

**Tennessee Department of Transportation  
Division of Multimodal Transportation Resources**

**Compliance Monitoring Program (CMP) Field Guide**

**For the Section 5310 Program**



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# TDOT Section 5310 Field Compliance Guide

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# Introduction

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## TDOT Compliance Monitoring Program

### Goal

The goal of the Tennessee Department of Transportation Compliance Monitoring Program (CMP) is to provide a consistent and thorough review of the compliance practices of TDOT subrecipients that receive Federal funding under 49 U.S.C. § 5310, 5311, 5316, and 5317.

### General Approach

TDOT will adopt a risk-based approach in conducting on-site periodic compliance reviews of its Federally funded subrecipients. In this approach, TDOT will conduct compliance reviews of **all** subrecipients in the Section 5311, Section 5316, 5317 and Section 5310 programs once every three years (100 percent sample coverage). Because TDOT is responsible for vehicle acquisition for section 5310 agencies, the agency has instituted enhanced controls on equipment to achieve compliance.

TDOT will employ the services of its technical assistance consultant to provide assistance in conduct the reviews.

A principle tenant of the TDOT approach to the Compliance Monitoring Program is the provision of technical assistance. TDOT and the consultant team will assist each subrecipient under review to understand the requirements of any particular circular, rule, regulation or law; to provide copies of relevant regulatory citations and technical assistance materials; and to render additional assistance in subrecipient remedy of findings, as necessary.

The process will consist of both a desk review and an on-site visit by the review team. Following each site visit, the review team will issue a report outlining the areas reviewed, compliance deficiencies, actions necessary by the subrecipient to remedy the deficiency, and the timeframe for corrective action. Subrecipient materials for the desk review for traditional Section 5310 projects (capital only), may include:

- ◆ Organizational chart
- ◆ Written vehicle maintenance plan;
- ◆ Asset inventories
- ◆ Transportation service policies (including vehicle disposition policy)
- ◆ Title VI plan
- ◆ Public Transportation/Human Services Coordination Plan
- ◆ Copy of any lease agreements on any Federally-funded vehicles leased to third parties

- ◆ Verification of insurance coverage maintained on Federally-funded vehicle (Acord statement or equivalent)
- ◆ 5310 application(s) and 5310 contract(s)
- ◆ 5310 Monthly Reporting Forms
- ◆ Vehicle Inspection Reports
- ◆ Vehicle Maintenance Log Reports
- ◆ Certificate of Equivalent Services

The subrecipient will be required to submit to TDOT the documents listed above that are applicable to the review.

**Standardized Review Guide**

To ensure equitable treatment and consistency, the review team will utilize a standardized Section 5310 Field Compliance Guide which explains the review process and provides the subrecipient with all questions and subject areas that will be part of the compliance review.

## Compliance Review Schedule

The Section 5310 Compliance Review Process consists of the following steps (Table 1):

**Table 1. Recommended Schedule for Compliance Reviews**

No.	Step	Recommended Time Frame	
(1)	Selection of projects for review	75	} Days before TDOT Site Visit
(2)	TDOT Notification Letter	60	
(3)	Attachment – Request for Documents	45	
(4)	Desk Review of Subrecipient	15	
(5)	Site Visit		
(6)	Draft Report Preparation	30	} Days after TDOT Site Visit
(7)	Internal TDOT Review	45	
(8)	Transmittal of Draft Report by Subrecipient	45	
(9)	Subrecipient Review	75	
(10)	Conference Call with Subrecipient	75	
(11)	Report Finalization	80	
(12)	Remedial Action of Findings by Subrecipient	Based on Schedule	

## Technical Assistance

The focus of the Compliance Monitoring Program will be both compliance *and* technical assistance. Technical assistance will be provided:

- ◆ On-site while explaining preliminary compliance findings during an exit conference;
- ◆ After release of the draft report, assisting the subrecipient understand the nature of the deficiency;
- ◆ In the development of subrecipient remedial action to the deficiency; and
- ◆ To TDOT as systemic compliance problems arise in the course of the reviews.

## Reports

Several reports will be issued during the process; this includes a draft report that is subject to review by TDOT and the subrecipient. A final report will be issued after TDOT authorized changes and edits are made to the document.

### Draft Report

The draft Compliance Monitoring Program report will be organized by subject matter, consistent with the organization of the State Management Review workbook. Some subject areas may be consolidated for efficiency in the on-site review process.

Within 30 days after the site review, the review consultant will issue the draft compliance report. The report will provide narrative on the following subject areas:

- ◆ Overview of the process
- ◆ Participants in the process
- ◆ A tabular presentation of compliance deficiencies that documents:
  - Topic
  - Subtopic
  - Observation/Deficiency
  - Remedy
  - Timeframe for Remedy

All compliance findings will be summarized in tabular form.

The draft report will be submitted to grantee for review.

## **Subrecipient Review and Response**

The subrecipient will have 30 days to review the draft report.

During this review period, the subrecipient may present additional information regarding compliance actions in the event the subrecipient disagrees with a review finding. Any such rebuttals will be reviewed by TDOT a final determination will be made. Additionally, the subrecipient will have opportunity to begin remedy of the finding. To the extent possible, TDOT will encourage subrecipient to utilize the review period to prepare remedies for identified compliance deficiencies.

The subrecipient's response, along with all proposed remedial actions that may have been accomplished during the review period, will be submitted to TDOT for determination of potential closure of the finding.

## **Final Report**

Following receipt of the subrecipient's response, TDOT will issue the Final Report.

The final report will document which findings have been satisfactorily addressed and closed during the review period. For all remaining open findings, the subrecipient will have agreed to the proposed timeframe for remedy and will initiate work on remedial actions pursuant to that schedule.

TDOT will be responsible for monitoring subsequent remedial actions and findings closure after issuance of the final report.

In the sections that follow, the subject areas and questions that may be asked during the review are detailed.

# Section 1. General Administrative Procedures

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The purpose of the General Section is to document various administrative procedures associated with the 5310 Field Compliance Guide. This includes documentation of subrecipient information, planning procedures, and wrap-up procedures.

## Subrecipient Information

This section is designed to assure that the review team has current information on the subrecipient under review.

1. Complete the following general information related to the subrecipient.

**Agency Identification Information:**

- a. **Subrecipient Name:** \_\_\_\_\_
- b. **Business Address:** \_\_\_\_\_
- c. **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_
- d. **Phone Number:** \_\_\_\_\_

**Subrecipient Contact Information:**

- e. **Name** \_\_\_\_\_
- f. **Title:** \_\_\_\_\_
- g. **E:mail** \_\_\_\_\_

**Site Visit Information:**

- h. **Date of Site Visit:** \_\_\_\_\_
- i. **Lead Reviewer:** \_\_\_\_\_
- j. **Other Reviewer(s):** \_\_\_\_\_

## Planning Procedures

It is important that the review staff obtain an understanding of the subrecipient through preliminary site visit planning procedures.

2. Review the following documents:
  - a. Review TDOT contracts, applications, inventory records, monthly reports, etc.
  - b. Review subrecipient's webpage
  - c. Review the following records to become familiar with specific regulations and guidelines:
    - i. Contract/grant agreements and amendments
    - ii. Applicable Federal and state regulations.
3. Prepare a notification letter and send to the subrecipient 45-60 days prior to the field visit. Maintain correspondence records.

Date of Notification Letter: \_\_\_\_\_

4. Inform the subrecipient of the requested documentation for the desk review. Request that desk review documents be submitted to TDOT approximately 15 days prior to field visit. Maintain correspondence records.

## Wrap-Up Procedures

5. Ensure the Section 5310 Compliance Field Guide questions are complete and accurate. Check for grammatical errors. Use Reviewer Note Sections to fully document review.
6. Draft the report. Ensure information included in the report is complete and accurate. Check for grammatical and formatting errors.
7. Notify the Supervisor when the draft report is ready for supervisory review.

## Section 2. Desk Review

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The following items should be completed as part of the desk review.

### Desk Review Items to Solicit from Subrecipient

The following documents should be requested to be sent to TDOT at least fifteen (15) days before the site visit:

- Organizational chart
- Transportation brochure, if any, that describe the agency's transportation program
- Vehicle maintenance plan (if not on-file with TDOT)
- Transportation and vehicle policies
- Asset inventories
- Coordinated human services/public transportation plan (if not on-file with TDOT)
- Copy of lease agreements on any Federally-funded vehicles leased to third parties
- Verification of insurance coverage maintained on Federally-funded vehicle (Acord statement or equivalent)
- Others, as deemed necessary

### Document Grants Awarded to Subrecipient

#### Grants

**Document all 5310 grants awarded to subrecipient.**

The following information should be recorded for each grant:

- Subrecipient legal name (same name as used in grant)
- FTA grant number
- F & A Contract number
- TDOT project number

## Scope of Services

Review the grant application documents on file with TDOT. Based on the project description contained in the application, document the types of eligible Section 5310 activities were proposed by the subrecipient. Do the following:

Document the subrecipient’s service area (this will be necessary to determine what public transit/human service agency coordination plan to review in the next section).

Use the chart to check all that apply based on information contained in the application.

**Desk Review Table 1. Proposed Scope of Eligible Activities in the Grant Application**

Yes	Eligible Section 5310 Expense
<b>Traditional Section 5310 Projects (Minimum: 55%)</b>	
<input type="checkbox"/>	Rolling stock and related activities for Section 5310-funded vehicles
<input type="checkbox"/>	Acquisition of expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs
<input type="checkbox"/>	Vehicle rehabilitation or overhaul
<input type="checkbox"/>	Preventive maintenance
<input type="checkbox"/>	Radios and communication equipment
<input type="checkbox"/>	Vehicle wheelchair lifts, ramps, and securement devices
<input type="checkbox"/>	Passenger facilities related to Section 5310-funded vehicles
<input type="checkbox"/>	Purchase and installation of benches, shelters, and other passenger amenities
<input type="checkbox"/>	Support facilities and equipment for Section 5310-funded vehicles
<input type="checkbox"/>	Extended warranties that do not exceed the industry standard
<input type="checkbox"/>	Computer hardware and software
<input type="checkbox"/>	Transit-related intelligent transportation systems (ITS)
<input type="checkbox"/>	Dispatch systems
<input type="checkbox"/>	Fare collection systems
<input type="checkbox"/>	Lease of equipment when lease is more cost effective than purchase
<input type="checkbox"/>	Acquisition of transportation services under a contract, lease, or other arrangement
<input type="checkbox"/>	Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost
<input type="checkbox"/>	The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals
<input type="checkbox"/>	Support for short-term management activities to plan and implement coordinated services
<input type="checkbox"/>	The support of state and local coordination policy bodies and councils
<input type="checkbox"/>	The operation of transportation brokerages to coordinate providers, funding agencies, and passengers

Yes	Eligible Section 5310 Expense
<input type="checkbox"/>	The provision of coordination services, including employer-oriented transportation management organizations' and human service organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers
<input type="checkbox"/>	The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs
<input type="checkbox"/>	Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of geographic information systems (GIS) mapping, global positioning system technology, coordinated vehicle scheduling, dispatching and monitoring technologies, as well as technologies to track costs and billing in a coordinated system, and single smart customer payment systems. (Acquisition of technology is also eligible as a standalone capital expense).
<input type="checkbox"/>	Capital activities (e.g., acquisition of rolling stock and related activities, acquisition of services, etc.) to support ADA-complementary paratransit service may qualify toward the 55 percent requirement, so long as the service is provided by an eligible recipient/subrecipient as defined in section 5, above, and is included in the coordinated plan
<b>Other (Non-Traditional) Capital and Operating Expenses (Up to 45% Maximum)</b>	
<input type="checkbox"/>	Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable
<input type="checkbox"/>	Public transportation projects (capital and operating) that exceed the requirements of ADA
<input type="checkbox"/>	Enhancing paratransit beyond minimum requirements of the ADA
<input type="checkbox"/>	Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA
<input type="checkbox"/>	Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services
<input type="checkbox"/>	The incremental cost of providing same day service
<input type="checkbox"/>	The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not on a case-by-case basis for individual riders in an otherwise curb-to-curb system
<input type="checkbox"/>	Enhancement of the level of service by providing escorts or assisting riders through the door of their destination
<input type="checkbox"/>	Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA regulations, 49 CFR part 38 (i.e., larger than 30" x 48" and/or weighing more than 600 pounds), and labor costs of aides to help drivers assist passengers with oversized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600-pound design load, and the acquisition of heavier duty vehicles for paratransit and/or demand-response service in order to accommodate lifts with a heavier design load
<input type="checkbox"/>	Installation of additional securement locations in public buses beyond what is required by the ADA

Yes	<b>Eligible Section 5310 Expense</b>	
<input type="checkbox"/>	Feeder Services	
<input type="checkbox"/>	<input type="checkbox"/>	Accessible “feeder” service (transit 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.
<input type="checkbox"/>	<b>Public Transportation Projects that Improve Accessibility</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Making accessibility improvements to transit and intermodal stations not designated as key stations
<input type="checkbox"/>	<input type="checkbox"/>	Building an accessible path to a bus stop that is currently inaccessible, including curb cuts, sidewalks, accessible pedestrian signals, or other accessible features
<input type="checkbox"/>	<input type="checkbox"/>	Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA
<input type="checkbox"/>	<input type="checkbox"/>	Improving signage or wayfinding technology
<input type="checkbox"/>	<input type="checkbox"/>	Implementation of other technology improvements that enhance accessibility for people with disabilities including ITS
<input type="checkbox"/>	<input type="checkbox"/>	Training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services
<input type="checkbox"/>	Alternatives to public transportation (capital and operating) that assist seniors and individuals with disabilities with transportation	
<input type="checkbox"/>	<input type="checkbox"/>	Purchasing vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs. Section 5310 funds can be used to purchase and operate accessible vehicles for use in taxi, ride-sharing, and/or vanpool programs provided that the vehicle meets the same requirements for lifts, ramps, and securement systems specified in 49 CFR part 38, subpart B, at a minimum, and permits a passenger whose wheelchair can be accommodated pursuant to part 38 to remain in his/her personal mobility device inside the vehicle
<input type="checkbox"/>	<input type="checkbox"/>	Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers
<input type="checkbox"/>	<input type="checkbox"/>	Supporting volunteer driver and aide programs. Volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers

## Coordination Plan

Obtain a copy of the latest coordination plan on file for the service from TDOT files or as submitted during the desk review.

1. Obtain a copy of the coordinated plan. What is the date of the most recent plan?
2. Does the coordinated plan contain the required elements?

Yes	No	Required Plan Element
<input type="checkbox"/>	<input type="checkbox"/>	An assessment of available services that identifies current transportation providers (public, private, and nonprofit).
<input type="checkbox"/>	<input type="checkbox"/>	An assessment of transportation needs for individuals with disabilities and seniors. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service.
<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	Priorities for implementation based on resources (from multiple program sources), time, and feasibility for implementing specific strategies and/or activities identified.

3. Was the coordinated plan developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and non-profit transportation and human services providers and participation by other members of the public?

Yes     No

If "Yes," what organizations participated in this process (check all that apply)?

Transportation Partners	
<input type="checkbox"/>	Transportation Partners
<input type="checkbox"/>	Area transportation planning agencies, including MPOs, councils of government (COGs), rural planning organizations (RPOs), regional councils, associations of governments, state departments of transportation, and local governments
<input type="checkbox"/>	Public transportation providers, including ADA paratransit providers and agencies administering the projects funded under FTA urbanized and rural programs
<input type="checkbox"/>	Private transportation providers, including private transportation brokers, taxi operators, vanpool providers, school transportation operators, and intercity bus operators
<input type="checkbox"/>	Nonprofit transportation providers, including volunteer programs
<input type="checkbox"/>	Past or current organizations funded under the Section 5310, JARC, and/or the New Freedom programs
<input type="checkbox"/>	Human service agencies funding, operating, and/or providing access to transportation services
<input type="checkbox"/>	Passengers and advocates
<input type="checkbox"/>	Existing and potential riders, including both general and targeted population passengers (individuals with disabilities and seniors);

<input type="checkbox"/>	Protection and advocacy organizations
<input type="checkbox"/>	Representatives from independent living centers
<input type="checkbox"/>	Advocacy organizations working on behalf of targeted populations
<input type="checkbox"/>	Human service partners
<input type="checkbox"/>	Agencies that administer health, employment, or other support programs for targeted populations. Examples of such agencies include but are not limited to departments of social/human services, employment one-stop services, vocational rehabilitation, workforce investment boards, Medicaid, community action programs (CAP), Agency on Aging (AoA), Developmental Disability Council, community services board
<input type="checkbox"/>	Nonprofit human service provider organizations that serve the targeted populations
<input type="checkbox"/>	Job training and placement agencies
<input type="checkbox"/>	Housing agencies
<input type="checkbox"/>	Healthcare facilities
<input type="checkbox"/>	Mental health agencies
<input type="checkbox"/>	Other organizations
<input type="checkbox"/>	Security and emergency management agencies
<input type="checkbox"/>	Tribes and tribal representatives
<input type="checkbox"/>	Economic development organizations
<input type="checkbox"/>	Faith-based and community-based organizations
<input type="checkbox"/>	Representatives of the business community
<input type="checkbox"/>	Appropriate local or state officials and elected officials
<input type="checkbox"/>	School districts
<input type="checkbox"/>	Policy analysts or experts

4. Was the plan adopted?

Yes     No

If "Yes," what organization(s) adopted the plan?

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If "Yes," when was the plan adopted?

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5. Was the Section 5310 project included in the plan?

Yes     No

## Vehicle Inventory

Prior to the site visit, the reviewer should document all vehicles owned by the subrecipient from the centralized TDOT vehicle inventory.

### Requirement:

2 CFR part 200.313(d)(1) requires the subrecipients to maintain property records that contain the following information:

- Description of the property (make, model, model year)
- VIN number
- Grant source of funding for the vehicle (including the FAIN<sup>1</sup>)
- Name of the title holder
- Acquisition date, and
- Cost of the property
- Percentage of Federal participation in the project costs for the Federal award under which the property was acquired
- Current location of the vehicle
- Current use of the vehicle
  - Active
  - Back-up
  - Reserve fleet
  - Awaiting disposition
- Current condition of the vehicle (Excellent, Good, Fair, Poor)
- Disposition data including:
  - Date of disposal
  - Sale price of the property

6. Does the subrecipient's inventory records contain all information as required by 2 CFR part 200.313(d)(1)?

Yes     No

### Certificate of Equivalent Services

7. Were any vehicles acquired not accessible pursuant to 49 CFR part 38.

Yes     No

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<sup>1</sup> Federal Award Identification Number. This will be a number associated with all FTA granted award after December 26, 2014 by FTA to TDOT.

## Section 3. Site Visit

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### Entrance Interview Topics

Cover the following talking points during the review:

- 1) **Welcome and Introduction** – Allow all participants to introduce themselves.
- 2) **Overview of the TDOT Compliance Review Process** – Provide some background on the review process.
  - a) **Talking Points:** Include, at a minimum, the following points:
    - Review is structured as a **technical assistance effort, not a compliance audit.**
      - Presumption that subrecipient seeks to be in compliance, but complexity of requirements can lead to unintentional non-compliance.
      - No adverse consequences as a result of finding.
      - Technical assistance will provided to cure compliance deficiencies.
      - Examples, templates, and other best practices materials will be made available upon request.
    - Review is based on FTA oversight the State DOT. TDOT, in turn, must assure FTA that sufficient monitoring of subrecipients.
    - All subrecipients are being reviewed in accordance with a three-year schedule.
    - There will be compliance findings; all reviews will generate findings.
    - The number of findings is not significant; do not use such numbers in an effort to compare the entity with other recipients.
  - b) **Exit Conference**
    - Note that at the conclusion of the review, the review team will conduct an exit conference.
- 3) **Collection of Documents On-Site**
  - a) **Protocols** – Note that during the course of the review, documents, policies, and procedures may be noted by the subrecipient that should be collected as part of the review process. Note the review team will keep and maintain a list of such documents so that review Q & A is not constantly interrupted by retrieval of documents.
  - b) **Format** – TDOT would prefer, whenever possible, to obtain the requested documents in electronic format. (Note: documents collected on-site should be transferred/upload to the TDOT project folder established for this subrecipient during the review).
- 4) **Reports**

- a) **Draft Report** – Note that following the site visit, the review team will go back to the office to further review responses to the Field Guide and additional documents collected on-site and prepare a draft compliance review report.
  - b) **Format of the Report** – The report will contain:
    - Overview of process;
    - Participants in the process;
    - Review of findings, by topic and subtopic;
    - Findings:
      - Compliance Findings
      - Advisory Findings
    - Summary Table (Action Plan)
    - Recommended remedy timeframe
- 5) **Technical Assistance**
- a) **Assistance Availability** – Following the review, TDOT will be available for consultation on compliance and advisory finding.
  - b) **TDOT** – TDOT may be consulted at any time, before, during, and after the sixty day period.
- 6) **Subrecipient Questions** – Allow the subrecipient’s participants to ask any questions at this point.
- 7) **Start the Review** – Begin Q & A in accordance with the Field Guide.

## Exit Interview Topics

Following the question and answer session, the examination of records, and the inspection of any vehicles, compile the review notes and prepare of the exit conference.

Permit the agency to invite any management staff that may not have participated in the review to attend the exit conference.

Cover the following talking points during the review:

- 1) **Express Thanks** – Thank the agency for their participation and provision of documents during the review process.
- 2) **Findings** – Review findings that arose during the review. Discuss potential remedial action to each finding.
- 3) **Schedule** – Discuss the schedule for production of the review report.

- 4) **Review Process** – Discuss the subrecipient review process for the draft report. Note that TDOT will schedule a review conference call after the agency has had adequate time to review the draft. Advise that the subrecipient will have opportunity to rebut or refute anything contained in the report.
- 5) **Remedy** – Indicate that the agency, if they agree with findings discussed at the exit interview, may begin remediation of any compliance deficiency.

## Section 4. Selection and Eligibility/Eligible Services

### Overview – Other FTA Funds Received by Subrecipient

States and subrecipients must be eligible under the specific requirements of the FTA programs and have the legal, financial, and technical capacity to carry out the proposed program of projects.

This section of the TDOT Compliance Program Manual will address eligibility requirements by program.

1. The desk review documented source of TDOT funds have been received by the subrecipient. What sources of funding are used to support vehicle operations?

**Note:** In order to assist the reviewer, the main Federal programs used to support elderly and disabled transportation are populated in the table; the reviewer will need to consult with the project to identify these programs. Use the “other” if identified programs are not used or cannot be identified as supporting the transportation program.

**Note:** The local subrecipient may not be familiar with Federal funding sources, particularly if the funding is provided through a state agency. Do not get bogged down in this section; but to the extent possible, TDOT would like to determine how operating funds are obtained to support Section 5310 projects.

Name	Authorization
<b>Education – Office of Special Education and Rehabilitative Services</b>	
<input type="checkbox"/> Assistance for Education of All Children with Disabilities	20 U.S.C. § 1401(a)(22), 1411(a)(1)
<input type="checkbox"/> Centers for Independent Living	29 U.S.C. §§ 796f-4(b)(3) and 705(18)(xi)
<input type="checkbox"/> Independent Living Services for Older Individuals Who Are Blind	29 U.S.C. § 796k(e)(5)
<input type="checkbox"/> Independent Living State Grants	29 U.S.C. §§ 796e-2(1) and 705(18)(xi)
<input type="checkbox"/> Supported Employment Services for Individuals with Most Significant Disabilities	29 U.S.C. §§ 795g and 705(36)
<input type="checkbox"/> Vocational Rehabilitation Grants	29 U.S.C. § 723(a)(8)
<b>Health and Human Services – Administration for Children and Families</b>	
<input type="checkbox"/> Community Services Block Grant Programs	42 U.S.C. § 9904
<input type="checkbox"/> Developmental Disabilities Projects of National Significance	42 U.S.C. §§ 15002, 15081(2)(D)
<input type="checkbox"/> Vocational Rehabilitation Grants	
<input type="checkbox"/> Social Services Block Grants	42 U.S.C. § 1397a(a)(2)(A)
<input type="checkbox"/> State Councils on Developmental Disabilities and Protection and Advocacy Systems	42 U.S.C. §§ 15002, 15025
<input type="checkbox"/> Temporary Assistance for Needy Families	42 U.S.C. §§ 604(a), (k)
<b>Health and Human Services – Administration on Aging</b>	
<input type="checkbox"/> Grants for Supportive Services and Senior Centers	42 U.S.C. § 3030d (a)(2)
<b>Health and Human Services – Centers for Medicare and Medicaid</b>	
<input type="checkbox"/> Medicaid	42 U.S.C. §§ 1396a, 1396n(e)(1)(A)

**Health and Human Services – Health Resources and Services Administration**

- Rural Health Care, Rural Health Network, and Small Health Care Provider Programs 42 U.S.C. § 254c

**Health and Human Services – Substance Abuse and Mental Health Services Administration**

- Community Mental Health Services Block Grant 42 U.S.C. § 300x-1(b)(1)
- Substance Abuse Prevention and Treatment Block Grant 42 U.S.C. § 300x-32(b)

**Housing and Urban Development – Office of Community Planning and Development**

- Supportive Housing Program 42 U.S.C. § 11385
- Revitalization of Severely Distressed Public Housing 42 U.S.C. § 1437v(l)(3)

**Labor – Employment and Training Administration**

- Senior Community Service Employment Program 42 U.S.C. § 3056(c)(6)(A)(iv)
- Welfare-to-Work Grants to States and Localities 42 U.S.C. § 603(a)(5)(C)
- Work Incentive Grants 29 U.S.C. §§ 2801(46), 2864(d)(2)
- Workforce Investment Act Adult Services Program 29 U.S.C. §§ 2801(46), 2864(e)(2)

**Other Non-DOT Federal Programs**

- Other (describe) \_\_\_\_\_
- Other (describe) \_\_\_\_\_
- Other (describe) \_\_\_\_\_

**State Programs**

- List Name of Program \_\_\_\_\_

2. What best describes this project?

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

3. Ask the subrecipient about the current scope of services for this project. Compare the response to the checked boxes in Table 1 from the Desk Review. Update accordingly noting any differences.

## Organizational Status of the Subrecipient

Eligible subrecipients for Section 5310 activities include a state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a Section 5310 grant indirectly through a recipient.

Private operators of public transportation are eligible subrecipients. The definition of “public transportation” includes “... shared-ride surface transportation services ...” Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are operators of public transportation, and therefore eligible subrecipients. “Shared-ride” means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides.

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

Taxi companies that provide only exclusive-ride service are not eligible subrecipients.

4. What is the organizational status of the subrecipient and does this agency qualify as an eligible subrecipient of Section 5310 funds?

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

- A taxi company that provides shared ride taxi services.

## Local Match

Section 5310 funds may be used to finance capital and operating expenses. The federal share of eligible capital costs shall be in an amount equal to 80 percent of the net cost of the activity. The federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity.

The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; transportation development credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions 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, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for Section 5310 operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. All sources of local match must be identified and described in the grant application at the time of grant award.

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

5. What are the sources of funds being used to generate the local match? Are these sources non-Federal as defined above? Are these sources consistent with what was described in the subrecipient's approved application?

Are these sources non-Federal as defined above?

- Yes  No

6. Is the subrecipient generating sufficient local match the Section 5310 grant?

Yes  No

Explain, if necessary:

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## Section 5. Coordination Plan

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### Coordination Plan

Federal transit law, as amended by MAP-21, requires that projects selected for funding under the Section 5310 program be “included in a locally developed, coordinated public transit-human services transportation plan” and that the plan be “developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public.” The experiences gained from the efforts of the Federal Interagency Coordinating Council on Access and Mobility (CCAM), and specifically the United We Ride (UWR) initiative, provide a useful starting point for the development and implementation of the local public transit-human services transportation plan required under the Section 5310 program.

Many states have established UWR plans that may form a foundation for a coordinated plan that includes the required elements outlined in this chapter and meets the requirements of 49 U.S.C. 5310. In addition, many states and designated recipients may have coordinated plans established under SAFETEA-LU, and those plans may be updated to account for new stakeholders, eligibility, and MAP-21 requirements. FTA maintains flexibility in how projects appear in the coordination plan. 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.

## Section 6. Equipment Management

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### Equipment - General

Any property (equipment, furniture and fixtures, vehicles, buildings, and land) purchased with Federal or state funds administered by the Division of Multimodal Transportation Resources and valued at \$5,000 or more must be accounted for in the agency fixed asset listing. The asset listing is to contain the Federally required information outlined in the Common Rule and generally accepted accounting principles, as appropriate.

Each capital items shall be assigned a unique identification number throughout its life; the identification number should not be reused. Equipment purchased as an integral part of the vehicle does not need to be separately inventoried; for example, a lift or destination sign that is purchased as part of a vehicle does not need to be inventoried. Capital items are to be depreciated in accordance with generally accepted accounting principles. However, depreciation expense is not an allowable reimbursable cost to Federal programs if purchased, in part or in whole, with federal funds.

Additionally, capital items valued at \$5,000 or more are to be reported to the Division of Multimodal Transportation Resources, at least biannually, on the Division of Multimodal Transportation Resources Property Inventory Form provided to subrecipients. Information contained in the property inventory form should be verified to the subrecipient's asset listing. The form is to be updated and provided to the Division of Multimodal Transportation Resources with the subrecipient's annual grant application.

1. Does the subrecipient have any project equipment that is no longer needed for transportation purposes?

Yes     No

If "Yes," has the subrecipient notified TDOT that the equipment is no longer needed for program purposes?

Yes     No

2. Has the subrecipient disposed of any project equipment during the last three years?

Yes     No

If "Yes," had the equipment exceeded its useful life as determined by TDOT?

Yes     No

If "No," what did the subrecipient do with the proceeds from the disposition?

3. Has the subrecipient disposed of any project equipment prior to the end of the useful life via a transfer to another project?

Yes     No

If "Yes," what methods were used to establish fair market value?

Did the subrecipient notify TDOT for transfer to another transit program?

Yes     No

4. Has the subrecipient transferred any project equipment with remaining useful life to another entity?

Yes     No

If "Yes," did the subrecipient transfer real property to another entity eligible to receive assistance under 49 U.S.C. Chapter 53?

Yes     No

If "Yes," Did TDOT approve of the transfer and/or disposal?

Yes     No

## Property Management and Control

The new "Super Circular" (2 CFR part 200.310 through 200.316) requires all recipients and subrecipients adopt property management standards for all equipment acquired under the Section 5310 program. Property management records must adhere to the elements specified in this section.

A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented; if the equipment was purchased with Section 5310 funds, and had not passed the end of its useful life, the subrecipient shall promptly notify TDOT.

Subrecipients shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds as provided to property owned by the recipient.

Subrecipients must carry insurance on vehicles, equipment, and facilities to cover the federal interest and state interest in the asset. If a subrecipient is covered by the Tennessee Governmental Tort Liability Act (T.C.A. § 29-20-101 et seq.), the following coverage is required:

- Bodily injury or death of any one person in any one accident, occurrence or act \$300,000
- Bodily injury or death of all persons in any one accident, occurrence or act \$700,000
- Injury to or destruction of property of others in any one accident \$100,000

Subrecipients that are not covered by the TCA must carry insurance. The following is the recommended insurance coverage for subrecipients.

- Personal Injury Liability: minimum of \$300,000.00 per person and \$1,000,000.00 per incident.
- Property Damage Liability: minimum of \$300,000.00 per incident.
- Comprehensive: maximum deductible of \$500.00.
- Collision: maximum deductible of \$500.00
- Uninsured Motorist: minimum of \$50,000.00 per person and \$100,000.00 per incident

If a vehicle is out of service more than 30 days, subrecipient must provide written notification to the appropriate TDOT DMTR Program Manager and the Asset Coordinator. For the period of time the vehicle is out of service, the subrecipient must ensure that the time does not count toward the minimum useful life; accounting must stop the depreciation calculation. Additionally, incidental service mileage does not count toward the minimum useful life mileage

5. Does the subrecipient maintain property/asset records for all equipment acquired with FTA funds?

Yes       No

If “Yes,” are all the required data elements contained in the inventory record?

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Description of the property
<input type="checkbox"/>	<input type="checkbox"/>	Serial number or other identification numbers
<input type="checkbox"/>	<input type="checkbox"/>	Source of the property (grant source, program number)
<input type="checkbox"/>	<input type="checkbox"/>	Name of the title holder
<input type="checkbox"/>	<input type="checkbox"/>	Acquisition date
<input type="checkbox"/>	<input type="checkbox"/>	Cost
<input type="checkbox"/>	<input type="checkbox"/>	Percentage of Federal participation in the cost of the property
<input type="checkbox"/>	<input type="checkbox"/>	Location of the equipment
<input type="checkbox"/>	<input type="checkbox"/>	Use and current condition
<input type="checkbox"/>	<input type="checkbox"/>	Disposition information (if applicable), including date of disposal and sales price

6. Does the subrecipient maintain satisfactory continuing control over all Section 5310 assets (e.g., maintains direct control over the asset)?

Yes     No

If “No,” explain and answer the following questions.

Has the subrecipient leased equipment to another entity?

Yes     No

If “Yes,” is there a formal agreement between the parties?

Yes     No

If “Yes,” does the lease:

<b>Yes</b>	<b>No</b>	<b>Lease Requirement</b>
<input type="checkbox"/>	<input type="checkbox"/>	Specify TDOT interest in the vehicle?
<input type="checkbox"/>	<input type="checkbox"/>	Specifies permissible/non-permissible incidental use of the vehicle?
<input type="checkbox"/>	<input type="checkbox"/>	Require lessee to perform vehicle maintenance in accordance with OEM recommendations?
<input type="checkbox"/>	<input type="checkbox"/>	Assign insurance responsibility and all appropriate hold-harmless/indemnification provisions?
<input type="checkbox"/>	<input type="checkbox"/>	Have a finite period of performance?
<input type="checkbox"/>	<input type="checkbox"/>	Notification protocols in the event the vehicle is involved in an accident?

7. Has the subrecipient suffered any casualty loss of project equipment during the last three years?

Yes     No

If “Yes,” did the subrecipient receive an insurance settlement?

Yes     No

Did the subrecipient notify TDOT?

Yes     No

What did the subrecipient do with insurance settlement proceeds?

8. Does the subrecipient utilize project equipment for use on other projects or programs supported directly or indirectly by the Federal government?

Yes     No

If "Yes," explain.

## Incidental Use of Project Equipment

FTA and TDOT encourage maximum use of vehicles funded under the Section 5310 program. Consistent with the requirements of 49 CFR parts 18 and 19, vehicles are to be used first for program-related needs for which a Section 5310 grant is made and then to meet other federal programs or project needs, providing these uses do not interfere with the project activities originally funded. If the vehicle is no longer needed for the original program or project, the vehicle may be used in other activities currently or previously supported by a federal agency.

The program must provide for maximum feasible coordination with transportation services assisted by other federal sources. Subrecipients should be encouraged to the extent feasible to also provide service to seniors and people with disabilities not affiliated with their agency, as well as to the general public, on an incidental basis if such service does not interfere with transportation services for seniors and people with disabilities. In some situations it may be appropriate to provide Section 5310 assistance to an agency to provide transportation exclusively to its own clients, but even in situations in which it is not feasible for the agency to provide services to those in the community beyond its own clients, that agency must, when practicable, make the vehicle itself available to provide transportation service to other seniors and people with disabilities at times the agency is not using the vehicle for grant-related purposes.

Transit service providers receiving assistance under this section may coordinate and assist in providing meal delivery services for homebound people on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

TDOT does allow incidental use of assets provided that the incidental use does not interfere with the public transit services for which it was originally obtained. Incidental use is addressed as part of TDOT's on-site compliance reviews.

Certain additional services (such as meal delivery) are permitted within program funding restrictions as long as they are incidental and do not disrupt the general public service normally provided. However, the cost of these incidental services must be fully allocated and mileage associated with the incidental service must not count towards the useful life of the vehicle. If FTA-funded vehicles are used occasionally to deliver meals, TDOT requires nutrition programs to pay the operating costs attributable to meal delivery.

9. Does the subrecipient use FTA funded equipment to engage in homebound meal delivery?

Yes     No

If "Yes," does the subrecipient have a cost allocation/costing methodology in place to assess the meals program the fully allocated cost of service?

Yes     No

10. Does the subrecipient use FTA funded equipment to engage in any other incidental uses for other than service to elderly persons and individuals with disabilities?

Yes     No

If "Yes," does the subrecipient have a cost allocation/costing methodology in place to assess the meals program the fully allocated cost of service?

Yes     No

Explain other types of incidental uses.

11. Does the subrecipient have a means to track mileage for incidental use (TDOT does not permit incidental mileage towards useful life calculation)?

Yes     No     N/A

## Equipment Maintenance

Subrecipients are required to certify that any property purchased under the project shall be used for the provision of specialized transportation services within the subrecipient's service area or other areas as described in the grant application, and for the life of the equipment or facility in compliance with the property management standards of 49 CFR part 19.30 through 19.37.

TDOT requires all subrecipients who utilize assets purchased with federal and/or state funds to submit a comprehensive maintenance plan that will include, at a minimum, procedure for maintaining vehicles, facilities and ADA accessibility features.

Subrecipients must maintain an up-to-date vehicle file for each vehicle containing key identification information and all information about maintenance events.

The subrecipient must insure that all vehicles under its control and all required accessories on the vehicles, are regularly checked and inspected, maintained, and lubricated to ensure that they are in safe operating condition. The subrecipient must have a means of indicating the types on inspection, maintenance, and lubrication operation to be performed on each vehicle and the date or mileage that these operations are due.

12. How are vehicle maintenance services performed?

- In-house
- Contractors
- Combination of in-house and contractors

If a combination of methods is used, are there specific functions that are contracted out?

- Yes     No

Explain combination of methods.

13. Does the subrecipient have a written preventive maintenance plan for vehicles?

- Yes     No

If "Yes," does the plan prescriptively indicate the mileage intervals and the types of maintenance actions/checks that are to occur at each interval?

- Yes     No

If “Yes,” are the maintenance actions and intervals consistent with manufacturer’s minimum maintenance requirements for vehicles under warranty?

Yes     No

14. Does the subrecipient’s preventive maintenance program also include specific action to ensure that a vehicle’s accessibility features, *i.e.*, lifts, ramps, public announcement systems, tie-downs, are maintained in good working order?

Yes     No     N/A

15. What procedures does the subrecipient use to track all maintenance activities? Explain in detail.

16. What is the subrecipient’s schedule for vehicle preventive maintenance (PM) category A (oil change) intervals?

Are maintenance intervals used consistent with what is documented in the written preventative maintenance plan?

Yes     No

If “No,” Explain.

17. Does the subrecipient conduct daily pre-trip inspections prior to placing a vehicle in service?

Yes     No

If “Yes,” how does the system utilize pre-trip deflection reports to make repairs to system vehicles?

18. If a lift is found to be inoperative during pre-trip inspections, is the vehicle taken out of service by the beginning of the next service day and repaired before returning it to service?

Yes     No

If "Yes," are appropriate accommodations made for displaced passengers with disabilities?

Yes     No

Explain.

## Section 7. Procurement

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### Acquisition Methods

Subrecipients that are private nonprofit organizations must comply with FTA procurement requirements contained in the current FTA Circular 4220.1. States and designated recipients are responsible for ensuring that private nonprofit subrecipients are aware of and comply with these additional requirements.

1. Has the subrecipient purchased vehicles through a state contract administered by the Department of General Services, Division of Purchasing?

Yes     No

If “Yes,” are the goods, services, or equipment purchased an item or items where the Multimodal Transportation Resources has ensured that all Federal provisions have been met?

Yes     No

If “Yes,” **STOP HERE**. Go to the Section 5.

2. Has the subrecipient purchased vehicles, goods, services, or other equipment using local procurement methods?

Yes     No

If “Yes,” **STOP HERE**. Use the Procurement section from the Section 5311 field guide; all provisions apply.

3. Does the subrecipient use project funds for non-traditional projects, *e.g.*, operations?

Yes     No

If “Yes,” **STOP HERE**. Use the Financial Management section from the Section 5311 field guide; all provisions apply.

## Purchase of Service Contracts

Subrecipients may purchase service from private sector transportation providers as well as public providers. Under such arrangements, certain special conditions apply to the purchase of service agreement.

The purchase of service contracts must be either a cost reimbursement or fixed price contract.

- Fixed price contracts should have the cost calculated on a service or route specific basis, either vehicle or passenger miles, or a combination of both. It is not subject to any adjustment on the basis of a contractor's cost experience in performing the contract.
- Cost reimbursement contracts should allow for a periodic evaluation of the fixed rate in order to accommodate changes in transportation costs. These contracts establish an estimate of total cost for obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without approval.

Profit is an eligible cost in the contract. The amount of profit must be established as a fixed fee, not as a percentage figure.

Depreciation of vehicles is an eligible expense in private sector purchase of service agreements and must be based on acquisition, not replacement costs, and is not eligible if the vehicles were originally purchased with Federal funds.

Management or administrative costs incurred by the contract provider should be prorated for only that portion of the operator's service being purchased.

Division of Multimodal Transportation Resources shall approve the proposed purchase of service contracts prior to execution by the subrecipient.

4. Has the subrecipient entered into any purchase of service contracts?

Yes     No

If "Yes," what type of contract did the subrecipient use with the service provider?

Fixed price contract  
 Cost reimbursement contract

5. Has the subrecipient used "capital cost of contracting" in any service contract entered into with a private sector provider?

Yes     No

If “Yes,” has the subrecipient correctly classified the type of contract and corresponding capital participation rate in the contract?

Yes     No

If “No,” has the subrecipient adhered to TDOT guidelines in structuring the respective types of contracts?

Yes     No

## Section 8. Other Provisions

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### Title VI

Federal civil rights requirements are encompassed in laws, regulations, and Executive Orders. The objective of FTA's oversight in this area is to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

1. Does the subrecipient have a Title VI Program?

Yes     No

If "Yes," has it been adopted by the subrecipient's governing board?

Yes     No

2. Has the program been submitted to TDOT?

Yes     No

If "Yes," has the TDOT Civil Rights Office issued a compliance letter?

Yes     No

If "Yes", what is the date of the letter? \_\_\_\_\_

**Note:** *The TDOT Civil Rights Office compliance determinations are valid for three years provided there have been no changes to the Title VI Program or the Title VI Coordinator. The "No Change" Affidavit and Title VI Assurance Statement is required to be submitted annually to maintain compliance with the TDOT Civil Rights Office.*

3. How has the subrecipient disseminated the Title VI notice?

## Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. DOT recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Subrecipients should apply four (4) factors to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- The frequency with which LEP individuals come in contact with the program.
- The nature and importance of the program, activity, or service provided by the recipient to people's lives.
- The resources available to the recipient and costs.

After completing the above four-factor analysis, subrecipients can determine the appropriate "mix" of LEP services required. Subrecipients have two main ways to provide language services: oral interpretation, either in person or via telephone interpretation service, and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

4. Has the subrecipient assessed and addressed the ability of persons with limited English proficiency (LEP) to use transit services?

Yes     No

5. Describe the subrecipient's efforts to provide access to information and services by LEP persons.

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## Equal Employment Opportunity (EEO)

A subrecipient must ensure that it does not discriminate in its hiring practices on the basis of race, color, sex (including pregnancy), national origin, creed, or religion. All subrecipients must take affirmative action to ensure that applicants are employed, and that employees, are treated during employment without regard to race, color, creed, national origin, sex, or age. Such action must include, but not be limited to: hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The subrecipient shall have a written affirmative action plan designed to achieve full utilization of minorities and women in all parts of the work force.

Subrecipients must post, in a conspicuous place, and make available to employees and applicants for employment, notices setting forth the subrecipient's EEO policy. These policies must include procedures for filing complaints of discrimination, both internally as well as externally with the Federal Economic Employment Opportunity Commission (EEOC), a local or state human rights commission, and/or FTA.

If a subrecipient exceeds size threshold requirements set by FTA, it must prepare an EEO plan and submit this plan to TDOT every three (3) years.

6. Who is responsible for ensuring that EEO obligations are fulfilled on behalf of the subrecipient?
- 

7. Has the subrecipient posted an EEO statement in a conspicuous and accessible place in the workplace?

Yes     No

**Note:** *The Review Team should observe postings during on-site visit. Determine that posting is up-to-date.*

8. Is the subrecipient's EEO policy included in personnel policies and/or employee handbook?

Yes     No

9. Are EEO statements included on the subrecipient's job applications and employment notices/job postings?

Yes     No

10. How does the subrecipient ensure non-discrimination for ADA-eligible persons in terms of employment?
-

If requested, were reasonable accommodations made for hiring a person with disabilities in accordance with Title I of the ADA?

Yes     No

If "Yes," describe the accommodation.

11. Were any EEO complaints or lawsuits received in the past three years?

Yes     No

If "Yes," describe the nature of the complaint or lawsuit.

Did the subrecipient report the complaint or lawsuit to TDOT?

Yes     No

12. Does the subrecipient (*check all that apply*):

- Have 50 or more transit-related employees? AND
- Receive capital or operating assistance in excess of 1 million? OR
- Receive planning assistance in excess of \$250,000?

If "Yes," to 1 and 2, or 3, subrecipient must prepare an Affirmative Action Plan.

## Americans with Disabilities Act (ADA)

Compliance responsibilities will vary depending upon the type of entity providing the service. The regulations recognize three types of entities as follows:

**Public entities** include city, town, county, or state governments, or special authorities created under public law such as transit authorities.

**Private, primarily engaged entities** include private companies whose primary business is transportation. This includes private taxi companies, van or bus companies, or private intercity bus companies. This category includes private, non-profit agencies whose main business is transportation.

**Private, not primarily engaged entities** are private companies or organizations, including non-profit organizations, whose primary business is something other than transportation, but who provide transportation as a secondary or support service. This includes human service agencies that operate transportation services as a secondary or support service.

Compliance responsibilities will also vary depending on the type of transportation service provided by the subrecipient. Several types of service that are particularly relevant to these reviews are:

**Fixed route system** means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

**Commuter bus service** means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

**Demand responsive system** means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

**Route Deviation, Point Deviation, or Flex-Bus systems**, which do not have prescribed routes, or which allow for on-request deviations off of prescribed routes, are considered types of demand responsive systems if the on-request, off-route deviations are available to all riders. If off-route deviations are made only for certain individuals, such as persons with disabilities, these types of services are considered fixed route.

ADA complementary paratransit is a specific type of demand responsive service that is required of public entities that provide non-commuter fixed route service.

To determine compliance responsibilities, the review must determine the type of entity and service modes delivered.

13. Based on the articles of incorporation or enabling legislation, identify the type of subrecipient under review:

- Public entity
- Private entity, primarily engaged in transportation
- Private entity, not primarily engaged in transportation

14. Evaluate the scope of services and determine all modes of service operated by the subrecipient. For each subrecipient, check all the primary and sub-modes that apply:

- Fixed route
  - Non-commuter bus
  - Commuter bus
  - Inter-city bus
  - Route/point deviation with deviations limited to certain riders
- Demand Response
  - ADA complementary paratransit
  - Route/point deviation with deviations for the general public
  - Other demand responsive service

15. Following are examples of common policies that discriminate against persons with disabilities. Determine if the subrecipient engages in any of these actions, or has any other policies that discriminate:

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have policies that impose any special charges for individuals with disabilities, including wheelchair users?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient deny service to any individual because its insurance company conditions coverage or rates?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient require that wheelchairs have working brakes, be “in good working condition,” or place any other restrictions on mobility devices? (Exception: situation that poses a “direct threat to others.”)
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have policies that suggest a denial of service for rude behavior, swearing, or other behaviors that do not rise to illegal or seriously disruptive?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient <b>require</b> individuals with disabilities to use designated priority seats?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient require persons traveling in securement areas to wear seat belts or shoulder straps when all other passengers do not have the same requirement?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient require wheelchair users to wear a body belt when traveling up and down on the lift?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient policy prohibit respirators or portable oxygen supplies (Exception: items that are prohibited under applicable Department of Transportation rules on the transportation of hazardous materials—49 CFR subtitle B, chapter 1, subchapter C.)
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have any other policy that could discriminate against persons with disabilities?

16. Does the subrecipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?

Yes     No

If “Yes,” are supervisors, dispatchers, and vehicle operators trained on this policy?

Yes     No

Is there an appropriate appeal policy for any service refusals?

Yes     No

### Attendant Policies

Individuals with disabilities should be allowed to travel with attendants. Attendants cannot be required, though, except if service could otherwise be refused for illegal, violent or seriously disruptive behavior.

17. Does the subrecipient allow persons with disabilities to travel with attendants?

Yes     No

If “Yes,” does definition of attendant extend beyond assistance during travel to also include assistance at destination?

Yes     No

18. Are any claimed attendants allowed (*i.e.*, no registration of only certain persons who can be attendants)?

Yes     No

19. Are persons with disabilities allowed to travel without attendants, even if they indicate they sometimes use attendants (Exception: Caregiver or guardian requests that attendant always be present, or documented past behavior allows refusal and person/caregiver agree to use attendant to mitigate issues)?

Yes     No

### Service Equivalency

Providers of demand responsive service (the service mode most likely to be used by Section 5310 subrecipients) must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard. For private and public entities, the service must be equivalent in regard to schedules, response times, geographic areas of service, hours and days of service, availability of

information, reservations capability, constraints on capacity or service availability, and restrictions based on trip purpose.

20. What is the current fleet accessibility ratio?

Total Number of Vehicles Used for Client Transportation Service

Number of Vehicles that are Accessible

Percent of Fleet Accessible

**If the accessibility ratio is 100 percent, STOP.** Proceed to the next question.

**If the accessibility ratio is less than 100 percent, then the reviewer must determine if equivalent service is being provided, as measure by the following:**

a. **Service Area:** Consider the agency's service area and how accessible and inaccessible vehicles are distributed throughout the area. Are persons with disabilities who need an accessible vehicle able to travel throughout the area on an equivalent basis to all other riders?

Yes     No

b. **Response Time:** Does the agency require any special or advance notice to request or obtain transportation from individuals with disabilities (including wheelchair users) in order to access system vehicles.

Yes     No

c. **Fares:** Note if there are different costs to riders who need and use accessible vehicles versus those who can use inaccessible vehicles. If there are any charges, are these charges the same (or lower) for riders with disabilities who need to use accessible vehicles?

Yes     No     N/A

**Note:** Only check "N/A", if there are no fares/charges for any riders.

d. **Days and Hours:** Consider the days and hours of operation of the service. Note if there are any differences in days and hours based on the accessibility of the vehicles. Are the days and hours the same (or greater) for persons with disabilities who need and use accessible vehicles?

Yes     No

- e. **Trip Purpose:** Consider the types of trips that are provided by the agency. Note if there are any differences in agency policies about trip purpose for service provided with accessible versus inaccessible vehicles. Are client s with disabilities able to travel for the same purposes (or more) than individuals who do not need accessible vehicles?

Yes     No

- f. **Capacity Constraints:** If there are denials, wait lists, or trip caps, are persons with disabilities who need to use accessible vehicles denied/wait-listed, capped at the same (or lower) rate than other riders?

Yes     No     N/A

21. Did the agency file the required certificate that it provides equivalent service meeting the equivalent service of 49 CFR part 37.77(c) with TDOT?

Yes     No

Date CES Submitted \_\_\_\_\_

### Lifts and Accessibility Features

22. How does the subrecipient keep lifts and other accessibility features on system vehicles in working order?

When a vehicle is removed from revenue service, does the subrecipient take reasonable steps to accommodate individuals with disabilities who were scheduled on that vehicle?

Yes     No

Explain.

23. Are vehicle operators trained to immediately report that a lift is not in working order?

Yes     No

24. Are vehicles removed from revenue service when it is reported that a lift is not in working order?

Yes     No

25. Are vehicles repaired promptly and within the five day period for nonurbanized areas?

Yes     No

26. Does the subrecipient transport all wheelchairs and occupants if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements?

Yes     No

27. Does the subrecipient “do the best it can” to secure mobility devices, but not deny riders because the mobility devices they are using cannot be secured to the satisfaction of the driver or agency?

Yes     No

28. Does the subrecipient permit standees to use the lift?

Yes     No

29. Does the subrecipient require scooter users or wheelchair passengers to transfer to another seat?

Yes     No

30. Do the subrecipient's operators assist individuals with disabilities with the use of securement systems, ramps, and lifts?

Yes     No

### Service Animals

31. Does the subrecipient permit service animals on system vehicles?

Yes     No

Is the subrecipient's service animal policy consistent with regulatory requirements? (The policy should not require certification of training, should not inappropriately limit type of animal—except emotional support or comfort animal, or animal that cannot be trained to assist.)

Yes     No

### Personnel Training

32. Does the subrecipient ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities?

Yes     No

### Charter Service

Title 49 U.S.C. 5323(d) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604—Charter Service, amended effective April 30, 2008 (73 FR 2326, Jan.14, 2008). Each recipient must enter into an agreement with FTA that the recipient will not engage in charter service unless permitted by FTA charter service regulations. FTA includes that agreement in its annual publication of certifications and assurances. Charter service is defined based on whether a third party requests the service or whether the transit agency initiates the service. If a third party requests service, FTA will utilize four characteristics of charter service to determine whether the proposed service meets the definition of charter. If a transit agency initiates the service, FTA will look at whether the transit agency also charges a premium fare or accepts a subsidy from a third party.

37. Does the subrecipient provide charter service?

Yes     No

38. Can all of the subrecipient's services be called "program" transportation?

Yes     No

## School Bus Service

39. Does the subrecipient provide transportation to/from school for school children?

Yes     No

Is the transport of school children to/from school done on an exclusive basis (*e.g.*, in demand response mode is the run built entirely on school children)?

Yes     No

## Drug and Alcohol Testing

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

40. Does the subrecipient operate vehicles that require the driver to hold a Commercial Driver's License?

Yes     No

If "Yes," has the subrecipient initiated a drug and alcohol testing program that meets the requirements of 49 CFR part 382?

Yes     No

## State Requirements

In addition the Federal requirements noted previously in this Field Guide, the review team must evaluate compliance with the following state requirements.

### Public Accountability

41. Section D.9 of most contracts requires posting of the Comptroller's hotline number. Is this posted in the subrecipient's workplace?

Yes  No  N/A

### Public Notice

42. Section D.10 of most contracts requires that specific language be included on public notices. Do notices, pamphlets, brochures, etc. include the required language?

Yes  No  N/A

### Vehicle Titles

43. Has TDOT obtained titles to all 5310 vehicles?

Yes  No

### 5310 Monthly Reports

44. Is the subrecipient submitting monthly reports listing all current 5310 vehicles?

Yes  No  N/A

### Vehicle Inspections and Maintenance Logs

45. Did the subrecipient submit Vehicle Inspections for all current 5310 vehicles?

Yes  No

46. Did the subrecipient submit Maintenance Logs for all current 5310 vehicles?

Yes  No

### Written Vehicle Maintenance Plan

47. Does the subrecipient have a written preventive maintenance plan for vehicles?

Yes  No

If "Yes," has the subrecipient submitted to TDOT a Vehicle Maintenance Plan for approval?

Yes  No

If "Yes," has the Vehicle Maintenance Plan been approved by TDOT?

Yes  No

**The Question and Answer portion of the review is over. Begin the process or record review and inspection of any Section 5310 funded vehicles that may be available for inspection.**

## Section 9. Records Review & Inspection of Vehicles

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### Record Review

There are several types of records that should be examined during the compliance review: the agency's asset inventory; vehicle maintenance records; and any EEO complaints (if applicable).

#### Subrecipient Vehicle Asset Inventory Records

All of this information should be in the TDOT inventory. Obtain a copy and load the TDOT inventory onto the laptop that the reviewer will use during the site visit. Compare the TDOT inventory with the subrecipient's own asset inventory during desk review procedures and throughout the on-site review. Review the following:

- Ensure that VIN numbers match
- Ask officials from the subrecipient if vehicles are still based at the locations listed in the TDOT inventory. If not, note on the companion excel spreadsheet and advise the Asset Coordinator.
- Update condition assessment as appropriate. Ask local officials to concur or update the condition status of each vehicle.

#### Vehicle Maintenance Records

Select a sample of vehicles and ask to see vehicle maintenance records. Distinguish between unplanned repairs from those that are conducted pursuant to the agency's written maintenance plan (headlight replace versus lubrication, oil, filter (LOF) type maintenance).

Use the Excel spreadsheet to record maintenance events. Enter on planned preventive maintenance in chronological order, from oldest to newest events, in the spreadsheet. The agency should be conducting 80 percent of its maintenance events on-time.

If not, this is a compliance violation and should be noted in the exit conference.

From the sample vehicle maintenance records reviewed, were at least 80% of maintenance events occurring on-time?

Yes     No

If "No," consider expanding sample size.

## EEO Complaints

In Section 7, if the agency has indicated that there has been an EEO complaint, ask to see the records associated with this event. Document the current status (open/pending, under investigation, closed, etc.) and report this to the TDOT program manager.

If a complaint or lawsuit was upheld against the organization, obtain copies of all documents relating to the order, consent decree, or other finding and provide this material to the TDOT program manager.

## Vehicle Inspection

If possible during the site visit, examine Section 5310 vehicles. **NEVER ask agency to reduce or delay client services to conduct these inspections; only inspect vehicles the agency can make readily available without detriment to existing services.** The purpose of this inspection is not to review mechanical systems. The purpose is to ascertain if the agency is keeping the equipment clean and in good working order.

### **Exterior Inspection: Look for the following:**

- Cleanliness of the vehicle's exterior
- Tires and tread depth
- Body damage (if any)
- Undamaged exterior mirrors

### **Interior Inspection: Look for the following:**

- Cleanliness of the vehicle's interior
- Presence of safety equipment
  - Fire extinguisher (check ticket to see if up-to-date)
  - Bio-hazard clean-up kit
  - First-aid kit
- Wheelchair securement hardware (if applicable)
  - Belts stowed properly and not left on floor
  - Belt tracks are clean and free of dirt
  - No obstacles blocking wheelchair station

Document any issues noted during the vehicle inspection.