 5307 and 5311 may enter into a Section 5339 award agreement directly with the FTA.

- Transit providers who are not eligible to be direct recipients are included on an award agreement between SacRT and the FTA and will receive the funds through a subrecipient agreement with SacRT.
- If a transit provider submits a single regional application for competitive Section 5339 funds, SacRT will enter into an award agreement with the FTA and the other transit providers will receive the funds through a subrecipient agreement with SacRT.

G. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

SACOG is responsible for a Call for Projects, in which Sacramento UZA public transportation providers are asked to identify and submit Section 5339 discretionary fund projects. Participating transit operators must provide SACOG with sufficient project detail to (1) convey an understanding of the project, (2) meet FTA grant application requirements, and (3) provide a clear linkage to MTIP project descriptions.

SACOG then performs a technical evaluation and scoring of project applications and compares projects against the policies of the Metropolitan Transportation Plan/Sustainable Communities Strategy and the transit operators' short-range transit plans. Once approved by the TCC and the SACOG Board of Directors, SACOG updates the MTIP. This allows transit operators to apply to the FTA to receive funding.

H. TRANSFER OF FUNDS

As described in Section F, public transportation providers allocated Section 5339 funds may or may not qualify as a direct recipient. Those that do qualify may enter into an award agreement for the funds directly with the FTA or may be included on a SacRT award agreement with the FTA. Those that do not qualify will be included in a SacRT award agreement with FTA. This Section is for the transfer of funds that are included on a SacRT award and require a subrecipient agreement with the appropriate agency(s) for specific projects included on the SacRT award with FTA. SacRT is not part of the process when an agency enters into an award agreement directly with FTA.

The purpose of the subrecipient agreement is to set out the terms and conditions applicable to SacRT's transfer of Section 5339 funds to another agency, as a subrecipient, for the development of a transportation project as described in SacRT's Section 5339 award. Subrecipients must comply with all applicable federal statutes, regulations and terms and conditions of the subaward and ensure that each subaward is used for its authorized purpose and that subaward performance goals are achieved.

After execution of the subrecipient agreement, costs incurred by the subrecipient can be invoiced. The invoice must be properly documented and supported by required Progress and Financial Status Reports. SacRT will draw down the Section 5339 funds and pay the subrecipient the Federal Section 5339 share of the invoice.

I. CIVIL RIGHTS

Non-Discrimination (Title VI)

SacRT complies with all provisions prohibiting discrimination on the basis of race, color, or national origin as set forth in Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d et seq.), 49 C.F.R. Part 21, the FTA Master Grant Agreement, and FTA Circular 4702.1 (and as all are amended). SacRT includes in its subrecipient agreements that the subrecipient must comply with all requirements of Title VI. SacRT provides technical assistance to

subrecipients on Title VI matters as needed and monitors subrecipient compliance through questionnaires, record requests, desktop audits, and site visits.

Equal Employment Opportunity (EEO)

SacRT complies with all applicable equal employment opportunity (EEO) requirements as set forth in Title VII of the Civil Rights Act of 1964 (42 U.S.C. Section 2000e et seq.), the FTA Master Grant Agreement, and FTA Circular 4704.1 (and as all are amended). SacRT includes in its subrecipient agreements that the subrecipient must comply with all EEO requirements. SacRT provides technical assistance to subrecipients on EEO matters as needed and monitors subrecipient compliance through questionnaires, record requests, desktop audits, and site visits.

Disadvantaged Business Enterprises (DBE)

SacRT complies with Section 1101(b) of the FAST Act, 49 C.F.R. Part 26, and the FTA Master Grant Agreement (and as all are amended). To the extent authorized by applicable federal laws, regulations, or requirements, SacRT facilitates (and assures that subrecipients and third party participants facilitate), participation by small business concerns owned and controlled by socially and economically disadvantaged individuals, also referred to as "Disadvantaged Business Enterprises" (DBEs). SacRT includes in its subrecipient agreements that the subrecipient must comply with all DBE requirements. SacRT provides technical assistance to subrecipients on DBE matters as needed and monitors subrecipient compliance through questionnaires, record requests, desktop audits, and site visits.

J. SECTION 504 AND ADA REPORTING

SacRT complies with federal prohibitions against discrimination based on disability, including Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794), The Americans with Disabilities Act of 1990 (ADA; 42 U.S.C. Section 12101 et seq.) and the FTA Master Grant Agreement (and as all are amended). SacRT includes in its subrecipient agreements that the subrecipient must comply with all ADA and nondiscrimination requirements. SacRT provides technical assistance to subrecipients on ADA matters, as needed, and monitors subrecipient compliance through questionnaires, record requests, desktop audits, and site visits.

K. PROGRAM MANAGEMENT

Subrecipient Monitoring

SacRT is responsible for ensuring that its subrecipients of Section 5339 funds comply with all applicable federal statutes, regulations and terms and conditions of the subaward. SacRT must also ensure that each subaward is used for its authorized purpose and that subaward performance goals are achieved. SacRT has developed specific monitoring practices that provide for oversight of subrecipients. Subrecipient monitoring includes pre-award assessments, periodic monitoring, and completion of project reviews. Subrecipient monitoring is accomplished through various means based on the needs of the individual award. Procedures and techniques used depend upon the type, size, and duration of the award, the subrecipient agency experience with Section 5339 funds, and the complexity of the project covered by the award.

1. Pre-Award Assessment

Initial monitoring begins with a pre-award assessment of the prospective subrecipient's abilities and resources to apply to the award. This assessment is to determine whether the subrecipient can achieve subaward performance goals.

2. Invoice Reviews
SacRT's Grants Department reviews and approves subrecipient invoices for reimbursement. Only eligible expenses may be charged to FTA awards. Invoices must have sufficient supporting documentation.
3. Quarterly Reporting
Subrecipients must prepare a narrative Progress Report and a Financial Status Report on forms specified by SACRT describing the progress of the work and expenditures for Section 5339 funded transportation projects each quarter. The Progress Report must contain: (1) a description of the work completed during the prior period, (2) tasks expected to be completed during the next period; and (3) explanations of any problems or delays encountered or anticipated. The Financial Status Reports must include, at a minimum, the information as described on forms provided by SacRT and must be accompanied by an invoice and supporting documentation.
4. Compliance Reviews: remote/desktop review
Remote monitoring will be performed every year by different departments at SacRT with subject matter expertise. Remote monitoring involves requests for information, such as policies, procedures, and records, a review of such documentation, and a report back to subrecipients on the review, including any required corrective action.
5. Compliance Reviews: onsite review
Onsite reviews will be performed at least every three years by different departments at SacRT with subject matter expertise. Onsite reviews involve an initial request for information and documentation, a review of such documentation, follow-up questions, and a site visit. During the site visit SacRT will interview staff, review any additional requested documentation and records, and visit and inspect federally funded facilities, vehicles, other major assets. Following the site visit SacRT will prepare a compliance review report.

See Exhibit 1 for an overview of subrecipient compliance areas and Exhibit 2 for the checklist SacRT uses to address these areas of subrecipient compliance.

Financial Management

SacRT provides financial management of Section 5339 funds by 1) working with SACOG and subrecipients to obtain all information required to enter into an agreement with FTA; 2) reviewing subrecipients expenses and reimbursements to ensure proper backup documentation is provided to support invoices and Electronic Clearing House Operation (ECHO) draws; 3) reviewing subrecipient reporting for accuracy including FTA quarterly milestone and financial reports and subrecipient agency financial reports; and 4) performing on-going monitoring including financial reviews, site visits and/or desk reviews to ensure compliance with federal and contractual requirements.

Procurement

Each subrecipient is required to conduct procurement activities in accordance with their own procurement procedures that comply with the requirements of 2 CFR Part 200 and FTA Circular 4220.1F, as both are amended.

Property Management and Vehicle Use, Maintenance, and Disposition

SacRT complies with all applicable requirements in the FTA Grant Management Guidelines (FTA Circular 5010.1, as amended) with regard to equipment, supplies, and rolling stock purchases by making the requirements part of the subrecipient agreement.

Financial Management

SacRT complies with all applicable standards set forth in 2 CFR Part 1201 and guidance in the FTA Grant Management Guidelines (FTA Circular 5010.1, as amended) with regard to accounting records, internal controls, budget control, financial management systems, cost standards, financial reporting requirements, and annual audit.

Accounting System

SacRT uses SAP software to record and track program expenditures and encumbrances.

Audit

SacRT complies with the requirements of 2 CFR Part 200. Subrecipients that expend \$750,000 or more in a year in federal assistance from all resources must have a single audit conducted, except when they elect to have a program-specific audit conducted. At a minimum, SacRT requires subrecipients to bring to SacRT's attention any audit findings related to the FTA Program or other DOT program findings.

Close-Out

Upon project completion, SacRT complies with the Award Closeout requirements set forth in the FTA Grant Management Guidelines (FTA Circular 5010. 1, as amended).

Project Monitoring and Reporting

SacRT maintains a project system to track project expenditures, amounts charged to funding sources, local matching sources, and project budgets and schedules. SacRT is responsible for reporting to FTA the total expenditures for each federal grant and reconciling the grant expenditures and revisions to the project budgets. Further, subrecipients are required to submit to SacRT status reports on a quarterly basis that will be submitted as required to FTA in accordance with the FTA Grant Management Guidelines (FTA Circular 5010. 1, as amended). Further, SacRT has developed specific monitoring practices that provide for the comprehensive oversight of subrecipients and ensures compliance with all provisions through questionnaires, record requests, desktop audits, and site visits.

On-Site Reviews

SacRT may perform on-site project monitoring visits with subrecipients. Site visits may be conducted using checklists that outline accounting and record-keeping requirements in compliance with 2 CFR Part 200 and, 2 CFR Part 1201.

Standards for Productivity, Cost-Effectiveness, and Service

SacRT has not set specific standards for productivity, cost-effectiveness, and service. Subrecipients are required to report on the program measures as outlined above.

L. OTHER PROVISIONS

Environmental Protection

If a project is approved that is subject to environmental review, SacRT will require the subrecipient to prepare all required environmental documents and Notice of Determination(s) for federal certification before the subrecipient receives any project funds.

Buy America, Pre-Award and Post-Delivery Reviews

SacRT require subrecipients to certify compliance with Buy America requirements in 49 USC 5323(j).

Restrictions on Lobbying

SacRT requires each subrecipient to complete FTA's Certification on Lobbying prior to contract execution.

Prohibition on Exclusive School Transportation

Subrecipients must comply with federal restrictions on school bus operations as set forth in 39 CFR 605.

Drug and Alcohol Testing

Subrecipients will comply with drug and alcohol testing program as set forth in 49 C.F.R. Part 655.

Maintenance

Subrecipients must maintain all Section 5339 funded assets in a state of good repair for the entirety of their useful service life. Subrecipients must submit to SacRT a copy of an up-to-date vehicle or facilities maintenance plan, as applicable to the subaward, that meets FTA requirements for FTA-funded vehicles and facilities. On at least an annual basis, SacRT's Bus Maintenance or Facilities Maintenance staff as applicable based on the project funded, or their designee, reviews all subrecipient's preventive maintenance records, both on time and late (which is more than a 10 percent variance from the scheduled interval) and repair records to determine if work completed is consistent with the submitted maintenance plan, including the on time performance of preventive maintenance (the FTA allows a 10 percent deviation from the scheduled interval as being considered on time, and at least 80 percent of preventive maintenance must be performed on time to be considered consistent with a maintenance schedule). Additionally, subrecipients must report preventive maintenance (on time and late) to SacRT on a quarterly basis. SacRT determines if accessibility features are included in the maintenance plan and if regular maintenance checks are being performed on accessibility features to ensure proper operational condition or timely repair. SacRT also reviews subrecipient warranty recovery procedures and warranty claims to ensure claims on FTA-funded assets are timely and aggressively pursued.

Exhibit 1 Overview of Subrecipient Compliance Areas

Compliance Area	Capital Projects	Transit	Planning	Basic Requirement
1. Legal	All subrecipients	All subrecipients	All subrecipients	Recipients must promptly notify the Federal Transit Administration (FTA) of legal matters and additionally notify the U.S. DOT Office of Inspector General (OIG) of any instances relating to false claims under the False Claims Act or fraud. Recipients must comply with restrictions on lobbying requirements. Subrecipients must comply with restrictions on lobbying requirements.
2. Financial Management and Capacity	All subrecipients	All subrecipients	All subrecipients	The subrecipient must demonstrate the ability to match and manage FTA grant funds, cover cost increases and operating deficits, cover maintenance and operational costs for FTA funded facilities and equipment, as well as conduct and respond to applicable audits.
4. Technical Capacity - Project Management	All subrecipients	All subrecipients	All subrecipients	The subrecipient must be able to implement FTA funded projects in accordance with the grant application, Master Agreement, and all applicable laws and regulations, using sound management practices.
6. Satisfactory Continuing Control	All subrecipients	All subrecipients	All subrecipients	The subrecipient must ensure that FTA-funded property will remain available to be used for its originally authorized purpose throughout its useful life until disposition.
7. Maintenance	All subrecipients with FTA funded facilities	All subrecipients with FTA funded rolling stock or FTA funded facilities	All subrecipients with FTA funded facilities	Subrecipients must keep federally funded vehicles, equipment, and facilities in good operating condition. Subrecipients must keep ADA accessibility features on all vehicles, equipment and facilities in good operating order.
8. Procurement	All subrecipients	All subrecipients	All subrecipients	(1) Subrecipients use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and the procedures conform to applicable federal law, including 49 CFR Part 18 (specifically Section 18.36) and FTA Circular 4220.1F, "Third Party Contracting Guidance." (2) The subrecipient must comply with restrictions on lobbying requirements.
9. DBE	All subrecipients with over \$250K in FTA contracting opportunities	All subrecipients with over \$250K in FTA contracting opportunities	All subrecipients with over \$250K in FTA contracting opportunities	The subrecipient must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Subrecipients also must create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
10. Title VI	All subrecipients	All subrecipients	All subrecipients	The subrecipient must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance without regard to whether specific projects or services are federally funded. The subrecipient must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Compliance Area	Capital Projects	Transit	Planning	Basic Requirement
11. ADA - General	All subrecipients with FTA funded facilities	All subrecipients operating fixed route services		Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.
12. ADA - Complementary Paratransit	-	All subrecipients operating fixed route services	-	Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.
13. EEO	All subrecipients with 50 or more transit related employees and either requests or received in excess of \$1M in capital and/or operating assistance or requests or receives in excess of \$250K in planning assistance.	All subrecipients with 50 or more transit related employees and either requests or received in excess of \$1M in capital and/or operating assistance or requests or receives in excess of \$250K in planning assistance.	All subrecipients with 50 or more transit related employees and either requests or received in excess of \$1M in capital and/or operating assistance or requests or receives in excess of \$250K in planning assistance.	The subrecipient must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws.
14. School Bus			All recipients operating School bus services	Subrecipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service. School tripper service that operates and looks like all other regular service is allowed.
15. Charter Bus			All recipients operating Charter bus services	Subrecipients are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Subrecipients are allowed to operate community based charter services excepted under the regulations.
16. Drug free workplace				All subrecipients are required to maintain a drug-free workplace for all employees and to have an ongoing drug-free awareness program.

Compliance Area	Capital Projects	Transit	Planning	Basic Requirement
17. Drug and alcohol program	All 5307, 5309, 5311 subrecipients with safety sensitive employees	All 5307, 5309, 5311 subrecipients with safety sensitive employees		Subrecipients receiving Section 5307, 5309 or 5311 funds that have safety-sensitive employees must have a drug and alcohol testing program in place for such employees.
18. Section 5307 Program Requirements	All 5307 subrecipients	All 5307 subrecipients	All 5307 subrecipients	(1) Section 5307 subrecipients are expected to have a written, locally developed process for soliciting and considering public comment before raising a fare or carrying out a major transportation service reduction. (2) For fixed route service supported with Section 5307 assistance, fares charged elderly persons, persons with disabilities or an individual presenting a Medicare card during off peak hours will not be more than one half the peak hour fares. (3) Program of Projects (POP): Each recipient of a Section 5307 grant shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a POP.

Exhibit 2 Subrecipient Compliance Checklist

Subrecipient: _____
 Period: _____

Reviewer: _____
 Date: _____

Compliance Area	Basic Requirement	Review Completed	Corrective Action	Date
1. Legal	Subrecipients must comply with restrictions on lobbying requirements.			
2. Financial Management and Capacity	The subrecipient must demonstrate the ability to match and manage FTA grant funds, cover cost increases and operating deficits, cover maintenance and operational costs for FTA funded facilities and equipment, as well as conduct and respond to applicable audits.			
4. Technical Capacity - Project Management	The subrecipient must be able to implement FTA funded projects in accordance with the grant application, Master Agreement, and all applicable laws and regulations, using sound management practices.			
6. Satisfactory Continuing Control	The subrecipient must ensure that FTA-funded property will remain available to be used for its originally authorized purpose throughout its useful life until disposition.			
7. Maintenance	Subrecipients must keep federally funded vehicles, equipment, and facilities in good operating condition. Subrecipients must keep ADA accessibility features on all vehicles, equipment and facilities in good operating order.			
8. Procurement	(1) Subrecipients use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and the procedures conform to applicable federal law, including 49 CFR Part 18 (specifically Section 18.36) and FTA Circular 4220.1F, "Third Party Contracting Guidance." (2) The subrecipient must comply with restrictions on lobbying requirements.			
9. DBE	The subrecipient must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Subrecipients also must create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.			
10. Title VI	The subrecipient must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance without regard to whether specific projects or services are federally funded. The subrecipient must ensure that federally supported transit services and related benefits are distributed in an equitable manner.			

Exhibit 2 Subrecipient Compliance Checklist

Compliance Area	Basic Requirement	Review Completed	Corrective Action	Date
11. ADA - General	Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.			
12. ADA - Complementary Paratransit	Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.			
13. EEO	The subrecipient must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws.			
14. School Bus	Subrecipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service. School tripper service that operates and looks like all other regular service is allowed.			
15. Charter Bus	Subrecipients are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Subrecipients are allowed to operate community based charter services excepted under the regulations.			
16. Drug free workplace	All subrecipients are required to maintain a drug-free workplace for all employees and to have an ongoing drug-free awareness program.			