

# **PROGRAM MANAGEMENT PLAN**

**Federal Transit Administration  
Section 5310 Enhanced Mobility of Seniors  
and Individuals with Disabilities Program**

**Los Angeles County Metropolitan  
Transportation Authority**

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## **PROGRAM MANAGEMENT PLAN**

### **1.0 Goals and Objectives**

The Program Management Plan (PMP) documents and describes the policies and procedures of the Los Angeles County Metropolitan Transportation Authority (LACMTA or Metro) for managing the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program. The PMP applies to Section 5310 funds apportioned by the FTA and those further allocated by the Southern California Association of Governments (SCAG) to areas in Los Angeles County for which Metro is the Designated Recipient (per the authority delegated by the Governor of the State of California in April 2014). These areas are fully or partially comprised within the following large urbanized areas (UZAs): i) Lancaster-Palmdale; ii) Santa Clarita; and iii) Los Angeles-Long Beach-Anaheim. This PMP is a living document. It will be updated to incorporate changes in federal law, FTA guidance, and/or Metro's management of the Section 5310 Program.

The PMP has two primary goals:

- i) Facilitate FTA's oversight of how Metro administers the Section 5310 Program by providing the basis to perform management reviews; and
- ii) Provide public information on Metro's administration of the Section 5310 Program, including guidance to applicants on how to apply for funding for eligible projects.

To achieve these goals, Metro intends to fulfill the following objectives:

- Identify and inform eligible applicants of the availability of Section 5310 funds;
- Conduct workshops for potential and successful applicants and establish the requirements for subrecipients to enter into funding agreements with Metro;
- Establish a fair and equitable funding allocation process that provides funds to eligible subrecipients to address sub-regional and regional needs and includes an open competitive process for soliciting and evaluating proposals;
- Encourage, to the maximum extent feasible, that Section 5310 funded services are coordinated with transportation services assisted by other federal programs;
- Ensure compliance by Metro and its subrecipients with FTA and other federal requirements, such as Title VI and Americans with Disabilities Act of 1990 (ADA);
- Ensure that no Section 5310 funds managed by Metro lapse for not being obligated in a grant by the FTA within the period specified in federal law;
- Develop the Coordinated Public Transit-Human Services Transportation Plan for Los Angeles County ("Coordinated Plan") in compliance with FTA guidance; and
- Ensure that projects and activities selected for Section 5310 funding awards address one or more of the needs, goals, and strategies identified in the Coordinated Plan.

## 2.0 Program Overview

On July 6, 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP-21). The law became effective on October 1, 2012. It authorized funding for the Section 5310 and other federal programs through October 2015 (through the writing of this PMP) after several extensions to its original two-year term. The goal of the Section 5310 Program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available to them. Federal law defines seniors as individuals who are 65 years of age or older. Similarly, it defines persons with disabilities as those with a physical or mental impairment that substantially limits one or more of their major life activities, those who have a record of such an impairment, or are regarded as having such an impairment.

Under MAP-21, the former Section 5317 New Freedom Program, which funded activities beyond those required by the ADA, was repealed and merged into the Section 5310 Program that was authorized by prior federal law. MAP-21 renamed the revised Section 5310 Program as the Enhanced Mobility of Seniors and Individuals with Disabilities Program. As a result of this merge, activities eligible under the former Section 5317 Program are now eligible under the Section 5310 Program. Similarly, activities that were previously eligible under the Section 5310 Program continued to be eligible under MAP-21. On average, during the 3-year period of MAP-21 from federal fiscal year (FFY) 2013 through FFY 2015, the large urbanized areas within Los Angeles County received a combined total of about \$6.9 million per year in Section 5310 funds. About 95% of this total was allocated by SCAG to Metro for areas in Los Angeles County within the Los Angeles-Long Beach-Anaheim UZA. The funding balance was apportioned by the FTA to the Santa Clarita UZA (about 2% of the total) and the Lancaster-Palmdale UZA (about 3% of the total). Funds are apportioned by the FTA to large urbanized areas (those with a population of at least 200,000 individuals, such as the three UZAs comprised in Los Angeles County) following a federal formula that calculates the ratio of seniors and individuals with disabilities in a large urbanized area relative to the total corresponding for all such areas in the country. With the Los Angeles-Long Beach-Anaheim UZA comprising areas in four counties (Los Angeles, Orange, Ventura, and San Bernardino), Section 5310 funds apportioned to this UZA are further split by SCAG (following the federal formula, adjusted by low-income data) to the Designated Recipients for these counties: Metro, the Ventura County Transportation Commission (VCTC), and the California Department of Transportation (Caltrans).

Federal reauthorizing legislation proposed through the writing of this PMP would continue funding the Section 5310 Program. On average, the Section 5310 Program would be funded at about \$282 million per year nationwide during the six-year term of the proposed legislation, which represents an increase of about 9.4% compared to the \$258 million authorized by MAP-21 for FFY 2015. It is anticipated that Metro would continue to be the Designated Recipient of Section 5310 Program funds authorized in new federal law for large UZAs in Los Angeles County.

### 3.0 Eligible Projects

Section 5310 Program funds are available for capital and operating expenses to support the provision of transportation services to meet the specific needs of seniors and individuals with disabilities. MAP-21 requires that not less than 55 percent of a Designated Recipient's Section 5310 Program funds be made available for Traditional Capital Projects and up to 45 percent of such funds may be utilized for Other Capital and Operating Projects. Federal law and FTA guidance limit the amount that a Designated Recipient may use to fund Section 5310 Program administration costs (including administration, planning, and technical assistance for projects funded under this program) to up to 10 percent of its total fiscal year apportionment. Designated Recipients may pass any portion of funds available for administrative expenses, up to the allowable 10 percent, on to subrecipients for the same purpose. Any use of Section 5310 funds for this purpose would be at the expense of the 45 percent maximum share for Other Capital and Operating Projects.

Traditional Capital Projects are those that are planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Examples of Traditional Capital Projects include, but are not limited to:

- Rolling stock and related activities for Section 5310 Program funded vehicles.
- Passenger facilities related to Section 5310 Program funded vehicles.
- Support facilities and equipment for Section 5310 Program funded vehicles.
- Lease of equipment when lease is more cost effective than purchase.
- Acquisition of transportation services under a contract, lease, or other arrangement. Both capital and operating costs associated with contracted service are eligible capital expenses. Funds may be requested for contracted services covering a time period of more than one year.
- Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation.
- Capital activities (e.g., acquisition of rolling stock and related activities, acquisition of services, etc.) to support ADA-complementary paratransit service.

Other Capital and Operating Projects include those public transportation projects that: i) exceed ADA requirements; ii) improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service; or iii) provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation. Operating assistance for required ADA complementary paratransit service is not an eligible expense. Also, transit passes or vouchers for use on existing or new fixed route or ADA complementary paratransit service are not eligible. Examples of Other Capital and Operating Projects eligible for Section 5310 Program funds include, but are not limited to:

- Expansion of paratransit service beyond the ADA-required  $\frac{3}{4}$  of a mile.

- Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services.
- Accessible transit “feeder” service that provides access to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.
- Accessibility improvements to transit and intermodal stations not designated as key stations by federal law, such as building an accessible path to currently inaccessible bus stops (including curb cuts, sidewalks, accessible signals, etc.).
- Travel training and volunteer driver and aide programs.
- Vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs.

#### **4.0 Eligible Recipients and Subrecipients**

Per MAP-21, recipients are a Designated Recipient or a state that applies and receives a Section 5310 grant directly from the FTA. As applicable to Section 5310 funds apportioned or allocated to large UZAs within Los Angeles County, Metro is the only eligible applicant and recipient of a Section 5310 grant from the FTA. As the Designated Recipient, Metro will apply to FTA for funding through its electronic grant management system on behalf of itself and/or eligible subrecipients for Section 5310 projects within large UZAs in Los Angeles County. Eligible subrecipients vary by the type of Section 5310 project to be funded. Eligible subrecipients of Section 5310 Program funds for Traditional Capital Projects are limited to:

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

A local governmental authority includes: a political subdivision of a state (e.g., city or county); a state authority or an authority of a political subdivision of a state; and, a public corporation, board, or commission established under the laws of a state.

Similarly, eligible subrecipients of Section 5310 Program funds for Other Capital and Operating Projects are limited to:

- i) A private nonprofit organization;
- ii) A state or local governmental authority; or
- iii) An operator of public transportation (including private taxi companies that provide shared-ride service to the general public on a regular basis (i.e., two or more passengers in the same vehicle who are otherwise not traveling together).

Federal reauthorizing legislation proposed through the writing of this PMP would allow a state or local governmental entity that operates a public transportation service, but which is not a Designated Recipient of Section 5310 funds, to become a recipient (instead of subrecipient) and eligible to apply directly for a grant to the FTA. If this change is authorized, Metro would allow agencies meeting this new definition of recipient, and recommended for a funding award by the Metro Board of Directors, to apply directly to the FTA and receive a Section 5310 grant. If a Section 5310 grant submitted by an eligible direct recipient is approved, the FTA will be responsible for monitoring compliance with federal requirements, not Metro.

## **5.0 Guiding Policies**

Metro's guiding policies underlying its management of the Section 5310 Program and for establishing goals for providing transportation services to seniors and persons with disabilities are the Long Range Transportation Plan (LRTP) and the Coordinated Plan, which among their goals is to improve the mobility of seniors and persons with disabilities. As the State of California designated Regional Transportation Planning Agency (RTPA) for Los Angeles County, Metro develops a long-range vision for the transportation system that reflects both regional and local needs, including enhancing the mobility of seniors and persons with disabilities. The LRTP guides overall funding decisions on subsequent transportation projects and programs in Los Angeles County, including those aimed to serve the target populations of the PMP. The Coordinated Plan guides funding decisions that are more specific to seniors and persons with disabilities. These documents establish long-term and short-term goals (30 years for the LRTP and 4 years for the Coordinated Plan) for providing transportation services in Los Angeles County, including those targeted to seniors and people with disabilities. Other relevant Metro policies include: i) Complete Streets, which is designed to serve drivers, transit riders, pedestrians and bicyclists, as well as seniors, children, and persons with disabilities; ii) Countywide Sustainability Planning Policy, which aims to facilitate greater coordination and collaboration across transportation modes, planning disciplines, and government agencies; and iii) First/Last-Mile Strategic Plan, which targets to increase the reach of transit service.

Metro follows an extensive inter-agency and public consultation process for establishing goals for providing transportation services to seniors and people with disabilities in Los Angeles County, including consultation with elected officials and members of the general public. This process includes market and outreach activities, the opportunity for public comment, and public hearings. Metro also consults with agencies represented at its Technical Advisory Committee (TAC), Bus Operations Subcommittee (BOS), Local Transit Systems Subcommittee (LTSS), Accessibility Advisory Committee (AAC), and five Service Councils (San Fernando Valley, San Gabriel Valley, Gateway Cities, Westside/Central, and South Bay Cities). With the objective to promote the coordination of transportation services to address the mobility needs of seniors and persons with disabilities (among other target populations), public outreach activities are conducted to ensure coverage of the regions represented by Metro's Service Councils and other areas of the county.

This approach is followed due to the relevance of the objective of the Service Councils (i.e., improve bus service and promote service coordination with municipal and local transit providers) with one of the objectives of the Coordinated Plan (i.e., improve coordination with transportation services provided by transit and human services agencies). In support of achieving coordination and other stated objectives, Metro's inter-agency and public consultation process also includes nonurbanized areas in Los Angeles County, urbanized areas in neighboring counties for which Caltrans is the Designated Recipient of Section 5310 funds apportioned to these areas (i.e., Orange, Riverside, and San Bernardino Counties), and other Designated Recipients (i.e., VCTC representing the large UZAs of Oxnard and Thousand Oaks).

## **6.0 The 2016-2019 Coordinated Plan for Los Angeles County**

Federal law requires that projects selected for Section 5310 funding awards be included in a locally developed, coordinated public transit-human services transportation plan. It also requires such plans to be developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private and nonprofit transportation and human services providers, and other members of the public (e.g., persons of low-income, etc.). The FTA maintains flexibility in how projects appear in coordinated plans. Accordingly, projects may be identified as strategies, activities, and/or specific projects addressing an identified service gap or transportation coordination objective articulated and prioritized within the plan. Federal law also requires, to the maximum extent feasible, that funded services be coordinated with transportation services assisted by other federal departments and agencies.

The four-year 2016-2019 Coordinated Plan was adopted by the Metro Board of Directors in July 2015 following the inter-agency and public consultation process discussed in the previous section. In compliance with FTA guidance, the 2016-2019 Coordinated Plan includes the following four elements:

- An assessment of available transportation services that identifies current providers (public, private, and nonprofit) for seniors and persons with disabilities, as well as for military veterans and persons of low-incomes (collectively referred to as the "Target Populations");
- An assessment of transportation needs for the Target Populations;
- Strategies, activities, and/or projects to address the identified gaps between current services and needs, as well as opportunities to achieve efficiencies in service delivery; and
- Priorities for implementation based on resources (from multiple program sources), time, and feasibility for implementing specific strategies and/or activities identified.

The core of the 2016-2019 Coordinated Plan is the prioritization of thirty-eight strategies that were developed to address the needs and gaps of the Target Populations. Each strategy is clearly illustrated by making reference to several eligible projects and activities. As applicable, strategies are also identified as being regional or subregional. These strategies are organized around five main goals aimed enhance the mobility of the Target Populations:

- *Fund Mobility Options*: Sustain, fund and continue to expand the rich array of public, human services and private transportation available in Los Angeles County.
- *Address Mobility Gaps*: Improve coordination of transportation services provided by public transit operators, human service agencies, and private sources to address identified mobility gaps.
- *Provide Support Services*: Provide necessary support services to enable better accessibility to transportation services by seniors, disability, low-income and military veteran populations.
- *Promote and Improve Information Portals*: Promote, improve and expand multi-lingual information portals on mobility options.
- *Enhance Accountable Performance Monitoring Systems*: Build upon customer feedback and accountable performance monitoring systems to ensure that responsive, high quality service is maintained.

In compliance with federal requirements, and because Los Angeles County comprises air quality nonattainment areas (as designated by the US Environmental Protection Agency), the 2016-2019 Coordinated Plan will be updated after four years and as needed to comply with new federal law and guidance. The 2016-2019 Coordinated Plan comprises all urbanized and nonurbanized areas in Los Angeles County. Agencies considering applying for Section 5310 funds through Metro should use the 2016-2019 Coordinated Plan as reference to verify that their proposed projects are among the strategies and activities included in this plan.

Applications submitted in response to a Section 5310 Solicitation for Proposals managed by Metro must be for projects located in or with a nexus to areas in Los Angeles County comprised within the large UZAs of Lancaster-Palmdale, Santa Clarita, or Los Angeles-Long Beach-Anaheim. Agencies considering applying for Section 5310 funds through Caltrans' Section 5310 Call for Projects for activities located in rural and other nonurbanized areas of Los Angeles County should also make reference to the 2016-2019 Coordinated Plan to verify that their proposed projects are among the strategies and activities included in this plan. However, they should consult the state agency's PMP regarding policies and procedures followed by Caltrans for managing the Section 5310 Program, as Metro has no administrative or managerial roles or responsibilities as applicable to funds apportioned to these areas from this program. Metro's roles and responsibilities are discussed in the following section.

## 7.0 Roles and Responsibilities

### 7.1 Metro

To fulfill its management and administrative roles and responsibilities, Metro will follow the provisions of the regulations of the United States Office of Management and Budget included in the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (2 CFR Part 200 or “Uniform Guidance”), which became effective on December 26, 2014 for new awards and additional funding to existing awards made on or after this date. Metro will also comply with the requirements of 2 CFR Part 1201, which also became effective on December 26, 2014 and were adopted by the United States Department of Transportation (USDOT). More specifically, and consistent with FTA guidance for the Section 5310 Program, Metro’s roles and responsibilities as the Designated Recipient of Section 5130 funds apportioned or allocated to large urbanized areas (i.e., over 200,000 in population) within Los Angeles County include the following:

- a. Document its procedures in a PMP;
- b. Plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;
- c. Decide whether to conduct an area wide competitive selection process and, if so, develop the project selection process and conduct the competition;
- d. Develop project selection criteria consistent with the coordinated planning process and with the procedures documented in the PMP;
- e. Notify eligible local entities of funding availability;
- f. Solicit applications from potential subrecipients and other eligible recipients;
- g. Determine applicant and project eligibility, including verification of fundable status;
- h. Select projects for a funding award and certify that allocations of funds to subrecipients and other eligible recipients are made on a fair and equitable basis;
- i. Submit an annual Program of Projects (POP) and grant applications to the FTA;
- j. Certify that all projects selected for funding are included in a locally developed, coordinated public transit-human service transportation plan developed and approved through a process that included participation by: seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public;

k. Certify that to the maximum extent feasible, that services funded by the Section 5310 Program are coordinated with transportation services assisted by other federal departments and agencies;

l. Ensure that at least 55 percent of the annual apportionments for each one of the three large UZAs in Los Angeles County are used for Traditional Capital Projects carried out by eligible subrecipients and other eligible recipients;

m. Notify applicants of Metro's funding award recommendations;

n. Apply for funding using the FTA's electronic grant management system on behalf of itself and/or eligible subrecipients selected for a Section 5310 funding award;

o. Manage all aspects of grant distribution and oversight of subrecipients to ensure their compliance with federal requirements, including performance measures;

p. Notify eligible direct recipients selected for a Section 5310 funding award of the opportunity to submit a grant application directly to the FTA using its electronic grant management system;

q. Ensure that all program activities are included in a federally approved Transportation Improvement Program (FTIP);

r. Oversee the implementation of projects by subrecipients (including site visits) prioritized in the 2016-2019 Coordinated Plan during a period not to exceed three years from the execution of a Memorandum of Understanding (MOU) with Metro;

s. Submit reports as required by the FTA and oversee project audits and closeouts;

t. Provide technical assistance, advice, and guidance to eligible subrecipients and direct recipients as needed, including workshops for potential and successful applicants for Section 5310 funds through Metro's Solicitation for Proposals;

u. Certify to the FTA annually that Metro and its Section 5310 subrecipients have met or will meet all federal requirements, including all metropolitan and statewide planning requirements;

v. Notify subrecipients of the grant awards once the FTA has approved Metro's grant application that was submitted on their behalf;

w. Consult with SCAG, Caltrans, the Orange County Transportation Authority (OCTA), the VCTC, and the San Bernardino Associated Governments (SANBAG) and agree how to split the single Section 5310 apportionment for the Los Angeles-Long Beach-Anaheim UZA, as it has three Designated Recipients; and

x. Notify the FTA annually of the split and the geographic part of the Los Angeles-Long Beach-Anaheim UZA each recipient will be responsible for managing.

## 7.2 Subrecipients

In general, subrecipients will follow the provisions of the regulations of the United States Office of Management and Budget included in the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (2 CFR Part 200) to fulfill their roles and responsibilities. More specifically, their roles and responsibilities are documented in the Memorandum of Understanding (MOU) that each agency must execute with Metro after a grant award from the FTA. The MOU is a boilerplate document that has been approved by Metro’s County Counsel and is not subject to change. It is posted on Metro’s website for the Section 5310 Program at <http://www.metro.net/projects/fta5310/>. Metro will also share the boilerplate of the MOU with the potential subrecipients at its Workshop for Potential Applicants following a Notice of Funding Availability (NOFA) through a Section 5310 Solicitation for Proposals, as well as its Workshop for Successful Applicants following FTA’s approval of a grant award submitted by Metro on their behalf. The roles and responsibilities of subrecipients include the following:

- a. Execute a MOU with Metro and comply with all of its terms and conditions, including any applicable local, state, and federal requirements (e.g., Title VI, etc.);
- b. Implement the Section 5310 funded project consistent with the scope of work in the FTA grant and the MOU with Metro;
- c. Submit all required certifications and reports, including tracking of performance measures specified in the MOU with Metro;
- d. Follow Metro’s procedures and attend its Workshop for Successful Applicants, Workshop for Compliance with Disadvantaged Business Enterprise (DBE) Program, Subrecipient Title VI Compliance Training Program, Subrecipient ADA Compliance Workshop, and Drug and Alcohol Post Accident and Reasonable Suspicion Testing Determination Training for Supervisors (as applicable);
- e. Coordinate, to the maximum extent feasible, the services funded by the Section 5310 Program with transportation services assisted by other federal departments and agencies;
- f. Sign an Implementation Agreement with Metro that commits the agency to comply with 49 CFR, Part 26 regarding DBE firms, including compliance with Metro’s Race-Conscious goal requirements;
- g. Follow federal procurement guidelines and include federal clauses in contracts;
- h. Maintain any Section 5310 funded assets in a state of good repair and dispose assets only with the approval of Metro and FTA and in compliance of federal requirements;

- i. Maintain the records of assets procured with Section 5310 funds up-to-date (including all original records and documents for a period of three years) and conduct all required preventive maintenance to preserve or extend their functionality and serviceability in a cost-effective manner;
- j. Submit to Metro all required asset records, including:
  - i) Annual Report of Use and Condition of Equipment: For vehicles, this report would include the vehicle identification number (VIN), model, make, year, license number, in-service date, out-of-service date, maintenance costs, odometer mileage, condition, number of days in service and corresponding total vehicle miles of travel, hours of service, and one-way passenger trips. For equipment, the report would include the type (including brief description), make, model, serial number, and location (i.e., address where the equipment is used or the license plate of the vehicle where it is installed).
  - ii) Annual Compliance Self-Certification: It would include certifications applicable to maintaining satisfactory continuing control and providing required maintenance for both rolling stock and fixed assets.
- k. Provide, as applicable, the minimum statutorily required or other local contribution of matching funds specified by Metro (other than USDOT funds);
- l. Prepare and submit a Request for Reimbursement to Metro, not more frequently than once a month, for allowable costs incurred and paid for by agency; and
- m. Comply with and ensure that work performed under the MOU is done in compliance with Generally Accepted Accounting Principles (GAAP).

## **8.0 Funding Availability and Allocation Process**

During the 3-year period of MAP-21 from FFY 2012 through FFY 2015, the large urbanized areas within Los Angeles County received a combined total of about \$20.7 million in Section 5310 funds. About 95% of this total was allocated by SCAG to Metro for areas in Los Angeles County within the Los Angeles-Long Beach-Anaheim UZA. The funding balance was apportioned by the FTA to the Santa Clarita UZA (about 2% of the total) and the Lancaster-Palmdale UZA (about 3% of the total). For practical reasons, the allocation from the Los Angeles-Long Beach-Anaheim UZA includes about \$27,000 exchanged per year with the VCTC with Metro's equal share of funds from the Thousand Oaks UZA for which the VCTC is the Designated Recipient of Section 5310 apportioned by FTA. Per federal reauthorizing legislation proposed through the writing of this PMP, it is anticipated that: i) urbanized areas in Los Angeles County would receive a combined total of about \$7 million per year in Section 5310 Program funds; ii) Metro would continue to be the Designated Recipient of Section 5310 funds in these areas; and iii) the process to split the funds apportioned to the Los Angeles-Long Beach-Anaheim UZA with Caltrans would continue to be the same as followed under MAP-21.

Although federal law and FTA guidance do not require a Designated Recipient of Section 5310 Program funds to follow a competitive selection process to select projects for a funding award, it is still responsible for the selection of projects. The FTA provides some flexibility to Designated Recipients in selecting projects for a funding award. Whether it uses an allocation formula, imposes its own limitations on use of the funds, or uses an entirely discretionary selection process, the Designated Recipient should explain the policy rationale and the methods used. Metro's Allocation Process requires consultation with Metro's standing committees and subcommittees (which also represent potential applicants for Section 5310 Program funds) and the approval of the Metro Board of Directors. Accordingly, the Allocation Process that was approved in November 2014 consists of a hybrid approach that selects projects for a funding award following both a competitive process and a funding set-aside for regional needs according to which:

i) To address more urgent needs, the funding allocation for Traditional Capital Projects would be larger than the minimum statutorily required 55 percent of Section 5310 Programs funds apportioned or allocated each year to each one of the three large urbanized areas within Los Angeles County;

ii) Funds would be set-aside from the allocation for Traditional Capital Projects to support complementary paratransit services provided by Access Services, provided that the amount is not less than 36 percent of the annual 5310 Program funds available each year for the three large urbanized areas within Los Angeles County for which Metro is the Designated Recipient of funds. This threshold is equivalent to the historical share of Section 5310 funds approved by the California Transportation Commission (CTC), as recommended by Caltrans following its competitive selection process, for Access Services during the period FFY 2006- FFY 2012 of all such funds approved for all agencies from Los Angeles County during the same period;

iii) Of the balance of funds remaining after the allocation for Traditional Capital Projects (including the set-aside for Access Services) for each one of the three large urbanized areas within Los Angeles County for which Metro is the Designated Recipient of funds, 5 percent would be allocated to Metro for program administration costs including administration, planning, and technical assistance for projects funded under the Section 5310 Program;

iv) Of the balance of funds remaining after the allocations for Traditional Capital Projects (including the set-aside for Access Services) and for Metro's program administration for each one of the three large urbanized areas within Los Angeles County for which Metro is the Designated Recipient of funds, Metro would pass up to 5 percent to subrecipients for project administrative expenses;

v) The balance of funds remaining after the allocation for Traditional Capital Projects, for Metro's program administration, and for subrecipients' project administration, would be allocated for Other Capital and Operating Projects;

vi) Access Services would be restricted to applying for only operating assistance for eligible activities from the allocation for Other Capital and Operating Projects; and

vii) After Metro completes its competitive Solicitation for Proposals, Access Services would be eligible to receive any funds remaining from the allocation made available for Traditional Capital Projects.

Consistent the Allocation Process detailed above, the following summarizes the Allocation Process for Metro's 2015 Solicitation for Proposals for FFY 2013 and FFY 2014 Section 5310 Program funds for the urbanized areas of Santa Clarita, Lancaster-Palmdale, and Los Angeles-Long Beach-Anaheim:

1. Allocation of FFY 2013 and FFY 2014 Section 5310 Program funds to provide about 83 percent for Traditional Capital Projects and 17 percent for Other Capital and Operating Projects (including funds for program and project administration).
2. Allocation of a set-aside for Access Services representing about 49 percent of the combined FFY 2013 and FFY 2014 Section 5310 Program funds (equal to \$6,751,327) that can only be spent on projects eligible for the Traditional Capital funding category to support ADA required complementary paratransit services.
3. Allocation of a set-aside of \$693,120 for Metro equivalent to 5 percent of the combined FFY 2013 and FFY 2014 Section 5310 funds, before the set-aside of approximately 49 percent of available funds is made to Access Services, to be used for its administration of the Section 5310 Program.
4. Allocation of \$4,713,220 for Traditional Capital Projects and \$1,704,747 for Other Capital and Operating Projects (including up to 5 percent of this total for subrecipients' project administration) to be awarded to projects following competitive selection process managed by Metro.

Any changes to the Allocation Process would require consultation with Metro's standing committees and subcommittees, as well as approval of the Metro Board of Directors. The PMP will be updated to reflect any changes to the Allocation Process.

## **9.0 Cycle for Solicitation for Proposals**

MAP-21 and proposed federal reauthorization legislation available through the writing of this PMP do not require that projects and programs to be implemented with funding from Section 5310 Program to be the outcome of a competitive solicitation process. Metro's cycle for Section 5310 Solicitation for Proposals is contingent on: i) the authorization of federal funds; ii) the publication of guidance by the FTA to reflect changes in federal law; and iii) the outcome of Metro's interagency consultation process, and as often as required by the Metro Board of Directors, to address needs identified in the 2016- 2019 Coordinated Plan. Accordingly, the competitive process may be held annually or at intervals not to exceed three years. Section 5310 funds from up to three consecutive federal fiscal years would be made available for a Metro's competitive Solicitation for Proposals.

This approach would allow the development of more viable and longer-term projects, reduce administrative costs, and allow for other efficiencies. This interval also coincides with the reauthorization of enabling legislation by Congress, which historically has been every six years. Metro's cycle for competitive Solicitation for Proposals would ensure that Section 5310 funds available for large UZAs in Los Angeles County are obligated in a timely manner, therefore avoiding the lapsing of any funds. Metro will ensure that the oldest Section 5310 funds are drawn first among all such funds available to its disposition regardless of the year of award for the project. Section 5310 funds need to be obligated within the next two federal fiscal years following the federal fiscal year in which the funds were appropriated by Congress. The federal fiscal year starts on October 1 and ends on September 30 of the following year. Any Section 5310 funds remaining from prior years and which have not lapsed would be added to the funds from the federal fiscal year in which the Solicitation for Proposals would take place and those funds expected to be made available within the following fiscal year(s). Metro intends to authorize project expenses annually, contingent upon the levels of federal appropriations expected to be made available by Congress each fiscal year. With these facts into consideration, the tentative schedule and corresponding federal fiscal years anticipated to fund future Section 5310 Solicitation for Proposals is as follows:

- 2015 Solicitation for Proposals: FFY 2013 – FFY 2014 funds.
- 2016 Solicitation for Proposals: FFY 2015 – FFY 2017 funds (including any balances from prior years).
- 2018 Solicitation for Proposals: FFY 2018 – FFY 2020 funds (including any balances from prior years).

## **10.0 Timeline for Solicitation for Proposals and Eligible Expenses**

Overall, it may take about 15 months from date the Metro Board of Directors approves a Section 5310 Solicitation for Proposals through the execution of the MOU between Metro and the subrecipient. The Metro Board of Directors approves the timeline for the Solicitation for Proposals following the recommendation of staff. The timeline depends on funding availability, the number of applications received, whether the Solicitation for Proposals is open to any projects or it would be limited to address specific gaps identified in the 2016- 2019 Coordinated Plan, the FTA's timely execution of grant awards, and the subrecipient's readiness to provide any additional supporting documentation required by Metro to execute the MOU. The following is a typical timeline for Metro's Section 5310 Solicitation for Proposals after receiving the approval (including Allocation Process and Application Package) of the Board of Directors:

- *Release of NOFA and Application Package:* to be sent to potential applicants by email and regular mail, and posted on Metro's website, no later than one week after receiving the approval from the Metro Board of Directors.

- *Conduct Workshops for Potential Applicants:* a minimum of two workshops would be conducted within one month after the approval by the Metro Board of Directors and upon request by potential applicants. Technical assistance would continue to be available through the due date of proposals.
- *Accept Proposals:* proposals submitted in compliance with Metro's instructions would be accepted through a period not to exceed three months following the release of the NOFA and as extended by Metro provided adequate notification is provided to potential applicants.
- *Evaluate Proposals:* the evaluation of proposals submitted in compliance with Metro's instructions would be completed within one month following the due date of proposals, including sending the Notice of Preliminary Funding Award Recommendation to all applicants, which would include the score a proposal received and details about the opportunity to appeal the award recommendation.
- *Process Appeals:* the Appeals Process would be completed no later than two months after the Notice of Preliminary Funding Award Recommendation is sent out, which includes a period of not less than two weeks for applicants to submit a Request to Appeal, including completing the required Appeal Fact Sheet and making a presentation to Metro's TAC to assist in making its determination.
- *Obtain Approval of the Metro Board of Directors:* Metro staff funding award recommendations would be approved by the Metro Board of Directors within a period not to exceed two months from the completion of the Appeals Process.
- *Send Final Notice of Funding Award Recommendation:* within one week of the approval of the Metro Board of Directors of the award recommendations, final notifications would be sent out by email to successful and unsuccessful applicants, including the opportunity to receive a debriefing on the score received and a discussion of next steps.
- *Prepare and Submit Grant Application to the FTA:* within two months of the approval of the Metro Board of Directors of the award recommendations, Metro staff would prepare the POP and submit a grant application to the FTA for approval on behalf of successful applicants. As applicable, eligible direct recipients would be allowed to prepare and submit grant applications directly to the FTA. It may take up to two months for the FTA to award the grant.
- *Execute Memorandum of Understanding:* the MOU must be executed within a period not to exceed five months from the date of grant approval by the FTA. Metro may consider an extension provided it receives a written request from the subrecipient signed by a duly authorized representative explaining the reason(s) for the extension and proposing a schedule it can commit to execute the MOU.

- *Allow Reimbursable Activities:* the MOU would specify the effective date of expenditures eligible for reimbursement, which would be limited to those incurred after FTA's grant award (and as approved in writing by Metro should they be made prior to the execution of the MOU) and for a period not to exceed three years following the execution of the MOU. A one-time extension not to exceed one year may be approved by Metro following a written request and justification.

## 11.0 Project Selection and Eligibility Criteria

In general, the selection criteria for Metro's Section 5310 Solicitation for Proposals would be to fund projects that support achieving overall goals of the Section 5310 Program and the specific needs and gaps identified in the 2016- 2019 Coordinated Plan for Los Angeles County. These criteria would comply with federal law and guidance from the FTA and would be developed, both in content and format as part of the Application Package, in consultation with agencies represented at Metro's standing committees and subcommittees. Following this consultation process, the project selection criteria would be presented to the Metro Board of Directors for approval prior to the release of the Section 5310 NOFA. Overall, and to address the concerns raised by stakeholders during the consultation process, the complexity and number of questions would be reduced when compared to the application package that Caltrans used for administering its statewide process before MAP-21.

Although the project selection criteria may vary from one Solicitation for Proposal to another to comply with new federal laws and guidance from FTA, as well as to address input received through the interagency consultation process, it is anticipated that it would be very similar to the following criteria that were approved for the 2015 Solicitation for Proposals:

- Scope of Work, Need, Objectives, Coordination and Outreach (up to 40 points).
- Project Implementation, Operating and Management Plans (up to 20 points).
- Performance Indicators and Project Effectiveness (up to 20 points).
- Budget Justification (up to 20 points).

A more detailed breakdown of the evaluation criteria and maximum points possible for each criterion would be specified in the Application Package. As approved by the Metro Board of Directors, each agency would be allowed to submit up to two (2) applications: one for Traditional Capital Projects and one for Other Capital and Operating Projects. A funding request shall not exceed \$600,000 per application. Requests for equipment (e.g., computer systems, dispatching and tracking software, telecommunication systems, and improved passenger facilities) that support the transportation program would be limited to no more than \$40,000. Metro reserves the ability to reduce an applicant's scope of work and recommend a funding award that is less than what was originally requested. A proposal must receive a score of 70 points or higher to be considered for funding, unless recommended by the TAC following the Appeals Process and approved by the Metro Board of Directors.

Regarding the eligibility criteria, any agency or organization applying for a grant from the federal government must have a Data Universal Numbering System (DUNS) number at the time an application is submitted to Metro. This is a nine-digit identification number that provides a unique identification for single business entities. Applicants that do not have a DUNS number can obtain one at no charge from Dun and Bradstreet ([www.dnb.com](http://www.dnb.com)). Section 5310 Program funds cannot be awarded by the FTA without a DUNS number. In addition, when an agency other than the applicant identified in the application is proposed to operate vehicles or other equipment for which Section 5310 Program funds are requested, control and responsibility for the operation of the vehicles or other equipment must remain with the grant subrecipient throughout the life of the asset (until asset is disposed of or sold according to FTA guidelines). In this case, the subrecipient would remain the registered owner of the vehicle or equipment and would remain fully responsible for program compliance, including, but not limited to, operation oversight, reporting, insurance, maintenance and monitoring. In compliance with eligibility criteria, the applicant must agree to list Metro as an additional insured and the lien holder on all approved vehicles funded by the Section 5310 Program. Metro would remain the lien holder until the fair market value of the capital asset is less than \$5,000. Metro also requires that each vehicle acquired with Section 5310 Program funds be operated at a minimum of twenty (20) service hours per week. The subrecipients' noncompliance with any of these requirements after grant award would result in the relinquishment of vehicles and/or equipment to Metro.

Among other eligibility criteria, applicants must include in their applications the following certifications or letters of commitment (as applicable):

- *Private Nonprofit Agency Certification:* applicants claiming eligibility based on their status as a private nonprofit organization must provide verification ("Corporation Inquiry and Certification") of their incorporation number and current legal standing from the California Secretary of State Information Retrieval/Certification & Records Unit.
- *Local Government Authority Certification:* Metro may allocate funds to a local governmental authority to implement Traditional Capital Projects provided that the governmental authority: i) is approved by the state to coordinate services for elderly individuals and individuals with disabilities; or ii) it certifies that there are no non-profit organizations readily available in the area to provide the service. A public hearing is required and should be completed between the release date of a Solicitation for Proposals and the due date of the application to Metro. Applicants must also attach a copy of the public hearing notice and a letter summarizing the outcome of the public hearing signed by a duly authorized representative. Applicants must allow for a minimum 30-day public comment period prior to the date of the public hearing.
- *General Certifications and Assurances Summary:* all applicants must execute this summary of certifications and assurances to reflect their intent to comply with applicable federal statutes, regulations, executive orders, and administrative

requirements that relate to their applications and grant that may be awarded by the FTA, including those provided as references in FTA Circular 9070.1G dated June 6, 2014, as amended from time to time, and incorporated by reference in the MOU to be executed by Metro.

- *Civil Rights Certification:* applicants must specify the status of any complaints against the agency or organization filed within the last twelve months before the submittal of the application to Metro on the basis of race, color, creed, national origin, sex, age or disability. It must also indicate if it has an approved Title VI Plan, is currently developing one, or is committed to develop one should the proposal is selected for a funding award. This would allow Metro to comply, and assure the compliance of each third party contractor and each subrecipient at any tier of the project, with all applicable requirements under Title VI of the Civil Rights Act of 1964.
- *Current Grant Subrecipient Compliance:* all applicants must indicate whether or not they are a current recipient or subrecipient of a grant from the FTA from the Section 5310 Program or from the New Freedom Program, as well as from any other federal program. Applicants must indicate whether or not they are in good standing/fundable status and in compliance with applicable agreements.
- *Debarment/Suspension Certification:* all applicants must certify that neither they nor any of their contractors have been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any federally assisted transactions.
- *Letter of Commitment of Local Match:* applicants must include a letter signed by a duly authorized representative committing to provide any local funding match included in the application.

## **12.0 Local Funding Match Requirements**

In compliance with federal law and guidance from the FTA, the federal funding share of eligible capital costs shall be in an amount equal up to 80 percent of the net cost of the activity. The federal funding share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity. The net cost of an activity (capital or operating) is the part of the project that cannot reasonably be financed from operating revenues (i.e., farebox recovery). Accordingly, the local funding share of eligible capital costs shall not be less than 20 percent of the net cost of the activity. Similarly, the local funding share for eligible operating costs shall not be less than 50 percent of the net operating costs. The local funding share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local service agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations, dedicated tax revenues, private donations, revenue from service contracts, and net income generated from

advertising and concessions. Non-cash share (e.g., donations, volunteered services, in-kind contributions, etc.) is eligible to be counted toward the local match as long as the value of each is: documented and supported; represents a cost which would otherwise be eligible under the program; is included in the net project costs in the budget; and is approved by Metro and FTA.

Transportation Development Credits (TDC) can also be used towards the required local match for capital and operating expenses. TDC are not money; they are similar to waivers or permission slips that allow federal funds to be used up to a 100 percent reimbursement rate. Following the interagency consultation process, and as approved by the Metro Board of Directors, TDC may be used in lieu of the required local match for up to twenty (20) percent of the total capital cost and up to fifty (50) percent of the total operating cost of a project. Accordingly, a project selected for a funding award by the Metro Board of Directors may be 100 percent federally funded.

Income from contracts to provide Human Transportation Services may be used either to reduce the net project cost (treated as revenue) or to provide local match for operating assistance funded by the Section 5310 Program. In either case, the cost of providing the contract service is included in the total project cost. No funds from the FTA can be used as a source of local match for other FTA programs, even when used to contract for service.

All sources and amounts of local match must be identified in the application. In addition, the local share may be derived from federal programs that are eligible to be expended for transportation other than programs funded by the USDOT, or from USDOT's Federal Lands Highway Program. Examples of types of programs that are potential sources of local match include employment, training, aging, medical, community services, and rehabilitation services. Specific program information for other types of federal funding is available at [www.unitedweride.gov](http://www.unitedweride.gov).

The federal share may exceed 80 percent for certain projects related to compliance with the ADA and the Clean Air Act (CAA), as follows:

1. Vehicles: The federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with ADA or the CAA. A revenue vehicle that complies with federal requirements to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA regulations (i.e., larger than 30" x 48" and/or weighing more than 600 pounds) may also be funded at 85 percent federal share.

2. Vehicle-Related Equipment and Facilities: The federal share for project costs for acquiring vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying or maintaining compliance with the CAA or required by the ADA is 90 percent. FTA considers vehicle-related equipment to be equipment on and attached to the vehicle.

## 13.0 Performance Measures

FTA requires tracking and reporting both quantitative and qualitative information for projects funded by the Section 5310 Program. FTA has set minimum indicators for Traditional Capital Projects and for Other Capital and Operating projects funded by the Section 5310 Program to capture relevant outputs, service levels and outcomes. Metro has adopted these minimum performance measures, as described below.

### 1. Traditional Capital Projects

a. The annual number of seniors and people with disabilities afforded mobility as a result of the implementation of a Traditional Capital Project. This measure reflects the provision of transportation options that would not otherwise be available for seniors and individuals with disabilities to fill gaps in service.

b. The actual or estimated number of rides (as measured by one-way passenger trips) provided annually for seniors and individuals with disabilities as a result of the implementation of a Traditional Capital Project.

### 2. Other Capital and Operating Projects

a. Increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of the implementation of Other Capital and Operating Projects.

b. Additions or changes to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of the implementation of Other Capital and Operating Projects.

c. Actual or estimated annual number of rides (as measured by one-way passenger trips) provided for seniors and individuals with disabilities as a result of the implementation of Other Capital and Operating Projects.

## 14.0 Evaluation Panel

An Evaluation Panel composed of representatives from Metro's standing committees and subcommittees (e.g., AAC, BOS, LTSS, etc.) and from other regional agencies (e.g., SCAG, Caltrans, OCTA, etc.) would be assembled to evaluate, score, and rank the applications. Depending on the number of eligible applications received by Metro, the Evaluation Panel may be divided into two Evaluation Teams: the first Evaluation Team would be responsible for the assessment of applications requesting funding for Traditional Capital Projects; the second Evaluation Team would be responsible for the assessment of applications requesting funding for Other Capital and Operating Projects.

The average score of the individual scores of members of the Evaluation Panel, or of each Evaluation Team if applicable, would be used as the final score for each application and for ranking purposes. This final score would be used by Metro staff to make full or partial funding award recommendations to the Metro Board of Directors. For added transparency, the Guidelines on Funding Appeals for the Section 5310 Program would also be shared with the Evaluation Panel as they are part of the evaluation process.

## 15.0 Appeals Process

The TAC serves as the appeals body for Metro's Section 5310 Solicitation for Proposals, as well as for other of its discretionary grants programs. The primary role and responsibility of the TAC is to provide an objective, technical, and countywide perspective in the Appeals Process. Its role is also to objectively listen to the appeals of project sponsors following Metro's release of its Notice of Preliminary Funding Award Recommendations. Based on the merits of the appeal, it is the role of the TAC to recommend whether a project is justified to be funded or to receive additional funding from the Appeal Reserve that was approved by the Metro Board of Directors for a Section 5310 Solicitation for Proposals. Projects are not to be reevaluated or rescored. Metro staff can concur, reject or recommend alternatives to the TAC's recommendations. To ensure the countywide role of the TAC, the following Guidelines on Funding Appeals shall govern:

- Projects recommended for funding (above the line) by Metro staff will remain above the funding line unless the Metro Board of Directors decides otherwise.
- All appealing project sponsors are required to complete and transmit an Appeal Fact Sheet to Metro 72 hours prior to the TAC appeals meeting, so that Metro staff can distribute it to members of the TAC prior to the meeting. The Appeal Fact Sheet will be based on information contained in the submitted application including a brief project description, reason for appeal, and Metro staff recommended score along with the funding line score.
- Metro staff will be in attendance to answer any questions from the TAC on the evaluation of an appealed project. Metro staff cannot change the recommended score of the Evaluation Panel or Evaluation Team, as applicable.
- The TAC can only consider Metro's evaluation criteria for a Section 5310 Solicitation for Proposals as the basis for evaluating appealed projects. Information presented as part of the appeal can only elaborate on or clarify information already presented in the application that was submitted and evaluated. New information, which should have been submitted in the application, cannot be introduced. Updated technical information (e.g., updated ridership/ridership projections, expansion of service area, etc.) will be allowed as long as the same project limits and scope of work are maintained. No handouts will be allowed.

- Questions from members of the TAC may be asked about an appealed project after the agency presents the project (three-minute presentation followed by two minutes for questions and answers). Discussion among members of the TAC about which projects merit funding would be held after all appeals are concluded.
- The TAC must be cognizant of the limited Section 5310 funds available for large urbanized areas in Los Angeles County for which Metro is the Designated Recipient. In particular, Section 5310 funding for the Santa Clarita and Lancaster/Palmdale UZAs is minimal. The TAC can only recommend funding up to those amounts available for each one of the three urbanized areas located in Los Angeles County, as apportioned by FTA and allocated by SCAG and approved by the Metro Board of Directors for a Section 5310 Solicitation for Proposals. Funding from another UZA may be considered provided the proposed project has a nexus to that area (e.g., service is provided to/from the UZA funding the project, vehicle and/or other asset is used in the UZA funding the project, etc.). Any unused funds set aside for appeals will be re-allocated to projects underfunded within that UZA.
- A reduction of the scope of work or a request for less funding are not valid grounds for an appeal since these factors (i.e., full scope of work, funding request/total project cost, and proposed local funding match) were considered during the application and evaluation process.

## **16.0 Project Approval**

Following the Appeals Process, Metro staff would present its Section 5310 funding award recommendations to the Metro Board of Directors at the meeting of its Planning and Programming Committee, as well as at its regular meeting, and seek approval. A member of the public may address the Board of Directors on this specific item on the agenda, before or during its consideration at the regular meeting or committee meeting, for one (1) minute or at the discretion of the Chair of the Metro Board of Directors. A request to address the Board of Directors should be submitted in person at the meeting to the Board Secretary. For individuals requiring translation service, time allowed will be doubled. The Board of Directors may approve staff funding recommendations as presented or make changes that are consistent with the project selection and eligibility criteria that they approved as part of the Application Package for a Section 5310 Solicitation for Proposals.

Following the Board of Directors' approval of funding award recommendations, as well as providing all required certifications, Metro staff would prepare and submit grant application(s) to the FTA for approval. Following a grant award from the FTA, Metro and the subrecipient would need to execute a MOU to be able to incur expenses eligible for reimbursement. Projects sponsors will not be paid in advance of costs incurred. Instead, Section 5310 funds will be paid to the subrecipient on a reimbursement basis. As permissible by federal law following MAP-21, Metro would allow direct recipients to submit grant applications directly to the FTA for approval.

## 17.0 Compliance with Federal Civil Rights Requirements

Metro requires subrecipients to document that they use funds provided through the FTA without regard to race, color, national origin, and disability or discrimination against disadvantaged business enterprises, among applicable civil rights requirements. Not all applicable civil rights requirements are discussed in the PMP. Metro meets federal civil rights requirements and monitors its subrecipients to ensure compliance with USDOT's regulations applicable to Title VI, DBE, and Equal Employment Opportunity (EEO). A non-compliance determination with any of these requirements would jeopardize federal funding (not limited to Section 5310 funds) for Metro and all its subrecipients, not only for non-compliant agencies. The following sections describe how Metro ensures compliance with these requirements.

### 17.1 Title VI

On October 1, 2012, the FTA issued Circular 4702.1B. This guidance clarified the oversight role of a Designated Recipient of funds from the FTA. The new guidance significantly increases the responsibilities of primary federal grantees, such as Metro, regarding compliance with requirements of the federal Civil Rights Act of 1964 by federal grant subrecipients. It also requires each subrecipient to submit its Title VI Program and Title VI Program Update (as applicable) to the primary recipient of federal funds (e.g., the Designated Recipient of Section 5310 funds). Metro submits a Title VI Program to the FTA every three years. Metro's Title VI Program documents the agency's compliance with Title VI of the Civil Rights Act. The FTA approved Metro's most recent Title VI Program Update in October 2013. Metro is scheduled to submit its next Title VI Program Update in October 2016. Metro adheres to all of the applicable requirements outlined in the FTA Circular 4702.1B to ensure that compliance with federal requirements. Additionally, the FTA performs a triennial review of Metro's programs and services. The most recent review took place in 2014 and the FTA did not find any deficiencies in the administration of Metro's Title VI Program. Overall, Metro complies with Title VI requirements in the following manner:

- a. Provides an Annual Title VI Compliance Self-Certification to Metro;
- b. Develops Title VI complaint procedures;
- c. Maintains records of all Title VI investigations, complaints, and lawsuits;
- d. Provides meaningful access to persons with Limited English Proficiency (LEP);
- e. Notifies beneficiaries of protection under Title VI; and
- f. Requires each subrecipient to develop a Title VI Program (or Update).

Within each of these broad categories are specific requirements for survey and other data collection, analysis, and information distribution that cover transportation programs, construction programs, and transit service planning, operations, and service/fare changes. Metro's promotion, administration, and distribution of information and funding relevant to the Section 5310 Program is consistent with its Title VI Policy, which is made part of this document by reference.

In compliance with the revised Title VI guidance, Metro has procedures in place and provides training to its subrecipients to further educate them on the enhanced Title VI requirements. Metro requires its subrecipients to submit a Title VI Program every three years for its review and specifies the dates for meeting this objective. It also specifies the date each subrecipient must submit a Title VI Program Update. Metro has created a Subrecipient Compliance Title VI Training Program to assist agencies with these efforts. Metro holds trainings for subrecipients to provide information on complaint and investigation procedures, conducting a Limited English Proficient (LEP) analysis, drafting a Language Assistance Plan, drafting a Public Participation Plan, Metro's monitoring of Title VI compliance, and consequences for non-compliance. The training is provided in person at Metro at a three-hour workshop. The training can also be provided over the phone utilizing a cloud based program and on an as needed basis. Subrecipients are informed in writing by Metro about the training schedule and opportunities. Once a subrecipient is trained on Title VI compliance, it is required to prepare and submit its Title VI Program (or Update) to Metro for review. If Metro finds that it meets all the applicable requirements outlined in Circular 4702.1B (Chapter III), it will send a letter of concurrence to the subrecipient. Otherwise, it will notify what needs to be revised for its concurrence.

Metro has and will continue to provide its subrecipients with assistance in the form supplemental materials including:

- a. Sample of Notice to the Public informing beneficiaries of their rights under USDOT's Title VI regulations;
- b. Sample of Procedures to File a Title VI Complaint and Title VI Complaint Form;
- c. Sample of Public Participation Plan and Language Assistance Plan;
- d. Tracking matrices to assist subrecipients with organizing their Title VI Program Updates and to allow Metro to document suggestions/corrections;
- e. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, including informing Metro when it should expect to be notified;
- f. Demographic (US Census) information on the race and English proficiency of residents served by the subrecipients to assist them with their assessment of the level and quality of the service they provide to communities within their service areas and of the need for language assistance;
- g. Any other Metro-generated or obtained data (e.g., travel patterns, surveys, etc.) that will assist subrecipients in complying with Title VI requirements.

Metro will also conduct site visits to its subrecipients to ensure that their transportation related services and programs are being conducted in an equitable manner. The site visits will occur on a triennial basis or whenever there is a change to the subrecipients Title VI program. Metro will visit a random sampling of subrecipients, not every subrecipient. Metro will also accommodate more often visits upon request by a subrecipient. Metro will also ask providers of fixed route services to document their service standards and policies, including: vehicle load and headway for each mode, on time performance, service availability, distribution of transit amenities for each mode, and vehicle assignment for each mode.

Metro will also monitor the subrecipients' websites to ensure that their Title VI related documents (e.g., Notice to the Public, Complaint Form, and Complaint Procedures) are posted and accessible to the public. The MOU includes provisions on the compliance with Title VI requirements. Overall, Metro will ensure that the Title VI Program or Update of each one of its subrecipients includes the following:

- a. A copy of the subrecipient's Title VI Notice to the Public (including a list of locations where it is posted) that indicates the recipient complies with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI. must be included;
- b. A copy of the instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form;
- c. A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part;
- d. A Public Participation Plan that includes an Outreach Plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission;
- e. A copy of the subrecipient's plan for providing language assistance to persons with limited English proficiency based on USDOT's LEP Guidance.
- f. Subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees and a description of efforts made to encourage the participation of minorities on such committees or councils.
- g. If the subrecipient has constructed a facility (e.g., vehicle storage facility, maintenance facility, etc.), it shall include a copy of the Title VI Equity Analysis conducted during the planning stage with regard to the location of the facility.

In addition to the program-specific requirements and guidance provided in Circular 4702.1B, Metro and its subrecipients are held to a number of FTA-specific and other federal requirements. The requirements (including citations to the statutory or regulatory text) included in Chapter VIII of Circular 4702.1B are incorporated to the PMP by reference. Among these major requirements are those included in the FTA's Circular 4703.1 "Environmental Justice Policy Guidance for Federal Transit Administration Recipients". This document provides FTA recipients (such as Metro) and subrecipients with guidance and instructions necessary to carry out: i) USDOT Order 5610.2 to Address Environmental Justice in Minority Populations and Low-Income Populations; and ii) Executive Order 12898 on Environmental Justice that describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles into existing programs, policies, and activities.

Compliance with these requirements is important for Metro and its subrecipients, as they serve a significant minority population within the Los Angeles County. Minority applicants and subrecipients serving significant minority populations have access to Metro's technical assistance for preparing competitive proposals requesting Section 5310 funds, preparing and submitting a grant application to the FTA on their behalf, and ensuring compliance with federal requirements. However, as applicable to any subrecipient, Metro will not develop their Title VI Programs and will not make reimbursements until a Title VI Program (or Update) is approved.

## 17.2 DBE

Metro provides an overview of DBE requirements to potential applicants of Section 5310 funds through a workshop that is held at Metro, and also upon request, after the approval of the Board of Directors of a Solicitation for Proposals. Metro also secures the professional services of a consultant to conduct mandatory workshops to provide an overview of Metro's DBE Program and train subrecipients how to comply with DBE requirements, including:

- DBE race-conscious (RC) contract goals
- Good faith efforts to meet goals
- DBE certification
- Solicitation language
- Reporting
  - Contractors/consultants reporting to subrecipients
  - Subrecipients reporting to Metro

As a condition of receiving Section 5310 funds, subrecipients must sign an Implementation Agreement with Metro committing them to:

- Comply with 49 CFR, Part 26 regarding DBE firms
- Comply with Metro's race-conscious goal requirements
- Identify a DBE Liaison Officer
- Include federal clauses in contracts (prompt payment and nondiscrimination)
- Report DBE awards and payments

Subrecipients must prepare a RC contract goal for each solicitation when FTA funds are used and subcontracting opportunities exist. Subrecipients must also compile reports of actual DBE participation in contracting (e.g., Semi-Annual Uniform Reports and Monthly DBE/SBE Payment Report). This would allow Metro to submit the required DBE participation reports to FTA according to the due dates:

- June 1 for the period between October 1 and March 31
- December 1 for the period between April 1 and September 30

Subrecipients must also submit an Annual DBE Compliance Self-Certification to Metro to be eligible to continue receiving federal funds. Metro's consultant and staff will provide technical assistance to subrecipients, including instructions and responses to questions received regarding agreements, workshops, semi-annual reporting and DBE race-conscious program requirements.

### 17.3 EEO

Metro submits an EEO/Affirmative Action Plan to the FTA every three years. The EEO/Affirmative Action Plan documents Metro's equal employment opportunity program and its compliance with Title VII of the Civil Rights Act of 1964 and the requirements set forth in Circular 4704.1 of July 1988. The FTA approved Metro's most recent Affirmative Action Plan in June 2015.

Metro agrees to continue complying, and assuring the compliance of each third party contractor and each subrecipient at any tier of a project funded with Section 5310 funds, with all EEO requirements of Title VII of the Civil Rights Act of 1964 (as amended, 42 U.S.C. 2000e) and with 49 U.S.C. 5332 and any implementing regulations USDOT may issue. Subrecipients must also submit an Annual EEO Compliance Self-Certification to Metro to be eligible to receive federal funds.

### 17.4 Section 504 and ADA Reporting

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of federal financial assistance. The ADA, as amended (42 U.S.C. 12101 et seq.), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities and imposes specific requirements on public and private providers of public transportation. Metro is committed to comply with Section 504 and ADA requirements, as well as with relevant USDOT implementing regulations (e.g., 49 CFR parts 27, 37, 38, and 39). Metro will also ensure that all of its subrecipients comply with ADA requirements and relevant USDOT implementing regulations. In support of achieving this objective, subrecipients must submit an Annual ADA Compliance Self-Certification to Metro to be eligible to receive federal funds.

Metro also has a Subrecipient ADA Compliance Program to provide oversight in the areas of service provision and training to subrecipients that are fixed-route providers. Metro will ensure subrecipients receive information about compliance requirements, provide opportunities to develop and implement new programs. Metro will monitor ADA compliance from the time of submittal of applications through the closeout of projects funded by the Section 5310 Program. Metro's oversight will be based on record-keeping and reporting by subrecipients, implementation of a Mystery Rider Program to observe compliance, annual subrecipient reviews, and on-site triennial reviews by Metro staff. Metro will also review facility plans and designs of subrecipients to ensure that fully accessible transit-related facilities are provided.

Metro will work with subrecipients to ensure ADA compliant policies are in place. It will ensure that subrecipients follow, enforce and monitor the policies and procedures they have established. Metro will also review subrecipient changes in equipment, training, and ADA policy to ensure compliance. In addition, Metro will assess the materials that subrecipients use to train employees with respect to operating vehicles, equipment safety, and proper assistance and treatment of individuals with disabilities. Metro will also maintain a database of subrecipients and programs, their respective ADA requirements, reporting instruments, and the oversight strategies it will employ for each subrecipient. The database will be maintained and reviewed regularly. All this information will support Metro's objective to conduct at least one ADA Compliance Review for each one of its subrecipients every three years (Metro Triennial), which will consist of a site visit and review of documentation.

Following the award of a Section 5310 grant, Metro will organize a mandatory Subrecipient ADA Program Workshop for successful applicants. The workshop will review the detailed procedures and processes that will be put into place in order to assure full compliance. A separate mandatory workshop program will be created to educate existing subrecipients about the new oversight requirements. Annual workshop sessions will be mandatory for new subrecipients and optional for existing subrecipients. A brief site visit will be held within six months of the FTA grant award with each new subrecipient to gather baseline information, such as type of vehicles and the availability of lifts/ramps and other on-board ADA equipment. Metro will review reports submitted by subrecipients in the specific ADA areas of service provision and training and analyze for appropriate methodology, consistency, and anomalies. Metro will also work with subrecipients to realign service or training as needed, to ensure the operation of successful programs. Metro will provide technical assistance regarding the resolution of any accessibility issue, evaluate any ADA complaints, and assist in analyzing, interpreting and resolving complaints under applicable ADA laws, regulations and policies. This technical assistance will also be provided if ADA regulations change, or in the event of a new court decision regarding transportation services or facilities, or if an interpretation of ADA regulations is requested.

## **18.0 Vehicle Procurement**

IN general, subrecipients procuring equipment, vehicles, and/or services must follow federal requirements (FTA Circular 4220.1F). There are different guidelines for different types of acquisition and dollar amounts, as follows:

- Micro purchase: \$3,000 or less (must keep record of purchases)
- Small purchase: \$3,000.01 to \$100,000 (need 3 documented quotes)
- Purchases over \$100,000 (need formal competitive process, such as Request for Proposals or sealed bids)

As applicable to the procurement of vehicles, the bid documents must comply with federal guidelines. Also, several forms must be completed in addition to meeting pre and post award inspections, New Model Bus Testing, and Buy America requirements. Bid documents must include all federally required, as well as “preferred” language clauses. While language clauses required by FTA cannot be changed, preferred language clauses may be modified without changing its intent. Subrecipients cannot amend a Request for Proposals and/or contract after the end of the procurement period or contract award to make the documents fully-compliant with federal requirements. Subrecipients using Section 5310 funds to procure vehicles are committed to operate each vehicle for a minimum of 20 hours per week. Subrecipients can procure the vehicles: i) on their own, after Metro’s review and approval of their procurement documents; or ii) through Metro to benefit of a discount ranging from \$4,000 to \$7,000 per vehicle (depending on its type). Metro would procure the vehicles through the CALACT/MBTA Purchasing Cooperative of the California Association for Coordinated Transportation and the Morongo Basin Transit Authority that is currently approved by the FTA to comply with all federal procurement guidelines, or through another organization approved by the FTA.

The FTA encourages Designated Recipients of Section 5310 funds to either hold title or record a lien against the title of vehicles. With this guidance into consideration, Metro will not hold the title of vehicles purchased with Section 5310 funds. However, it requires subrecipients to list Metro as an additional insured and the lien holder on all approved vehicles funded by the Section 5310 Program. Metro shall remain the lien holder until the fair market value of the vehicle is less than \$5,000. Noncompliance with these requirements may result in the relinquishment of the vehicles to Metro. Proof of insurance must be provided prior to the vehicle(s) being delivered to the subrecipient, including for the following:

- Metro must be named as a loss payee/additional insured;
- \$1 million commercial general liability coverage;
- \$1 million commercial automobile liability coverage affording protection for bodily injury/property damage and in the aggregate;
- \$1 million workers’ compensation/employer’s liability coverage; and
- Comprehensive and collision coverage on a replacement cost basis with a deductible of no more than \$1,000.

When an agency other than the subrecipient is proposed to operate vehicles funded by the Section 5310 Program, control and responsibility for the operation of the vehicles must remain with the subrecipient throughout the life of the asset (until asset is disposed of or sold according to the guidelines of the FTA). In this case, the subrecipient remains the registered owner of the vehicle and remains fully responsible for program compliance, including, but not limited to, operation oversight, reporting, insurance, maintenance and monitoring. In this regard, the subrecipient must prepare an agency wide Asset Management Plan to comply with MAP-21 or other reauthorizing legislation. Metro will not develop the Asset Management Plan for its subrecipients.

## **19.0 Program Management Plan Updates**

The PMP is a living document. It will be updated regularly to incorporate any expansions and enhancements of the Section 5310 Program, as well as any revisions to the programs' requirements, made by new federal law and guidance. It will also be updated per the request of the FTA or based on significant input submitted from subrecipients, Metro's committees and subcommittees, eligible applicants, and the general public. All significant changes to the PMP will require FTA approval. At minimum, the PMP will be updated every four years and be consistent with the cycle for updating the Coordinated Plan for Los Angeles County. The latest version of the PMP and other information relevant to the Section 5310 Program will be posted at Metro's website at <http://www.metro.net/projects/fta5310/>.