

# **Appendix B: LOTS Compliance Review Checklist**

# MARYLAND LOTS COMPLIANCE MONITORING REVIEW

System: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Manager: \_\_\_\_\_ Title: \_\_\_\_\_  
Other Agency Personnel Participating: \_\_\_\_\_  
MTA Personnel Participating: \_\_\_\_\_

The following sections list the requirements for the Maryland Locally Operated Transit Systems (LOTS), which receive publication transit funding through the Maryland Transit Administration (MTA), including S.5307, S. 5309, S. 5311, and Statewide Specialized Transportation Assistance Program (SSTAP) funds. While some of these requirements are not imposed by the Federal Transit Administration (FTA) on S.5311 grantees or grantees that only receive SSTAP funds, the MTA requires that all public transit grantees meet these compliance regulations.

Further, while some of the FTA requirements do not “flow through” to Maryland grantees (since the State is the direct recipient of Federal funds), the MTA requires that all public transit grantees meet FTA program management requirements as detailed below.

The review questions have been grouped into eight categories:

1. Legal Authority and Annual Certifications
2. Project Management and Grant Administration
3. Financial Management
4. Procurement
5. Planning and Public Participation
6. Service Requirements and Restrictions
7. Asset Management, Safety and Security
8. Personnel Issues - Human Resources
9. Other ( ITS Architecture)

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# LEGAL AUTHORITY AND ANNUAL CERTIFICATIONS

The Locally Operated Transit Systems (LOTS) must certify that they comply with a number of requirements in order to receive Federal funds. The certifications are signed by each grantee annually and submitted with their grant application.

**1. Legal Authority** - In Maryland, the State is the designated recipient for the FTA funds and the LOTS systems are the subrecipients or subgrantees.

The LOTS system grantees must be eligible and authorized under State and local laws to request, receive, and dispense FTA funds and administer FTA-funded projects. The authority to take necessary action and responsibility on behalf of the grantee must be properly delegated and executed.

The LOTS authority to receive and administer funds is verified in the annual grant application. The grantees' Authorizing Resolution must identify the individuals authorized to act on its behalf. MTA requires that systems submit Authorizing Resolutions with each Annual Transportation Plan (ATP, or grant application). MTA has a copy of these on file that should be reviewed prior to the site visit.

To meet this requirement, an authorized person should have signed the Annual Certifications and Assurances and the grantee should have attached an Opinion of Counsel (signed by their attorney) affirming their legal authority. The annual assurances must also include the date of the grantee's authorizing resolution and the location where it is on file.

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee properly completed the annual certifications and assurances including the required Opinion of Counsel? Was it signed (or PINned) by an authorized official and attorney with the proper authority? <b><i>Desk Review</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the grantee's annual certifications include the date and location of the Authorizing Resolution? <b><i>Desk Review</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the certification designate who is authorized to act on behalf of the grantee? Who are they? Does the name or title match the signature on the grant agreement and grant application? <b><i>Desk Review</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there any pending legislation or litigation that threatens the system's eligibility to apply, receive, and execute a Federal grant for mass transit projects?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have there been any changes that affect the Opinion of Counsel or authorizing resolution filed with MTA?

Desk    On    Follow    **Questions**  
Review   Site   Up

           Since the last review, has there been a change in local or state laws and/or litigation that affect the grantee's LOTS program? If yes, please describe. Was the MTA notified?

**2. Suspension/Debarment** - To prevent fraud, waste, and abuse in Federal transactions, persons or entities, which by defined events or behavior, potentially threaten the integrity of federally administered non-procurement programs are excluded from participation in FTA-assisted programs.

FTA grantees and subrecipients are required to certify that they are not excluded from federally-assisted transactions. They are also required to ensure to the best of their knowledge and belief that none of the grantee's principals, affiliates, subrecipients, or their party contractors and subcontractors are debarred, suspended, ineligible, or voluntarily excluded from participation in federally-assisted transactions. Thus, this requirement also must be reviewed as part of the grantee's procurement process.

The grantees comply with the first part of this requirement in their annual certifications and assurances with the Debarment/Suspension certifications. By signing the annual certification, the grantee certified that the grantee and its principals and subrecipients have not been suspended from federally-assisted transactions. For procurements \$25,000 or more, the grantees must search the Excluded Parties Listing System to make sure they are not entering into contacts with excluded parties.

To comply with the second part of this requirement, grantees must include a term or condition requiring compliance with the debarment/suspension requirement in any subgrants, procurement solicitations and lower tier transactions \$25,000 or more (there is no longer a requirement for a signed certification but the solicitation process as well as in any final agreement with contractors and subcontractors must have the clause).

Desk    On    Follow    **Questions**  
Review   Site   Up

           Has the grantee certified to this requirement in the annual certifications?  
***Desk Review***

           Has the grantee learned that its certification or the certifications of any of its subrecipients or contractors were erroneous when submitted or have become erroneous by reason of changed circumstances? If yes, did the grantee promptly inform the MTA in writing of this information?

           Do the grantee's procurement procedures address the suspension/debarment certification requirements?

Desk Review    On Site    Follow Up

**Questions**

           Does the grantee include the proper debarment/suspension clauses in all procurement solicitations and agreements \$25,000 or more? ***Look at any procurement documents submitted to MTA during desk review.***

           Has the grantee searched the *Excluded Parties Listing System* before entering into contracts with third parties \$25,000 or more? ***Look at any procurement documents to see "print screen" of results.***

**3. Restrictions on Lobbying** - Recipients of Federal grants and contracts exceeding \$100,000 must certify compliance with Public Law 101-121, Section 319, ***Restrictions on Lobbying***, before they can receive their funds. In addition, grantees are required to impose the lobbying restriction provisions on their contractors and subcontractors.

The grantees meet this requirement as part of the annual certifications and assurances. If non-Federal funds have been used to support lobbying activities, the grantees must submit Standard Form-LLL "Disclosure Form to Report Lobbying".

Desk Review    On Site    Follow Up

**Questions**

           Does the grantee receive a grant or contract exceeding \$100,000? If not, go to the next section. ***Desk Review***

           If so, has the grantee certified to the "Restrictions on Lobbying" requirement in its annual certifications and assurance? ***Desk Review***

           Has the grantee had a procurement which exceeds \$100,000?

           If so, are "Restrictions on Lobbying" clauses included in grantee procurement documents when the procurement exceeds \$100,000? ***Look at any procurement documents submitted to MTA for approval during desk review.***

           Were signed certifications on Lobbying certifications obtained? Have all contractors, and subcontractors in receipt of more than \$100,000 of Federal funds certified that no Federal funds have been used for lobbying activities?

Has the grantee or any of its contractors or subcontractors used non-Federal funds for lobbying activities? Does the grantee or any of its contractors or subcontractors retain any firm or individual for the purpose of lobbying?

If so, has Standard Form-LLL been filed with the grantee and submitted to FTA?

**4. Labor Protection** - The grantees must comply with certain employee protective arrangements including the Section 5333 (b) provisions. S. 5311 grantees must file a certification with the MTA that states their intention to either attain a waiver or abide by the U.S. Department of Labor (DOL) Special Section 5333(b) Warranty. In general, this warranty addresses labor issues such as collective bargaining and employee displacement and dismissal.

Applicants must also provide a list of the organizations who receive funding from this grant, other eligible transportation providers who reside in the geographic area of the grant project, and the labor organizations that represent any of the project's employees.

Desk      On      Follow      **Questions**  
Review    Site      Up

If receiving S.5311 funds, has the Section 5333(b) certification been signed in the annual certifications? **Desk Review**

Is the Section 5333(b) notice posted clearly for all employees to see?

Does a labor organization represent the grantee's employees?

Has the grantee provided to MTA (which in turn provides to DOL) a list of the organizations who receive funding from this grant, other eligible transportation providers who reside in the geographic area of the grant project, and the labor organizations that represent any of the project's employees? **Desk Review**

Does the grantee contract for public transportation services? If so, does the grantee include S. 5333(b) provisions in its third party contract ensuring compliance or obtain the third party contractor's agreement in another form?

Have there been any Section 5333(b) labor protection complaints against the system?

If so, were they reported to MTA and how were they resolved?  
***Desk Review***



# GRANT ADMINISTRATION AND PROJECT MANAGEMENT

**1. Grant Management** - Grantees must be able to grant activities in accordance with the grant application, grant agreement, and all applicable laws and regulations using sound management practices.

Desk Review	On Site	Follow Up	<u>Questions</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have an organizational chart? (Obtain copy) Does it show clear lines of authority?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Who makes policy for the grantee? What is the make-up of the governing board? Does the board operate under a specific set of By-Laws?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have a separate Advisory Board? How are members selected? What is its role?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Who is responsible for grant administration within the grantee's organization? Describe the system's grant administration process.  -- grant application?  -- budgeting?  -- grant reporting?  -- new project implementation?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does a grantee have a process for monitoring subrecipients/third party transit management or service contractors/lessees to ensure compliance with FTA requirements?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have any inactive or older active transit grants that should be closed out? <b>Desk Review</b> If so, what are plans for closing these grants? What procedures are followed to ensure that projects are completed and grants closed on time? What is the status of all open grants?

**2. Reporting to MTA** - All grantees are required to report operating and financial data to MTA when they request payment. If possible, operating data should be reported quarterly **for each month.**

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	For S. 5311 grantees, how does grantee collect data needed to complete quarterly Operating and Financial Reports?
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have these reports been submitted to MTA quarterly in a timely manner? <i>Desk Review</i>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were the reports complete? Has MTA questioned or disallowed any data? <i>Desk Review</i>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the reports support/reconcile with the grantee’s Requests for Payment? <i>Desk Review</i>
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**3. Project Management** -The grantee must be able to implement the FTA-funded projects in accordance with the grant application, Master Agreement, and all applicable laws and regulations, using sound management practices.

Grantees that use their own workforce on a capital project, with the force account work costing \$100,000 or more, must have a force account plan and justification. When a grantee uses its own work force to carry out a capital grant project, rather than using contractors (e.g. public works staff installing bus shelters), this is referred to by FTA as “force account” work. Force account work includes design, construction, refurbishment, inspection, and construction management activities. It does not include grant or project administration that is otherwise a direct project cost, or preventive maintenance or other items under the expanded definition of capital (i.e. security drills, mobility management) that are traditionally not capital projects. (Note: this is different from the 2012 LOTS Manual because C 5010.D (8/27/13) now excludes PM from force account requirements)

Desk  
Review

On  
Site

Follow  
Up

**Questions**

Is the grantee managing any capital projects or has it managed any capital projects that have been completed in the past three years/since the last review?

What is the status of grantee-managed capital projects currently underway?

How does the grantee ensure that contractors working on FTA-funded capital projects give a hiring preference, to the extent practicable, to veterans who have the requisite skills and abilities to perform the construction work required under the contract?

Are projects on schedule and on budget? If not, why not? What are the recovery plans for the schedules and budgets?

Is the grantee's work force used in the execution of capital grant projects?  
If yes:

- What is the dollar value of the force account work? (If under \$100,000, skip to next question.)
- If the force account work equals \$10,000,000 or more, was a force account plan and justification submitted to FTA?
- Is a plan on file for force account work of \$100,000 or more but less than \$10,000,000?

During the review period, did the grantee use FTA capital assistance to finance the lease of any transit facilities or equipment? If yes, did the grantee submit the cost-effectiveness determination for prior MTA review?

Desk  
Review

On  
Site

Follow  
Up

**Questions**

How does the grantee ensure adequate technical oversight of capital projects such as construction, rolling stock and technology projects, including inspection and acceptance of rolling stock? (Is there a paper trail?)

Does the grantee lease FTA-funded assets to other organizations? If yes, how does the grantee demonstrate and retain satisfactory continuing control over the use of project property?

# FINANCIAL MANAGEMENT

**1. Financial Capacity** - Grantees must demonstrate the ability to 1) match and manage FTA grant funds, 2) cover operating deficits through long-term stable and reliable sources of revenue, 3) maintain and operate federally funded facilities and equipment, and 4) conduct an annual independent organization-wide audit in accordance with the provisions of OMB Circular A-133 (if the grantee receives over \$500,000 annually in Federal grants from all sources).

Desk Review	On Site	Follow Up	<u>Questions</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	What is the current financial status of the agency? <b><i>Desk Review but confirm on site.</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	What are the grantee's sources of non-FTA funding for local match for operating and capital expenses? Are the funds eligible local match? <b><i>Desk Review but confirm on site.</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the local match provided/available with each request for payment?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have adequate cash-flow?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there any pending legislation or "sunset" provision in existing legislation that could affect the grantee's sources of state or local funding or financial capacity? If yes, please identify.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In the next few years, does the grantee anticipate any significant changes in the levels of local funding for transit, the sources of local funding for transit, or the current transit service levels? If yes, please describe.

Does the grantee have a financial plan that projects revenue and expenses for the next three to five years? Please provide a multi-year financial plan.

Desk      On      Follow  
Review   Site   Up      **Questions**

Has the grantee had unfunded operating or capital deficits or liabilities? If so, what are the amounts, nature, and forecast of these deficits/liabilities?

Based on the responses from above questions, does the grantee have the financial capacity to match and manage FTA grant funds?

## 2. Financial Management / Funds Management

Desk      On      Follow  
Review   Site   Up      **Questions**

### Accounting Controls

Are two signatures required on all accounts and checks?

Are financial records being kept in accordance with the Generally Accepted Accounting Principles? (review audit report)

Do grantees financial records support requests for funds? (Review the back-up documentation for at least one invoice to the state to ensure that the subrecipient can trace the amounts invoiced to source documents. Is there a clear paper trail?) ***Check on site***

### Expense Eligibility/Cost Allocation

Are only eligible expenses charged to grants? Does the service supported with FTA operating and capital assistance meet the definition of “public transportation?” Are ineligible activities incidental to the delivery of public transportation?

Desk  
Review

On  
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Follow  
Up

**Questions**

Where meal delivery or other incidental service is provided, does such service conflict with the provision of transit service or result in a reduction of service to transit passengers? Does the grantee ensure that nutrition programs pay the operating costs attributable to meal delivery?

For Section 5311 grantees, is any service provided in urbanized areas? If yes, how are costs are allocated between urban and rural service?

For each operating grant, is the amount eligible for operating assistance calculated appropriately? (i.e., how is the operating deficit calculated?)

Are indirect costs of the LOTS agency being charged to FTA grants? If so:

- Does the have an approved cost allocation plan?
- Who is the cognizant Federal agency?
- Was the annual cost allocation plan and/or indirect cost rate proposal retained for audit or submitted to the cognizant agency in accordance with the cognizant agency's requirements? What is the status of that submission?
- Are indirect costs charged in accordance with the plan?
- Is the indirect cost allocation calculated and adjusted annually?
- Has the plan been submitted to MTA?
- Have procedures been established to assure costs are classified as either direct or indirect (but not both)?
- Has the plan been retained for audit?

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Review

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Follow  
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**Questions**

**Local Revenue Documentation**

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there a written in-kind plan? Does it have supporting documentation detailing how in-kind is calculated?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If volunteered services is used as local match, how does the grantee document these? Is the documentation adequate?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the grantee have any sources of non-fare operating revenue? Since March 2012, has the grantee begun reporting a summary of activities related to non-fare revenue to the MTA on a quarterly basis (along with quarterly payment request for operating funds)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the grantee receive income from human service agency contracts? If yes, is this income treated as local revenue (i.e., to reduce operating deficit) or as local match? Do any human service agencies which contract for service receive S. 5310 funding?      |

**Cash Handling**

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are there written farebox collection procedures? Do they ensure security and assurance? Do they include: <ul style="list-style-type: none"><li>- how often fareboxes are pulled?</li><li>- is there a requirement that more than one person be present when fares are counted?</li><li>- what are procedures for drivers to turn in fares?</li><li>- how often are drivers required to turn in fares?</li><li>- if driver counts fares and reconciles, who monitors?</li><li>- who reconciles fares, driver logs, and scheduler sheets?</li><li>- where are fares stored until deposited? Who has access?</li><li>- how often are fares deposited? Who makes deposit?</li><li>- who has keys to fareboxes? Where they are kept?</li></ul> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does grantee have petty cash fund? If so, does grantee have written petty cash procedures?  |



### 3. Budgeting

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Review   Site  
Follow  
Up

#### Questions

           Who prepares the budget? *Attach a copy of budget from grant application.*

           Are reports showing actual versus budgeted expenses being reviewed monthly? At the local level, who reviews them?

           When changes are made in budget line items and funds are transferred between items, is this being documented? Does the Board approve these changes?

### 4. Auditing

Desk    On  
Review   Site  
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Up

#### Questions

           Does grantee have an internal audit process? If so, have internal audit reports during the past three years addressed issues concerning Federal requirements? (For example, issues identified in an A-133 audit).

           Who conducts the internal audit?

           Have there been any findings related to FTA/MTA program requirements? Were these findings resolved?

           If grantee received \$500,000 or more in Federal funds annually, have the A-133 annual single audits been conducted? Were they registered in the electronic clearinghouse managed by the Office of Management and Budget (<http://harvester.census.gov/sac/>)? Were these sent to MTA? Any findings? If so, have they been addressed through corrective actions? What actions? *Desk Review*

# PROCUREMENT

**1. Policies and Procedures** - Grantees use their own procurement procedures that reflect applicable State and local laws and regulations, provided that the process ensures competitive procurement and that the procurement conforms to applicable Federal law including 49 CFR Part 18, specifically Section 18.36 and FTA Circular 4220.1F, "Third Party Contracting Guidelines."

Desk Review	On Site	Follow Up	<u>Questions</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee have written procurement policies and procedures? (These may be county policies that apply to all programs but they must comply with State/federal rules)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have written standards of conduct that address personal conflicts of interest, gifts, and disciplinary actions?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee analyze each planned acquisition in order to identify and evaluate potential organizational conflicts of interest?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee require prospective bidders to prequalify for any of its procurements? If yes, how does the grantee ensure full and open competition?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the grantee's procedures address required solicitation elements? <ul style="list-style-type: none"><li>• includes a clear and accurate description of the material, product, or services being procured</li><li>• identifies all requirements that the offerors must fulfill</li><li>• identifies all other factors to be used in evaluating bids or proposals</li><li>• avoids containing features that unduly restrict competition such as detailed product specifications or "Brand name or equal" descriptions</li></ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the procedures exclude in-state or local geographical preferences as required by FTA?

Desk  
Review

On  
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Follow  
Up

**Questions**

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Do the procedures specify that applicable FTA clauses will be included in federally funded capital and operating procurements?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | What procedures does the grantee follow to ensure award to responsible contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Do the procedures require that a grantee perform cost or price analysis in connection with every procurement action including contract modification and exercising options?                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How does a grantee allow for full and open competition for all transactions under the following State or Federal procurement categories?  |

Category I - Micro-Purchases (\$3,000 or less)

Category II - Small Purchases (\$3,000 - \$15,000)

Category III – Small Purchases (\$15,000 - \$25,000)

Category IV – Large Purchases (over \$25,000)

- Sealed Bids/Invitation for Bid (IFB)
- Competitive Proposals/Request for Proposals (RFP)
- Architectural and Engineering Services (A&E)

Revenue Contracts

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have a procedure to review procurement requests to avoid duplicative or unnecessary purchases?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have written protest procedures?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Who is the individual designated to handle the procurement process?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee participate in any intergovernmental agreements for the purchase of goods and services?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do potential conflicts of interest exist between policy board members/employees/ and consultants/vendors/suppliers or between a management contractor and consultants/vendors/suppliers?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the grantee attempting to deploy ITS technologies? If so, have solicitations for ITS related projects included a specific requirement for conformance with the National ITS Architecture?

**2. Procurement History – check on-site in grantee procurement files**

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee maintained a written record of its procurement history? Is it up-to-date and complete?

<i>Desk Review</i>	<i>On Site</i>	<i>Follow Up</i>	<b><u>Questions</u></b>
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- Has any equipment been purchased this year? Has any of the equipment cost over \$25,000? If yes, what?
- Has MTA concurrence been obtained when required?  
Per the LOTS Manual: The MTA must concur with LOTS solicitation documents prior to the initiation of the procurement process for all items or services purchased with capital and technical assistance funds, as well as for all items purchased through small purchase, sealed bids, competitive proposal, competitive negotiation, or noncompetitive negotiation. This includes approval of bid specifications for vehicles and equipment.
- The MTA must also concur in writing with the recommendation for award prior to the execution of a local contract or purchase order valued more than:
- \$300 if capital grant funds are involved, or
  - \$3,000 if operating grant funds are involved.
- Has grantee had any sole-source, single bid, brand name or equal, or award other than to the low bidder procurement in the last three years? If yes, please provide a listing of the amount of any such awards. If yes, do the files contain the appropriate justification and/or documentation for such awards?
- Has grantee procured using option clauses? If yes, identify. Were options evaluated at the time of the initial bid? Was the option price evaluated to determine that the option price was better than current market prices before it was exercised? Did the grantee exercise any options at the agreed upon terms?
- Has grantee attached the Federal terms and conditions to all purchases (see attached list)? ***Verify in grantee files***

Desk  
Review

On  
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Follow  
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**Questions**

Have applicable FTA clauses been included in federally funded procurements exceeding the micro-purchase limit (except construction contracts over \$2,000)? In intergovernmental agreements, and subrecipient agreements, if applicable?

*(FTA Clauses can be found on pages 5-15 & 5-16 of the FTA 2013 State Management Review Workbook, and on pages 6-17 through 6-19 of the FTA 2013 Triennial Workbook.)*

Has the grantee included geographic preferences in any of its procurements? (Were any of these when contracting for A&E services based on the Brooks Act, based on state licensing requirements, or following a major disaster or emergency?)

Did the grantee perform an independent cost estimate before receiving bids or proposals?

Did the procurement include a cost or price analysis in connection with every procurement action including contract modification?

Is the documentation of quotes, price sheet, etc., being kept for three years?

Does grantee have any rolling stock contracts that exceed five years in total length including base and options?

Has the grantee conducted any piggyback procurements? If so, is the appropriate documentation on file, including MTA concurrence?

Did the grantee search the System for Award Management (SAM) to verify vendors have not been excluded from entering into contracts funded with federal monies.  
<https://www.sam.gov/portal/public/SAM/>?

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was this documented and placed in the procurement file. MTA verifies this documentation prior to granting concurrence to proceed?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did the grantee obtain lobbying certifications from applicable procurements of \$100,000 or more?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Since the last review period, were there any change orders to federally funded contracts? If yes, describe in terms of numbers of change orders and dollars. What approvals are required? Were all change orders approved by authorized officials? Were all change orders eligible for FTA assistance?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee entered into any time and materials type contracts using FTA funds? If yes, identify.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have advanced or progress payments been used for any procurements?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has grantee used liquidated damage clauses in any of its procurements? If yes, how is the damage rate specified in the contract? Were liquidated damages assessed in any FTA-funded contracts? If yes, were they credited to the project account?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How does grantee ensure compliance of contractors with respect to State and Federal Procurement requirements?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has grantee had any procurement protests received during the last three years? Did they follow their own written protest procedures?

**3. Disadvantaged Business Enterprise (DBE)** - Grantees must comply with the policy of the Department of Transportation (DOT) that DBEs, as defined in 49 CFR Part 26, are ensured nondiscrimination in the award and administration of DOT-assisted contracts. Grantees must also create a level playing field on which DBEs can compete fairly for DOT-assisted contracts; ensure that only firms that meet eligibility standards are permitted to participate as DBEs; help remove barriers to the participation of DBEs; and assist the development of firms that can compete successfully in the marketplace outside the DBE program. On procurements requiring MTA review, the grantee will include the MTA goal for DBE participation that is in effect at that time.

FTA requires grantees that receive in excess of \$250,000 in contracting opportunities in a Federal fiscal year are required to prepare and submit DBE programs to set and transmit goals for DBE participation. This program must be submitted to the MTA Office of Fair Practices, which will review the local DBE programs to ensure that they comply with Federal and State requirements. The program must be updated every three years or sooner.

The State of Maryland requires that all LOTS develop and follow a formal DBE program and establish individual DBE project goals for all procurements over \$25,000 with subcontracting possibilities. This goal must be approved by the MTA Office of Fair Practices for all procurements \$50,000 or more.

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee exceed the Federal threshold calling for a DBE program? (Determine from Desk Review of application).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a DBE program must be submitted to the MTA Office of Fair Practices? Has it been approved? When was it last updated?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Who within the grantee’s organization is responsible for ensuring that DBEs are not discriminated against in the award and administration of FTA-funded contracts and subcontracts (DBE Officer)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee have a signed and dated DBE policy statement? How is it circulated internally and externally (to the DBE and non-DBE business communities that perform work on FTA-assisted contracts)?



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**Questions**

Does the grantee have an annual DBE goal and how is it set? Did they meet it in the past year? If no, why not?

Did the grantee publish a notice announcing proposed overall goals in general circulation media as well as in minority-focused media and trade association publications?

Did the grantee set project goals for each procurement valued over \$25,000? Was this goal approved by the Office of Fair Practices for each procurement valued over \$50,000?

Does the grantee use the MDOT certification for DBE? If not, is their certification process consistent with standards of Subpart D of 49 CFR 26? Is the grantee currently working with other DOT recipients in the state to form a Unified Certification Program (UCP)?

Did the grantee award a contract to a firm that did not meet the DBE contract goal? If so, how did the grantee determine if good faith efforts by the firm were sufficient?

Does the grantee require that a prime contractor not terminate or substitute a DBE subcontractor listed on a contract with a DBE goal without good cause and prior written consent from the grantee?

For procurements of transit vehicles conducted since the last review, did the grantee obtain DBE certifications from the transit vehicle manufacturer (TVM) with the bids/proposals submitted??

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**Questions**

How does the grantee monitor subrecipients, contractors or subcontractors to ensure that DBE obligations are fulfilled?

Has the grantee received any DBE complaints in the past three years? Is so, how were they resolved? Were they reported immediately to MTA? What is the grantee's process for handling and resolving such complaints?

Have quarterly statements been submitted to the Office of Fair Practices? Do they include a running tally of DBE attainments?

**4. “Buy America” and Other Vehicle Manufacturer Requirements** - A grantee purchasing revenue service rolling stock with Federal funds must conduct or order to be conducted pre-award and post-delivery audits verifying compliance with Buy America provisions (required by 49 CFR Part 661), purchaser’s requirements (required by 49 CFR Part 663), and Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR Part 571, as required by 49 CFR Part 663). The pre-award audit is required before a grantee enters into a formal contract with a supplier. The post-delivery audit must be completed before a bus title is transferred to the grantee or before a bus is placed into revenue service, whichever is first. The audits require the grantee to complete two certifications at the pre-award stage and three certifications at the post-delivery stage.

According to the "Buy America" law, Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by the FTA or the product is subject to a general waiver. Waivers are listed in Appendix A to 49 CFR 661.7 and include microcomputer equipment and software and purchases under \$100,000. Rolling stock must be manufactured in the United States and have a 60 percent domestic content.

At the pre-award stage, the grantee must complete either a compliance certification verifying this content (based on a pre-award audit), or an exemption certification indicating that the grantee has a letter from FTA granting a waiver from the Buy America requirement. The grantee must complete Buy America similar certifications at the post-delivery stage, based on the actual vehicles delivered.

For all purchases of revenue rolling stock, regardless of dollar amount, grantees are also required to complete pre-award and post-delivery certifications verifying manufacturer’s compliance with purchaser’s requirements. Additionally at the post-delivery stage, the grantee must certify that they received from the vehicle manufacturer at both the pre-award and post-delivery stages a certification that the vehicles comply with the FMVSS issued by the National Highway Traffic Safety Administration (49 CFR Part 571)

The grantee must file a certification with the FTA that it will comply with these requirements and must keep supporting documentation showing how it has complied when purchasing revenue service rolling stock.

Vehicle purchases and leases are also subject to Altoona Bus Testing requirements (49 CFR Part 665). New model buses and modified vans and existing models with significant changes must be tested at the FTA-sponsored test facility before they are eligible to be purchased with Federal funds. The grantee must receive and review a copy of the full test report on the bus model before the final acceptance of the first vehicle.

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has grantee had any procurements of steel, iron and manufactured products that exceeded \$100,000 in the past three years? <b><i>Desk Review but verify on site</i></b>
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**Questions**

      

If so, has the grantee included a "Buy America" provision in all capital and operating procurements of steel, iron, and manufactured products in excess of \$100,000? Has grantee requested, acquired, and retained "Buy America" certifications from vendors?

      

Has grantee directly purchased or leased buses or other rolling stock with MTA funds in the past three years? How many?

      

If so, did grantee conduct pre-award and post-delivery audits for its purchase of revenue rolling stock?

      

Did the grantee complete the following certifications at the **pre-award** stage? Are these certifications on file?

- **Buy America:** *For purchases exceeding \$100,000, certification verifying a minimum 60% domestic content (based on a pre-award audit), or an exemption certification indicating that the grantee has a letter from FTA granting a waiver from the Buy America requirement.*
- **Purchaser's Requirements:** *For all purchases of revenue rolling stock, based on a pre-award audit, certification verifying that the manufacturer's bid specifications comply with the grantee's solicitation requirements and that the proposed manufacturer is responsible and capable of building the bus to the solicitation specifications.*

      

Did the grantee complete the following certifications at the **post-delivery** stage? Are these certifications on file?

- **Buy America:** *For purchases exceeding \$100,000, certification verifying a minimum 60% domestic content (based on a post-delivery audit of actual vehicles delivered), or an exemption certification indicating that the grantee has a letter from FTA granting a waiver from the Buy America requirement.*
- **Purchaser's Requirements:** *For all purchases of revenue rolling stock, based on a post-delivery audit, certification verifying that the delivered buses meet the contract specifications.*
- **FMVSS:** *For all purchases of revenue rolling stock, certification that the grantee has received from the vehicle manufacturer at both the pre-award and post-delivery stages a certification that the vehicles comply with the FMVSS issued by the National Highway Traffic Safety Administration (49 CFR Part 571)*

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**Questions**

If a grantee ordered over 20 buses in a single order, did a grantee use in-plant inspectors during the manufacturing process? (note: 10 buses is threshold in urban areas with population 200,000 or more).

Did the grantee use another grantee's procurement contract for purchasing revenue vehicles (i.e., "piggybacking")? If so, did the grantee review the purchaser's pre-award audit and prepare its own signed certifications?

If a grantee purchased or leased any buses, what is the bus model(s)? Has this model already been Altoona tested?

- If yes, was a copy of the report received prior to final acceptance of the first vehicle and expenditure of FTA funds?
- If no, was a certification received from the manufacturer that the bus does not need to be tested?

# PLANNING AND PUBLIC PARTICIPATION

**1. Planning/Program of Projects** - The grantee must participate in the transportation planning process in compliance with FTA requirements, Metropolitan Statewide Planning Final Rule, and Management Systems Interim Final Rule, as revised.

Each recipient is required to develop, publish, afford an opportunity for a public hearing on and submit for approval a Program of Projects (POP). Each grantee must comply with the public participation requirements of S. 5307 (b) (1) through (7).

Desk Review	On Site	Follow Up	<u><b>Questions</b></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Is the grantee located in a designated Transportation Management Area (TMA)(population 200,000 or more)?</p> <p>If so, what is the designated Metropolitan Planning Organization (MPO) for the area? When was the last Planning Certification Review (PCR) completed by FHWA/FTA? Did the grantee participate in the review and have an adequate opportunity for input? Are there any outstanding corrective actions from the PCR that pertain to the grantee? <b><i>Desk Review</i></b></p> <p>If not, are there any outstanding corrective actions from the metropolitan planning or statewide planning findings that pertain to the grantee?</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>How does grantee participate in the local or metropolitan transportation planning process? Are they “at the table” as transportation decisions are made? Is the grantee a voting or ex officio member of the MPO policy board? How is transit included in the plan?</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>If in a TMA, does grantee have a formal agreement with the MPO that defines how each party participates in this process? Have any deficiencies been identified in the MPO's planning certification?</p>

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**Questions**

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How does the grantee participate in developing the transportation improvement program (TIP)?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How does the grantee participate cooperatively with the MPO in developing financial forecasts that are used in preparing the TIP and the metropolitan transportation plan?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How does the grantee participate cooperatively with the MPO in developing the listing of projects for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Since the last review, has the grantee had any complaints or lawsuits with respect to transit operator involvement in the metropolitan planning process? If yes, what was the nature of each complaint/lawsuit? How were these complaints/lawsuits resolved? Are any pending? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How does the grantee develop proposed POPs in consultation with interested parties, including private transportation providers?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | What is grantee's process for developing its annual POP?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How does the grantee ensure that proposed POPs provide for coordination with transportation services assisted from other Federal sources?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the grantee participating in the coordinated public transit-human service transportation planning process?   |

**2. Public Participation** - Grantees must solicit public input on its annual POP prior to submitting its grant application.

Desk Review	On Site	Follow Up	<u>Questions</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Describe the grantee's public participation process – how does the grantee obtain public input on the annual POP?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If in a TMA, does the grantee rely on the MPO's public participation process or is it separate?  If the grantee relies on the MPO process, <ul style="list-style-type: none"><li>• does the MPO have an adopted public participation program?</li><li>• Does the plan clearly state that the MPO's public participation process satisfies the grantee's public participation requirements for the POP?</li><li>• Does the public notice for the TIP state that public notice of public involvement activities and time established for public review of and comments on the TIP will satisfy POP requirements?</li></ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee make available to the public information on amounts available to the recipient under Section 5307 and the POPs it proposes to undertake?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee publish its proposed POP in a manner that affords citizens, private transportation providers, local elected officials an opportunity to examine its contents and submit comments on the proposed program and the performance of the recipient?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the opportunity for public hearing provided?



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**Questions**

Were any comments and complaints filed as the result of the publication of the last POP? If so, were these taken into account in preparing the final POP?

Was the final POP made available to the public? How?

How does the system reach out to low income and minority populations to solicit their views on the POP?

Has grantee received any complaints on the public participation process in the last three years?

**3. Title VI** - Grantees must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or been subject to discrimination under any program or activity receiving Federal financial assistance. Grantees must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

**General**

Desk Review	On Site	Follow Up	<u><b>Questions</b></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the system signed its annual Title VI certification and assurances? Does the system have an analytical basis for making this certification? What is that basis? <b><i>Desk Review in ATP</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the system been submitting Title VI program data to the state? Are the data complete and timely? <b><i>Desk Review - data is reported on ATP – Title VI complaints</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Who is responsible for ensuring that federally supported transit services and related benefits are distributed in an equitable manner?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How does the system notify the public of their rights under Title VI? How is the information disseminated? Do these notifications go beyond their website?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the notification statement include 1) statement that they operate their program without regard to race, color or national origin, 2) a description of how the public can request additional information and 3) procedures the public should follow to file a complaint.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are Title VI posters displayed?

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**Questions**

Has the LOTS trained its staff on the requirements of Title VI? Is this training provided periodically?

Has grantee had or been informed that it will have a Title VI Compliance Review by the FTA Office of Civil Rights?

**Limited English Proficiency**

What measures or practices does the system use to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities? Do the measures provide meaningful, early and continuous opportunities for public involvement?

What steps has the LOTS taken to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP? Do these include steps to accommodate persons with low literacy?

Has the LOTS determined what steps are necessary to provide meaningful access based on a “four factor” analysis (demography, frequency, importance and resources)?

Does the LOTS have a LEP implementation plan (written or otherwise) that identifies LEP individuals who need assistance, develops language assistance measures, trains staff, provides notice to LEP and low literacy persons and provides for monitoring and updating the plan?

Are vital written documents translated for each eligible LEP language group that constitutes 5% or 1,000 (whichever is less) of the population served or likely affected?

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## Questions

### Planning and Analysis

  

Has the LOTS developed a mechanism for analyzing whether its services and benefits are distributed in a non-discriminatory manner?

- That service levels, service quality and facilities are distributed equitably?
- That changes in services and fare increases do not have a disproportionately high negative impact on low income or minority populations?

What data are collected and analyzed? How are these data used in the planning process?

  

When considering service changes, does grantee ensure that Title VI was taken into consideration? How does grantee ensure that decisions on the location of transit services and facilities are made without regard to disability, race, creed, color, sex or national origin?

  

Since October 1, 2012, has the grantee made decisions concerning the location of transit facilities (including but not limited to, storage facilities, maintenance facilities, operations centers, etc.)? If yes, how did the grantee conduct the equity analysis and how did the impacts across various sites affect the final decision for location?

### Requirements for Grantees that Operate Fixed Route Service

  

Does the LOTS operate fixed route services? If yes, has it established the following system-wide services standards and system-wide policies?

- Quantitative system-wide service standards for vehicle load, vehicle headway, on-time performance, and service availability
- System-wide service policies for distribution of transit amenities and vehicle assignment

**Requirements for Grantees that Operate 50 or more Fixed Route Buses in Peak Service and are Located in Urbanized Areas with Population 200,000 or More**

Does the LOTS operate 50 or more fixed route buses in peak service? Is the LOTS located in an urbanized areas with population 200,000 or more?

If the grantee meets the threshold of operating fixed route service in an area of 200,000 or more population and using 50 or more vehicles in peak service, what steps were taken to establish a major service change policy, disparate impact policy, disproportionate burden policy, and a monitoring plan? When were these policies approved by the Board or governing entity?

If the grantee meets the threshold of operating fixed route service in an area of 200,000 or more population and using 50 or more vehicles in peak service, how did the grantee collect and analyze demographic data showing the extent to which members of minority groups were beneficiaries of programs receiving FTA financial assistance?

- If it prepared demographic and service profile maps and charts, how often were they updated?
- If it collected demographic information as part of agency ridership surveys, how and how often was it collected?
- If it had developed its own procedures to collect and analyze demographic data on its beneficiaries, how was this implemented?

If the grantee meets the threshold of operating fixed route service in an area of 200,000 or more population and using 50 or more vehicles in peak service, when did the grantee submit an updated Title VI program with the required data? Did the grantee update the required maps for every service change?

If the grantee meets the threshold of operating fixed route service in an area of 200,000 or more population and using 50 or more vehicles in peak service, when was the last survey completed?

If the grantee meets the threshold of operating fixed route service in an area of 200,000 or more population and using 50 or more vehicles in peak service, how and how often does the grantee monitor the service it provides to identify any disparities in the level and quality of service provided to different demographic groups? If it was determined that disparities existed what corrective actions did the grantee take?

If the grantee initiated or plans to initiate new fixed guideway service or service under the New Starts program when was the service and fare equity analysis completed?

### Complaints

How does the grantee identify, investigate and track Title VI complaints? Does the LOTS have written procedures for investigating and tracking Title VI complaints? Is this information made available to the public upon request? Do these procedures afford the public due process for resolving complaints?

Does the LOTS maintain a written record of Title VI investigations, complaints and lawsuits filed with the agency? For each investigation, complaint or lawsuit, does the record include:

- date filed,
- a summary of allegations,
- summary of status, actions,
- follow-up/resolution with complainant?

Does tracking allow discrimination complaints to be distinguished from other, non-discrimination, complaints?

Has the grantee had any Title VI complaints or lawsuits during the past three years?

**4. Public Comment on Fare/Service Changes** - Grantees must develop a local process to solicit and consider public comment prior to a fare increase or major service reduction.

Desk Review	On Site	Follow Up	<u><i>Questions</i></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee have written procedures for obtaining public comments and input prior to fare increases and major service reductions?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How does it define “major service reduction”?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How are public comments solicited?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How are comments considered in the decision-making process?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How are these procedures documented?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee had a fare increase and/or a major service reduction during the past year? If yes, how were public comments incorporated into the process?

## SERVICE REQUIREMENTS/RESTRICTIONS

- 1. Elderly and Persons with Disabilities/Medicare Half-Fare** - Fares charged elderly and disabled persons on fixed route services during non-peak hours must not exceed one-half the rates generally applicable to other persons at peak hours (this pertains to *fixed route services* only) (required by MTA for all LOTS, not only those receiving S. 5307 funding).

Desk Review	On Site	Follow Up	<u><b>Questions</b></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have fixed route service? Is so, does the grantee, during the off-peak period, allow elderly persons, persons with disabilities (E&PWD), and persons with a Medicare card to pay one-half the fare for those services generally paid during the peak periods? What is the full fare? What is the fare for E&PWD/Medicare? <b><i>Desk Review</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	During what hours are reduced fares for the elderly and persons with disabilities available? Are the half fares available in the evenings and on Saturdays? Is there any service on which the half-fare is not applicable? <b><i>Desk Review</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How has the grantee informed its employees, the employees of any contractors and lessees, and the public that these half fares are available?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	For the half fare, what proof of eligibility is required at time of boarding for elderly persons? For persons with disabilities? For Medicare cardholders? If a special identification card is accepted as the sole basis for determining some or all eligibility, what are the procedures for obtaining the card? Does the grantee require any additional information from a Medicare cardholder? If yes, what? At what age does the grantee's policy qualify riders as "elderly"?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is a special identification card for persons with disabilities required to obtain a half-fare? If so, how is such an identification card obtained?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the grantee's customer materials (rider guides and schedules) describing fares show an E&PWD half fare? That half-fares are extended to Medicare cardholders? <b><i>Desk Review</i></b>



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           Do contractors and lessees operating fixed route service supported with MTA/FTA public transportation funds allow elderly persons, persons with disabilities, and persons with a Medicare card to pay, during off peak hours, one half the fare generally paid during peak hours? How does the grantee ensure that they comply with half fare requirements?

**2. Americans with Disabilities Act (ADA) Transportation Services for Individuals with Disabilities** - Title II and Title III of the ADA provided that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service if fixed route service is offered.

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**Complaints/Lawsuits**

           Does the grantee have a procedure for responding to and tracking complaints? Who handles the complaints?

           Has the LOTS received any complaints of discrimination due to disability? What is the status of the complaints?

           Are there any lawsuits alleging discrimination on the basis of disability? If so, identify parties to suits and issues.

           How are passengers made aware of the complaint procedures for ADA-related complaints?

           Does grantee keep written records of complaints? How are they resolved? What are the document retention policies for complaints?

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## **Questions**

### **Facilities**

- Does the grantee have any facilities that are used by the general public? If so, are these facilities accessible?
- Since the last review, has the grantee constructed any new transit facilities? Please list. If yes, how did the grantee ensure that the facility would meet the appropriate accessibility requirements under DOT ADA regulations? Are the facilities accessible?
- Since the last review, has the grantee altered any transit facilities in any way? If yes, were the modifications in accordance with 49 CFR 37.9 and Subpart C to 49 CFR Part 37? If no, has the grantee provided documentation sufficient to support the determination that the facility was made accessible to the maximum extent feasible or that the cost of alterations required to the path of travel were disproportionate to the overall alterations in terms of cost and scope?

### **Vehicles**

- Has a grantee directly purchased or leased any new fixed route vehicles in the last three years? If yes, do the vehicles comply with the DOT ADA regulation?
- Has a grantee purchased or leased any used vehicles in the past three years? If yes, do the vehicles comply with the DOT ADA regulation? If no, does a grantee have documentation of a good faith effort to obtain an accessible vehicle?
- Has a grantee remanufactured any existing bus or rail vehicles for use in fixed route service? If yes, are the vehicles readily accessible to people with disabilities, including those who use wheelchairs? If no, has the grantee documented the results of the engineering analysis demonstrating a significant adverse impact on the structural integrity of the vehicle?
- Does the grantee contract for fixed route service, including commuter bus service? If yes, how does the grantee know that the buses used for the service are accessible?

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**Questions**

Has a grantee directly purchased or leased any new demand responsive vehicles that are **not** accessible in the last three years?

If yes:

- a. Is there equivalent service in terms of:
  - response time
  - fares
  - geographic service area
  - hours and days of service
  - restrictions or priorities based on trip purpose
  - availability of information and reservation capability
  - constraints on capacity or service availability
- b. Has the grantee or subrecipient documented its analysis of equivalent service?
- c. Has the grantee filed a certification of equivalent service?
- d. How does the grantee monitor its own and its contractors' compliance with equivalent service provisions?

Has the grantee purchased or operated vehicles that exceed ADA requirements?

**Service Provisions - ALL Services**

What are the grantee's procedures and policies, including those prescribed in bus operator training manuals, governing the following ADA requirements:

- Transport of all wheelchairs regardless of size or weight, as long as the lift and vehicle can physically accommodate them.
- Drivers providing assistance with the use of accessibility equipment on the vehicle including lifts, ramps and securement systems
- Use of wheelchair securements
- Provision of service when a mobility device cannot be secured

- Passengers using mobility aids transferring to a seat
- Use of lifts/ramps by ambulatory persons
- Service to persons using respirators, concentrators or portable oxygen
- Are service animals permitted in vehicles and facilities? Are service animals required to be certified? Are animals other than dogs recognized as service animals in a grantee's procedures? Are persons with disabilities other than visual impairments allowed to use service animals?

How does the grantee provide public information/communications in accessible formats? In what formats is information regarding transportation services available?

### Service Provisions - Fixed Route

Desk    On    Follow    **Questions**  
 Review    Site    Up

What are the grantee's procedures and policies, including those prescribed in bus operator training manuals, for (1) making stop announcements on fixed route vehicles and (2) providing a means of route identification at stops served by multiple vehicles and multiple routes? How does the grantee ensure that operators are following the policy and, where appropriate, that the annunciator system is maintained in working condition?

What are the grantee's procedures and policies, including those prescribed in bus operator training manuals, governing the following ADA requirements:

- Requesting that persons sitting in priority seats and any fold-down seats over the securement area vacate those seats when a person with a disability needs to use the
- Lift/ramp deployment at any stop

- Time allowed for persons with disabilities to board/disembark a vehicle
- May a passenger board a fixed route vehicle at any time, with no prior arrangements, with a service animal?
- Use of accessibility-related equipment and features by personnel, such as automatic enunciators, stop request buttons, etc.?
- 

**Service Provisions - Route Deviation Service**

Does the grantee or a subrecipient provide route deviation service?  
If yes:

- Please indicate which routes
- Does the service deviate for people with **and** without disabilities?
- Is the service publicly advertised as route deviation service?
- How does an individual request route deviation service?
- How far will the route deviate?
- Is there an additional fare for the deviation?
- Is it possible to use this service without advanced request (i.e., by boarding at a fixed stop along the route)?

How does the grantee ensure that route deviation service provided by contractors or subrecipients has the characteristics of demand-responsive service?

**Training**

How are ADA requirements communicated to employees, contractors, subrecipients and lessees? Are drivers aware of ADA requirements such as service animals and personal care attendants? How are they made aware?

How does the grantee ensure that personnel, contractors, subrecipients and lessees are trained to proficiency so that they operate vehicles and equipment safely, and properly assist and treat individuals with disabilities who use the service with respect, courtesy and sensitivity?

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**Questions**

**Monitoring**

How does the grantee monitor adherence to ADA requirements or otherwise enforce their implementation, including personnel disciplinary actions?

How does the grantee effectively monitor service provided under contract or other arrangement to ensure all of the applicable ADA requirements are being met?

**Maintenance**

Did the entity have a maintenance review since the last compliance review? If yes, did the maintenance review indicate any deficiencies with ADA requirements for maintenance of accessibility features?

Are accessibility features maintained in operative condition? What system of regular and frequent maintenance checks of lifts and ramps has been established? Is this system sufficient to determine if lifts and ramps are operative?

Are lifts cycled daily prior to entering service? Is this documented in pre-trip inspection form (obtain copy – **ask for a completed pre-trip form to check**).

When a lift is found to be inoperative, is the vehicle taken out of service by the beginning of the next service day? Are lifts repaired within the timeframes required by the FTA prior to returning the vehicle to service?

Desk Review	On Site	Follow Up
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Questions**

What is a grantee's policy with regard to lift and ramp failures on in-service vehicles? Are operators required to report lift failures promptly? Is the accessible replacement always put in service within five days (serves an area up to 50,000 population) or within three days (serves an area over 50,000 population)? Is alternative service provided to persons stranded for more than 30 minutes due to lift failures? Are sufficient accessible spares available to enable the grantee, contractors and subrecipients to meet the timeframes?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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How does the grantee monitor its operations and the operations of contractors to ensure compliance with ADA maintenance requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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How does the entity ensure that accessible elements of transit buildings and facilities, such as elevators, ramps and accessible routes, are maintained in operative condition? When an elevator is out of service, how does the entity accommodate individuals who rely on the elevator?

**Complementary Paratransit**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Is the grantee required to provide ADA Complementary Paratransit? If no, skip this section ***Desk Review***

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Does the ADA complementary paratransit eligibility process of the grantee and subrecipients consider eligible, and provide service to, ADA paratransit eligible individuals according to the requirements of Section 37.123 (e)?:

- a. Are eligibility decisions based solely on a note from a physician? What percent of applicants are approved?
- b. Are eligibility decisions made within 21 days of receipt of a complete application? How does the grantee know? If no, is presumptive eligibility granted?
- c. Are persons who are denied eligibility or given conditional or temporary eligibility given a written notice with specific reasons for the decision and notice of their right to appeal? If conditional eligibility is granted, are conditions applied to individual trips?

- d. Does the appeals process adhere to the DOT ADA regulations (opportunity to be heard, separation of functions, decision within 30 days, and written notification of decision with reason for it)?
- e. If a decision is not made within 30 days of completing the appeals process, is transportation provided until and unless a decision to deny the appeal is issued?

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Review   Site    Up

**Questions**

      

Does a grantee's ADA Complementary Paratransit service meet the following regulatory requirements?

- Service provided to an ADA eligible individual? A Personal Care Attendant (PCA)? One companion? Additional companions on a space available basis?
- Are PCAs charged a fare? Are companions charged a fare?
- Are visitors who present documentation that they are eligible in the jurisdiction in which they reside, present documentation of eligibility or certify eligibility treated as eligible?
- Is next day service provided? If yes, what percent of reservations are made for the next day?
- Are requests for reservations accepted during normal business hours on all days prior to days of service (e.g., weekends, holidays) even if the administrative office is closed? How are reservations accepted when the administrative office is closed?
- Are trips negotiated with the rider and scheduled within one hour of the requested trip time?
- Are there any priorities based on trip purposes?
- Is any subscription service provided? If so, what percent of trips? Is non-subscription capacity available?
- Is the base mode of service door to door or curb to curb? If curb to curb is the base mode of service, is door to door service provided when necessary to achieve origin to destination service?
- Is ADA complementary paratransit service available during the same hours and days as fixed route service?



- Is service provided within a ¾ mile radius of fixed routes and rail stations and within the core area? If service is provided beyond the ¾ mile radius and core areas, please describe.
- Are fares no more than twice the non-discounted fixed route fare for a comparable fixed route trip?

Do brochures, marketing materials, etc. make public aware that equivalent or complementary paratransit services are available?

Does the grantee monitor the ADA complementary paratransit service to ensure that there is no pattern or practice of trip denials? Untimely pick-ups? Missed trips? Excessively long trips? If yes, how?

- What is the denial rate? (overall and for next day trips)? Are rides that are not provided in a one-hour window tracked as denials? When one leg of a trip can't be reserved, how many denials are tracked when the rider declines the round trip?
- Are restrictions placed on the number of trips? Are waiting lists used for non-subscription trips?
- What is the on-time performance rate?
- What is the average telephone wait time for a reservation? What is the telephone hold time standard? How is telephone access measured (averages, percentiles, etc.)?
- For next day service, at what time of day are reservations cut off?
- At peak times, can a caller reach the reservation office? Do callers ever receive busy signals? How does the grantee or subrecipient know?
- How does a rider contact the reservation agent to cancel a trip?
- How are operational data confirmed for accuracy? Do the data indicate a potential “pattern or practice” of capacity constraints?

Is a no-show policy used by the grantee? If yes:

- a. What is the suspension policy for no-shows?
- b. How does the grantee or subrecipient determine whether or not no-shows are under the rider's control?
- c. Are no-shows caused by operator error counted against the rider?
- d. What are the thresholds for a cancellation before it is considered a no-show?
- e. Are only riders who have demonstrated a true pattern or practice of no-shows suspended?
- f. What penalties are assessed for no-shows?
- g. How are riders allowed to contest no-shows?
- h. What is the appeals process for suspensions?
- i. How does the grantee determine if the length of the suspension is reasonable?

### 3. Marketing

Desk Review  On Site  Follow Up

#### **Questions**

  

Describe the system's marketing efforts. ***Desk Review in Grant Application***

  

How does management ensure that the system is marketed as "open to the public? Describe this process.

**4. Charter Bus Protections** - FTA grantees are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Grantees are allowed to operate community based charter services excepted under the regulations.

The regulations define charter service as follows:

1. Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristics of charter service:
  - a. A third party pays a negotiated price for the group;
  - b. Any fares charged to individual member of the group are collected by a third party;
  - c. The service is not part of the regularly scheduled service, or is offered for a limited period of time; or
  - d. A third party determines the origin and destination of the trip as well as scheduling.
2. Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:
  - a. A premium fare is charged that is greater than the usual or customary fixed route fare; or
  - b. The service is paid for in whole or in part by a third party

Examples of service that **do not meet the definition** of charter service and, therefore, are **not** considered charter service by FTA are:

- Service requested by a third party that is irregular or on a limited basis for an exclusive group of individuals and the grantee does not charge a premium fare for the service and there is no third party paying for the service in whole or in part.
- Shuttle service for a one-time event if the service is open to the public, the itinerary is determined by the grantee, the grantee charges its customary fixed route fare and there is no third party involvement.
- When a university pays the grantee a fixed charge to allow all faculty, staff, and students to ride the transit system for free so long as the grantee provides the service on a regular basis along a fixed route and the service is open to the public.
- When the grantee sees a need and wants to provide service for a limited duration at the customary fixed route fare.

The charter regulations include **exemptions** and **exceptions**. **Exemptions**, which are not considered charter service, require no notification to registered charter providers, record-keeping, quarterly reporting, or other requirements. **Exceptions** are considered charter service and have administrative, recordkeeping, and reporting requirements.

Desk On Follow  
Review Site Up

**Questions**

- Has the grantee signed its annual charter bus certifications as part of its annual grant application? **Desk Review**
  
- Does the grantee or its contractors provide any service to the public for events or functions that occur on an irregular basis or for limited duration?
  
- Does the grantee or its contractors operate any service that fall under one or more of the allowed **exemptions**? (as listed below)

- **Transportation of Employees, Contractors and Government Officials:** *Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review,*
  
- **Private Charter Operators:** *The prohibitions do not apply to private charter operators that receive, directly or indirectly, Federal financial assistance under the over-the-road bus accessibility program or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance.*
  
- **Emergency Preparedness Planning and Operation:** *Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.*
  
- **Recipients of Funds Under Sections 5310, 5311, 5316 and 5317:** *The prohibitions do not apply to grantees that use Federal financial assistance from FTA for program purposes, that is, transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities) under Section 5310, 5311, 5316, or 5317. Program purposes does not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted populations*
  
- **Emergency Response:** *Grantees are allowed to provide service, up to 45 days, for actions directly responding to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration.*
  
- **Recipients in Non-Urbanized Areas:** *Grantees in non-urbanized areas for transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.*

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## **Questions**

Does the grantee or its contractors operate any charter service, as defined in the regulation? If yes, does the service fall under one or more of the allowed **exceptions**? (as detailed below)?\

- a. **Government Officials**: A grantee is allowed to provide charter service (up to 80 service hours annually) to government officials (Federal, state and local) for official government business, which can include non-transit related purposes, if the grantee provides the service in its geographic service area and does not generate revenue from the charter service, except as required by law.

If yes, did the grantee record the following information after providing such service for at least three years?

- The government organization's name, address, phone number, and email address
- The date and time of service
- The number of government officials and other passengers
- The origin, destination, and trip length (miles and hours)
- The fee collected, if any
- The vehicle number for the vehicle used to provide the service

- b. **Qualified Human Service Organization (QHSO)**: A grantee is allowed to provide charter service to a QHSO for the purpose of serving persons with mobility limitations related to advanced age; with disabilities; or with low income. If the QHSO receives funding, directly or indirectly, from the programs listed in Appendix A of the regulation, the QHSO is not required to register on the FTA's charter registration website. Otherwise, the QHSO is required to register. The grantee may provide service only if the QHSO is registered at least 60 days before the date of the first request for charter service.

If yes, did the grantee record the following information after providing such service for at least three years?

- The QHSO's name, address, phone number and email address
- The date and time of service
- The number of passengers
- The origin, destination, and trip length (miles and hours)
- The fee collected, if any
- The vehicle number for the vehicle used to provide the service

- c. **Leasing of Equipment and Driver**: A grantee is allowed to lease its FTA-funded equipment and drivers to registered charter providers for charter service only if the private charter operator is registered on the FTA charter registration Web site; the registered charter provider owns and operates buses or vans in a charter service business; the registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated or the number of accessible vehicles operated by the registered charter provider; and the registered charter provider has exhausted all of the available vehicles of all registered charter providers in the grantee's geographic service area.

If yes, did the grantee record the following information after providing such service for at least three years?

- The registered charter provider's name, address, telephone number, and email address
- The number of vehicles leased, type of vehicles leased, and vehicle identification numbers
- The documentation provided by the registered charter provider in support of the four conditions discussed above

d. **No Response by Registered Charter Provider:** A grantee is allowed to provide charter service, on its own initiative or at the request of a third party, if no registered charter provider responds to the notice issued within 72 hours for charter service requested to be provided in less than 30 days; or within 14 calendar days for charter service requested to be provided in 30 days or more.

If yes:

- Did the grantee provide the required email notification to the list of registered charter providers in its geographic service area?
- Was the notification provided in a timely manner? (by the close of business on the day the grantee received the request unless the request was received after 2:00 pm, in which case the notice shall be sent by the close of business the next business day)
- Did the notice include all required information items for at least three years?
  - Customer name, address, phone number, and email address (if available)
  - Requested date of service
  - Approximate number of passengers
  - Type of equipment requested (bus(es)) or van(s)
  - Trip itinerary and approximate duration
  - The intended fare to be charged for the service

e. **Agreement with All Registered Charter Providers:** The grantee is allowed to provide charter service directly to a customer consistent with an agreement entered into with all registered charter providers in the grantee's service area. The grantee is allowed to provide charter service up to 90 days without an agreement with the newly registered charter provider in the geographic service area subsequent to the initial agreement. Any parties to an agreement may cancel the agreement after providing a 90-day notice to the grantee.

f. **Petition to the Administrator:** The grantee may petition the Administrator for an exception to the charter service regulations to provide charter service directly to a customer for Events of regional or national significance, Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population); or Unique and time sensitive events (e.g., funerals of local, regional or national significance) that are in the public's interest.

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee provided charter service in the past three years?
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did the grantee report all charter services provided under the exceptions by itself or contractors to MTA? Were the quarterly reports submitted in a timely manner? Did they note under which exception the charter service was provided?
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee have written charter procedures?
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee have adequate cost allocation plan to recover fully
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allocated costs? Can grantee demonstrate that what it charges (including depreciation) for charter services make a profit or breaks even? Does documentation show that mileage and/or hours are recorded and subtracted from the useful life of the equipment used in charter service?

Desk Review	On Site	Follow Up	<b><u>Questions</u></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is all charter service incidental, i.e., service that does not interfere with or detract from the provision of mass transportation service, does not shorten the mass transit life of the equipment or facilities?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does a grantee or contractors provide charter service with locally owned vehicles? Are the vehicles stored and maintained in an FTA/MTA funded facility?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How does the grantee ensure that its employees, contractors, and lessees have the necessary competency to effectively use the FTA Charter registration Web site?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How does the grantee ensure that its contractors comply with the charter regulations?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did the grantee request an advisory opinion from the Office of Chief Counsel? If yes, what was the outcome? Did the grantee follow the advisory opinion?

Did any registered charter provider request a cease and desist order against the grantee? If yes, what was the outcome? Was the cease and desist order followed?

Did any registered charter provider, or its duly authorized representative, file a complaint with the Office of the Chief Counsel alleging noncompliance with charter regulation? Did the grantee file an answer within 30 days from the date of service of the FTA notification to file an answer?



**5. School Bus Protections** - FTA grantees are prohibited from providing exclusive school bus service unless it qualifies and is approved by the FTA Administrator under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service. School tripper service that operates and looks like all other regular service is allowed.

Desk Review	On Site	Follow Up	<u><b>Questions</b></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee signed the school bus protection provisions in its annual certifications and assurances? <i><b>Desk Review</b></i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee operate any exclusive school bus service?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If so, does it qualify and was it approved by the FTA Administrator for one of the allowable statutory exceptions and is it operated with non-federally funded equipment and facilities?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee operate any school "tripper"? School tripper service is regularly scheduled transit service designed to serve the needs of the school but, nevertheless, are regular routes, included in published schedules and open to the public.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If yes, is the school tripper service regularly scheduled, open to the public serving regular transit stops using vehicles clearly marked as open to the public (i.e. not carry designations such as "school bus" or "school special"), and shown on schedules, route maps, and website?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do any contractors or lessees provide exclusive school bus service? If yes, how does the grantee ensure that it is provided only with non-FTA funded equipment and facilities?

# ASSET MANAGEMENT, SAFETY AND SECURITY

## 1. Vehicle and Facility Management - The Grantee must maintain control over facilities and equipment and ensure that they are used for transit service.

Desk      On      Follow      Questions  
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### Vehicles and Equipment

           Does grantee maintain equipment inventory records which provide the following required information for federally funded assets:

- Description
- Purchase Date
- ID Number
- Purchase Cost
- Grant Number
- Federal Percentage
- Vested Title
- Location, Use, and Condition
- Disposition Data
- Useful life (if placed in service on or after Nov. 1, 2008)

           What are the dates of the last two physical inventories of MTA/FTA funded equipment and rolling stock? Were the results of the inventory reconciled with the property records? How was the reconciliation documented?

           What is the grantee's control system to prevent loss, damage, or theft of property? How does the grantee investigate and document any loss, damage or theft of MTA/FTA funded property, equipment and rolling stock?

           How does the grantee maintain control of MTA/FTA funded contractor operated equipment?

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**Questions**

      

Does the grantee lease MTA/FTA funded equipment to other public entities, nonprofit organizations, or private operators? ***(Obtain copy of lease or operating contract language addressing vehicles)*** If yes, was prior concurrence from MTA obtained for leases entered into on or after November 1, 2008? Do the leases include the required provisions?

- A requirement for the lessee to operate the project property to serve the best interest and welfare of the grantee and the public. The terms and conditions for operation of service imposed by the grantee shall be evidenced in a service agreement.
- A requirement for the lessee to maintain project property at a high level of cleanliness, safety, and mechanical soundness under maintenance procedures outlined by the project sponsor. The project sponsor and/or MTA/FTA shall have the right to conduct periodic maintenance inspections for the purpose of confirming the existence, condition, and the proper maintenance of the project equipment.
- A cross reference to a service agreement. A default under the lease is a default under the service agreement and vice versa.
- A requirement that the leased property may not be subleased without grantee written approval and may not be otherwise encumbered without MTA/FTA written approval.

      

What is grantee's process for tracking equipment purchased with Federal grant funds (e.g., are items tagged?).

      

Does the grantee have a capital replacement plan in the annual grant application? ***Desk Review***

      

Did the grantee notify MTA/FTA when it withdrew equipment with remaining useful life from project use or applied it to a different use?

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Review

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**Questions**

Did the grantee dispose of any MTA/FTA-funded equipment or supplies during the past three years? If yes, when did MTA/FTA provide prior concurrence in the method of disposition of equipment removed from service before the end of service life? When was MTA/FTA reimbursed for its share of proceeds, if required? For retained proceeds, did the grantee correctly apply the proceeds to reduce the gross project cost?

Did the grantee apply insurance proceeds to the cost of replacing damaged or destroyed project equipment or rolling stock? If yes, how were the insurance funds recorded in financial records and when (if required) were funds equal to the remaining federal interest in the lost, damaged, or destroyed project property returned to MTA/FTA?

What is grantee's spare ratio? ***Desk Review***

- Total Number of Vehicles \_\_\_\_\_
- Number Needed in Peak \_\_\_\_\_
- Number of Spares \_\_\_\_\_
- Percentage of Spares \_\_\_\_\_

Does the spare ratio exceed FTA's 20 percent guideline for bus fleets of 50 or more revenue vehicles? For fleets of fewer than 50 buses, does the spare ratio appear reasonable?

Does grantee have any MTA/FTA funded assets that are no longer needed for purposes specified in approved MTA/FTA grants?

Does grantee have written procedures for disposal of property?

Does grantee have a contingency fleet? (Please have available the latest contingency plan.)

## Insurance

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Review   Site   Up

### Questions

      

What is grantee's casualty (liability) insurance program and how are its MTA/FTA-funded vehicles and facilities protected from casualty loss?

## Real Property

      

Does grantee make incidental use of any real property funded by FTA/MTA? If so, was FTA/MTA approval obtained? How does the grantee maintain continuing control over the property? Is revenue used for transit planning, capital or operation expenses?

      

Since the last review, did the grantee notify MTA when real property was removed from the service originally intended at grant approval or when property was put to additional or substitute uses? If yes:

Did MTA/FTA provide prior concurrence when use of real property changed or was removed from the service originally intended at grant approval or when property was put to additional or substitute uses?

What was the utilization plan for the real property that changed use?

      

Does the grantee have any excess real property? If yes, is there an excess real property inventory and utilization plan? Has the plan been updated, if necessary?

- Since the last review, did the grantee or a subrecipient dispose of any MTA/FTA funded real property? If yes,  
 What was disposed?  
 Did MTA/FTA provide prior concurrence in the method of disposition of real property?  
 Was an appraisal/appraisal review obtained to determine the market value of the property before disposition? Did MTA/FTA Headquarters concur in the value?  
 Was MTA/FTA reimbursed for its share of disposition proceeds, if required?  
 What did the grantee do with its share of the proceeds?
- How does the grantee monitor use of MTA/FTA funded real property used by contractors and lessees?

**2. Maintenance** - The grantee must keep federally funded equipment and facilities in good operating order.

- | Desk<br>Review           | On<br>Site               | Follow<br>Up             | <u><b>Questions</b></u>  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | During the site visit, <i>inspect maintenance facilities and vehicles</i> . Does the general condition of the revenue vehicles, support vehicles, facilities, and equipment show that a grantee is maintaining its Federally funded vehicles, facilities, and equipment adequately? Do vehicles meet acceptable levels of cleanliness? |

**Equipment**

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does grantee have a written maintenance plan for rolling stock, machinery, and equipment? <b>Desk Review</b>                            |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | When was the written maintenance program/plan for FTA funded rolling stock last updated? Does the program include goals and objectives? |

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**Questions**

Does the grantee have a maintenance management reporting system in place that informs senior management about preventive maintenance activities? If yes, what performance measures are used in these reports to compare actual preventive maintenance with the grantee's maintenance plans and manufacturer's recommendations?

How does grantee maintain vehicles (in-house, contract, local garage?) What proportion of the grantee's FTA-funded assets is being managed by subrecipients, lessees or contractors?

Are the grantee's written maintenance plan and preventive maintenance checklists consistent with a grantee's current operating fleet? Are a grantee's maintenance plan and checklists consistent with manufacturers' minimum maintenance requirements for vehicle under warranty? How does the grantee track the manufacturer's recommendations and updates on requirements?

What is the grantee's schedule for preventive maintenance (PM) inspections: a) in its maintenance plan? b) in practice? Are PM inspections completed on time?

How does the grantee's vehicle maintenance program address wheelchair lifts and other accessibility features? Are maintenance procedures for wheelchair lifts and other accessibility equipment included in a grantee's maintenance plan and preventive maintenance checklists?

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**Questions**

Do maintenance records indicate regular and periodic maintenance checks for lifts and ramps? For other accessibility features (e.g., kneelers, public address systems, voice annunciation systems, etc.)?

Do maintenance records indicate that lifts and other accessibility features are maintained in operative condition and repaired promptly as required by ADA regulations?

Is any equipment under warranty? If yes, what is the grantee's system for recovering warranty claims? Are claims pursued satisfactorily?

Do drivers or other staff perform daily pre-trip inspections? Are these documents maintained on file? Do they include lift cycling and tie-downs inspection? Are deficiencies corrected in a timely manner?

Does a grantee have FTA-funded vehicles that are either leased to service providers or maintained under contract by other than a grantee's employees? If yes, does a grantee have written maintenance standards for the contractor's maintenance of FTA-funded vehicles? How does a grantee ensure that contractors follow the required maintenance standards? Do the standards address ADA requirements for maintenance of accessibility features? Does the grantee have or require written maintenance plans?



## Facilities

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the grantee have a written facility maintenance plan that includes a program of inspections and preventive maintenance activities? When was the written maintenance program for its FTA funded facilities and facility-related equipment last updated? How is the program documented? Does the program include inspections and preventive maintenance activities to ensure that assets are protected from deterioration and reach their maximum useful life? Is the program consistent with manufacturers' minimum maintenance requirements for equipment under warranty? <b><i>Desk Review</i></b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How does grantee maintain passenger and operating facilities? What is the grantee's schedule for facility and equipment preventive maintenance inspections?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Where does the grantee maintain records of the maintenance history of facilities and equipment. How long are the records kept?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the grantee's facility maintenance program address maintenance procedures for accessibility features? Do maintenance records indicate that accessibility features are maintained in operative condition?  |

**3. Safety and Security** - Grantees must operate services in a safe and secure manner. Under the Safety Authority Provisions of the Federal Transit laws, the Secretary has the authority to investigate operations of the grantee for any conditions that appear to create a serious hazard of death or injury especially to patrons of the transit service.

Desk	On	Follow	<b><u>Questions</u></b>
Review	Site	Up	

## Safety

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does grantee have a written safety policy and plan? Was it signed by the CEO? If so, how is it implemented and managed? Does it include employee and industrial safety? |
|--------------------------|--------------------------|--------------------------|---|

Desk  
Review

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Up

**Questions**

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the grantee have a written system safety program plan (SSPP) for its transit services? Does the SSPP address management of the safety function?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How is the safety function managed? Are there staff safety personnel? If so, are responsibilities and authorities clear? To whom do they report?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | What are the investigation procedures for major incidents? What circumstances and conditions determine which incidents will be investigated? Who does the investigation? To whom do reports go? What follow-up action is taken and by whom?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | What are the grantee's accident investigation procedures? Under what circumstances would an accident be investigated? Have all accidents or incidents been reported promptly to MTA? What follow up action is taken, by whom?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | What is the safety record of the system?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Do the grantee's policies address the use of cell phones and other personal electronic devices by safety critical personnel?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does management hold line personnel accountable for safety? Do line personnel job descriptions (senior level to first-line supervisors) include a provision for safety accountability? Are safety responsibilities clearly defined? Do annual performance evaluations include an appraisal of safety performance? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has system completed annual check of each employee's driving records covered under its insurance policy?  |

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the grantee require vehicle operators to have physicals? How often?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the grantee require a criminal background check for drivers and other employees? Have criteria for background investigations been established?                         |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does grantee have a safety awards program? Is there an active safety committee?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | What key safety issues have been identified for the coming year and how will they be addressed?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | What procedures are followed to ensure the safety of new equipment, materials, processes and operations?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there a process for hazard identification and resolution? Are safety standards incorporated into selection criteria for employees performing safety sensitive positions? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there safety training for employees performing safety sensitive functions? Who performs the training? How is it done? Do supervisors receive formal safety training?     |

**Security and Emergency Preparedness**

Desk    On    Follow  
Review   Site    Up

**Questions**

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Section 5307 recipients only: Does the grantee utilize one percent of its Section 5307 expenditures for transit security? |
|--------------------------|--------------------------|--------------------------|---|
- If yes, how were the funds utilized over the last three years? Provide project and expenditure information for the last three years for both FTA and locally funded projects.
  - If no, how do existing security measures meet agency needs?

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the system have a written security plan and written emergency management plan for all modes of operation?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Do the security and emergency management plans define roles and responsibilities for transit personnel?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Do the security and emergency management plans ensure operations and maintenance supervisors, forepersons, and managers are held accountable for security issues under their control?                             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are the security and emergency management plans coordinated with local agencies?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the grantee established a security and emergency training program?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the grantee established a risk management process to assess and manage threats, vulnerabilities, and consequences? Did the process identify mitigation measures after the risk assessment had been completed? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are ID badges used for all visitors, employees, and contractors to control access to key critical facilities?   |

Desk Review	On Site	Follow Up
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**Questions**

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the grantee conducted a physical inspection of facilities to ensure that access is controlled and that facilities are secure? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are vehicles stored in a safe place? Where? Is it lighted? Fenced?  |

Have background investigations been conducted on all new front-line operations and maintenance employees? Have criteria for background investigations been established?

Has the grantee worked with local law enforcements, fire departments and medical services to determine how it will work with these agencies to respond to emergencies?

## PERSONNEL ISSUES - HUMAN RESOURCES

**1. Equal Employment Opportunity (EEO)** - The grantee must ensure that no person in the United States shall on the grounds of race, color, creed, national origin, sex, or age be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving Federal financial assistance under the Federal Transit Act as amended.

Desk Review	On Site	Follow Up	<u><b>Questions</b></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has grantee signed EEO certification in ATP? Has the system been submitting EEO elements/reporting in ATP? <b>Desk Review</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has grantee designated a staff employee with the responsibility of ensuring that EEO obligations (that there is no discrimination in employment activities) are fulfilled?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How are employees and perspective employees notified of their rights under EEO? How it the information disseminated? Is it posted in a conspicuous place? On job applications?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the grantee have a written EEO policy statement? Where is the Policy Statement posted?
			Does the policy statement include: <ul style="list-style-type: none"> <li>- the statement of the system's commitment to EEO for all persons without regard to race, color, creed, national origin, sex, age or disability</li> <li>- a description of how employees and prospective employees can request additional information , and procedures to file as EEO complaint?</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are EEO policy statement and employee recruitment materials translated for each eligible LEP language group that constitutes 5% or 1,000 (whichever is less) of the population served or likely affected?

Desk Review    On Site    Follow Up

**Questions**

           Describe grantees complaint system for EEO, ADA, and other employment related discrimination complaints. Does the system have written procedures for investigating and tracking EEO complaints? Is this information made available to the public upon request?

Does the complaint process to maintain a written record of EEO investigations, complaints and lawsuits filed with the agency? For each investigation, complaint or lawsuit, does the record include:

- date filed,
- a summary of allegations,
- summary of status, actions,
- follow-up/resolution with complainant?

           If requested, did a grantee make reasonable accommodations for people with disabilities, during the past three years, in accordance with Title III of the ADA? (required for employers with 15 or more employees) If so, please describe.

           Has the system trained relevant staff on the requirements of EEO? Is this training provided periodically?

           Are there any EEO related complaints filed with the grantee or external agencies? If yes, what is the status of the complaints?

***Desk Review***

During the past three years has the grantee met the threshold for submission of a formal EEO program? A formal EEO program is required of any grantee that both employed 50 or more transit-related employees (including temporary, full-time, or part-time employees) and received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance in the previous Federal fiscal year.

If yes, has the grantee's EEO program been approved by FTA? When does the approval expire? Has the program been uploaded to TEAM-Web? If the program approval has expired, please provide an explanation.

***If no, skip to the next section.***

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**Questions**

Who is responsible for ensuring that equal employment opportunities (EEO) obligations are fulfilled? Is the position of the current EEO officer correctly identified in the most recent EEO program submission? To whom does this individual report for EEO matters? Is this a collateral duty assignment (meaning the person has other responsibilities than being the EEO officer)? If yes, do potential conflicts exist and how are they identified and resolved?

What are the grantee's current areas of underutilization based on its utilization analysis? Were short-term and long-range goals set to address this underutilization? Were EEO goals that the grantee set met during the past three years? Was an explanation given for goals that were not met?

Has the grantee conducted a detailed narrative and statistical assessment of employment practices to identify those which operate as employment barriers?

Does the grantee have a monitoring and reporting system?

Do any transit management/operations contractors meet the threshold for submission of a formal EEO program? If yes:

- Do the subrecipients or contractors have on file with the grantee an approved EEO plan?
- Does the grantee obtain program updates every three years? If no, provide an explanation.

Does the grantee's program ensure non-discrimination for ADA-eligible persons in terms of employment? Does the grantee have policy and procedures for making reasonable accommodations for persons with disabilities? If requested, did the grantee make reasonable accommodations for persons with disabilities during the past three years, in accordance with Title I of the ADA? If so, please describe.



**2. Drug-Free Workplace** - FTA grantees are required to maintain a drug-free workplace for all employees and to have an on-going drug awareness program. While FTA does not require states to pass this on to subrecipients, MTA reviews whether LOTS maintain a drug-free workplace.

Desk Review	On Site	Follow Up	<u><b>Questions</b></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee signed the Drug Free Workplace certifications in its annual certifications and assurances? <b><i>Desk Review</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee have a written drug free workplace policy as prescribed by the Drug-Free Workplace Act? Was it adopted by the grantee's policy board? How is it published and distributed to employees? Is it distributed periodically to all employees?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has grantee notified its employees that <ul style="list-style-type: none"> <li>• The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace?</li> <li>• They must abide by the terms of the policy statement as a condition of employment?</li> <li>• If convicted of a drug statute violation occurring in the workplace, they are to report such to the employer in writing no later than five days after such conviction?</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee established an ongoing drug-free awareness program? Have employees been notified of the dangers of drug abuse and any available drug counseling, rehabilitation, and employee assistance programs?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has any employee reported to the grantee a criminal conviction for a drug statute violation that has occurred in the workplace? If yes, was such notice timely? Did the grantee provide the MTA timely notice of the conviction? What action was taken against personnel that reported such a conviction?

**3. FTA Drug and Alcohol Testing Program** - All LOTS receiving Section 5307, 5309, and/or 5311 funding must develop and implement an FTA-compliant drug and alcohol testing program for all safety-sensitive employees. Contracts and Subcontractors must also have a program. The policy and program must have been updated since the October 2010 revisions to the regulations

Note that second tier maintenance contractors and maintenance contactors in areas with less than 200,000 population are exempt from the regulations. For grantees that use volunteer drivers, the volunteers also are not subject to the requirement unless the volunteer is required to hold a CDL or receives remuneration in excess of expenses incurred while engaged in a safety-sensitive position. If a grantee utilizes taxicab companies to provide transit service, the applicability of the drug and alcohol testing depends on the nature of the service. If a grantee has a contract with one or more taxi companies, then the regulations apply to the drivers. However, the FTA regulations do not apply if the transit patron (or broker) chooses the taxicab company, even if there is only one company available. The regulations do not apply to taxicab maintenance personnel, provided the primary purpose of the taxi company is not public transit service.

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**Questions**

          

Does the grantee have a drug and alcohol policy either as a stand-alone document or included in its drug free workplace policy?

Do contractors and subcontractors with safety sensitive employees have drug and alcohol testing programs?

Have these policies been updated to reflect regulation changes in October 2010?

*Safety-sensitive employees are employees that perform the following functions:*

- *operating a revenue vehicle including when not in revenue service*
- *operating a non-revenue vehicle when required to be operated by a holder of a commercial driver's license (CDL)*
- *controlling dispatch or movement of a revenue service vehicle*
- *maintaining, repairing, overhauling, and rebuilding a revenue service vehicle or equipment used in revenue service with the exception of:*
  - *all maintenance contractors of grantees in UZAs under 200,000; and*
  - *subcontractors of maintenance contractors Note that contractors that provide maintenance services to an operations contractor are subject to FTA's drug and alcohol testing regulations.*
- *carrying a firearm for security purposes*

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**Questions**

Do subrecipients and their contractors, subcontractors, and lessees with safety-sensitive employees have a drug and alcohol policy as required by FTA drug and alcohol regulations? Do the policies contain the required elements?

- Proof of policy adoption by the appropriate governing body with effective date indicated
- Identity of the person designated by the employer to answer questions about the antidrug and alcohol misuse program
- Categories of employees who are subject to testing
- Prohibited behavior, including when the regulations prohibit the use of alcohol and drugs
- Testing circumstances for drugs and alcohol (i.e., pre-employment, random, post-accident, reasonable suspicion, return-to-duty, and follow-up testing)
- Drug and alcohol testing procedures consistent with 49 CFR Part 40, as amended
- Requirement that covered employees submit to drug and alcohol testing administered in accordance with FTA regulations
- Description of the behavior and circumstances that constitute a refusal to take a drug and/or alcohol test and a statement that a refusal constitutes a verified positive test result.
- Description of the consequences for a covered employee who has a verified positive drug test result or a confirmed alcohol test with an alcohol concentration of 0.04 or greater. If the system has a second chance policy, a description of the evaluation and treatment processes must be included.
- Description of the consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04
- any program elements in addition to those required by FTA defined

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**Questions**

How does grantee ensure that drug and alcohol program records are maintained in a secure location with controlled access?

Are the following records maintained for at least one year?

- records of alcohol test results less than .02
- records of verified negative test results

Are the following records maintained for at least two years?

- records related to the collection process for alcohol testing except calibration of evidentiary breath testing (EBT) devices
- records related to the collection process for drug testing
- alcohol education and training records
- drug education and training records

Are the following records maintained for at least five years?

- alcohol test records with alcohol readings of 0.02 or greater
- drug test records with verified positive results
- calibration documentation of EBT devices
- Substance Abuse Professional (SAP) evaluations and referrals of employees for alcohol misuse
- employee compliance with recommendations of the SAP for drug use and/or alcohol misuse, including results of return to duty and follow-up testing
- SAP evaluations and referrals of employees for drug use

Has grantee defined to whom the test results may be released? Does the laboratory only release drug test results to the medical review officer (MRO)? How does grantee ensure that the MRO and breath alcohol technician (BAT) only release test results to the designated program manager and to the employee who was tested? Does grantee obtain an employee's permission before releasing records?

Desk Review    On Site    Follow Up

**Questions**

           Does grantee and their contractors, subcontractors, and lessees with safety-sensitive employees conduct the following types of drug and alcohol testing?

- pre-employment
- random
- post-accident
- reasonable suspicion
- return to duty (only for employers with a second chance policy)
- follow up (only for employers with a second chance policy)

           Does grantee and their contractors, subcontractors, and lessees with safety-sensitive employees test for the following substances: Marijuana, Cocaine, Opiates, Phencyclidine, and Amphetamines (includes ecstasy (MDMA, MDEA, MDA) – employer may or may not add this separately in the policy), Alcohol?

*If the employer lists sub-categories under the amphetamines and opiates, they must list them all and be consistent with Part 40: Opiates (Morphine, Codeine, and Heroin/6-Acetylmorphine), Amphetamines (Amphetamine, Methamphetamine, MDMA, MDEA, and MDA). Employers should not list cut-off concentrations for drugs unless they agree exactly with 49 CFR 40.87.*

           Is the grantee testing at a random rate of 25% for drugs and 10% for alcohol? How are the minimum random testing rates of 25 percent for drugs and 10 percent for alcohol achieved? How often does grantee perform random selections? Were the appropriate number of random tests given? Are the current minimum random testing rates of 25 percent for drugs and 10 percent for alcohol achieved? If no, why not?

           Under what circumstances do the grantee, subrecipients, contractors, subcontractors, and lessees conduct post-accident testing? Does the grantee make proper post-accident determinations?

*Note that following a fatal accident, grantees and contractors are required to test all surviving covered employees on duty in the vehicle or whose performance may have contributed to the accident.*

*Following a non-fatal accident, all covered employees operating the vehicle and any other covered employee whose performance may have*

*contributed to the accident must be tested unless the employer determines that the employee's performance did not contribute to the accident (this is based on best available information and must be documented).*

*A non-fatal accident is an occurrence associated with the operation of a transit revenue vehicle or ancillary vehicle, defined by the following: One or more individuals is immediately transported for medical treatment away from the accident; Any rubber-tired vehicle incurs disabling damage requiring a tow truck; A rail transit vehicle is taken out of service as a result of the accident*

*Post-accident testing for "accidents" that do not meet the definition of an accident under Part 655 must be done under the employer's own authority. Non-DOT custody and control forms (CCF) and alcohol testing forms must be used.*

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### **Questions**

What are the procedures for grantees and their contractors, subcontractors, and lessees with safety-sensitive employees to check on the drug and alcohol testing records of new hires and transfers that they are intending to use to perform safety-sensitive duties?

*After obtaining an employee's written consent, the grantee must request information on the DOT drug and alcohol testing history of any employee who is seeking to begin performance of safety-sensitive duties for the subrecipient for the first time (i.e., a new hire, or if an employee transfers into a safety-sensitive position).*

*Grantee must request the following information from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:*

- *Alcohol tests with a result of 0.04 or higher alcohol concentration*
- *Verified positive drug tests*
- *Refusals to be tested (including verified adulterated or substituted drug test results)*
- *Other violations of DOT agency drug and alcohol testing regulations*
- *The employee's successful completion of DOT return-to-duty requirements (including follow-up tests), if applicable. If unavailable (e.g., for an employer who did not hire an employee who tested positive on a pre-employment test), the grantee must obtain this information from the employee.*

*Grantees must obtain and review this information before the employee first performs safety-sensitive functions or if not feasible as soon as possible (within 30 days).*

*The following employees cannot be permitted to perform safety-sensitive functions:*

- *An employee who refuses to provide written consent*

- *An employee who has violated a DOT agency drug and alcohol regulation at a former employer, unless the employee subsequently complied with return-to-duty requirements.*

*The subrecipient must also ask the employee whether he or she has tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, the subrecipient must not use the employee to perform safety-sensitive functions until and unless the employee documents successful completion of the return-to-duty process.*

*The employee records must be maintained for three years*

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does grantee use the most recent approved U.S. DOT Breath Alcohol Testing form?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does grantee use a drug testing laboratory certified by the Department of Health and Human Services?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | How does the grantee ensure that the service agents who provide the testing services are appropriately educated and trained, including urine specimen collectors, breath alcohol technicians (BAT), screen test technicians (STT), Medical Review Officers (MRO), and Substance Abuse Professionals (SAP)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is grantee's MRO a licensed physician with appropriate medical training and knowledge of substance abuse disorders? (Ask to see the MRO's certificate)   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is grantee's substance abuse professional (SAP) a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders?      |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are employees who have a verified positive drug test or alcohol concentration of .04 or greater referred to a SAP for evaluation even if they are to be terminated?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does grantee utilize a NHTSA approved EBT device for initial testing and a EBT or non-evidential alcohol screening device (SD) for confirmation alcohol testing?   |

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**Questions**

Has each BAT been trained with a NHTSA-approved course of instruction on the methodology, operating, and calibration of the specific EBT(s) or SDs being used?

Does grantee provide at least 60 minutes of training to your safety sensitive employees on the effects and consequences of prohibited drug use and on the signs and symptoms which may indicate prohibited drug use? *Note: A grantee is required to provide a one-time, 60-minute training session to all safety sensitive employees on the effects and consequences of prohibited drug use. This includes newly hired safety sensitive employees and employees transferring to safety sensitive positions. Training safety sensitive employees on the effects and consequences of prohibited alcohol use is not a requirement of the FTA regulations.*

Have supervisors who are designated to determine whether reasonable suspicion exists to require a safety sensitive employee to undergo alcohol and/or drug testing been provided the following training: at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse? At least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use?

- Which supervisors have been trained by the grantee?
- Are these the only supervisors of safety sensitive employees?
- How is the training conducted?
- Does grantee keep records of this training?

What efforts does the grantee make to monitor the FTA drug and alcohol testing program of its contractors, subrecipients or lessees with safety sensitive employees to ensure that their drug and alcohol testing programs are administered in accordance with the regulations? *Note: If a grantee contracts to provide safety sensitive functions, the grantee must monitor each contractor's drug and alcohol program proactively (except for volunteer drivers who do not need CDLs and rural third party maintenance personnel). Many grantees contract with service providers that already are required to comply with FHWA drug and alcohol testing regulations. If this situation exists, special procedures apply and a grantee should consult MTA.*



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**Questions**

If a grantee contracts out any or all aspects of its Drug and Alcohol Program, what steps is a grantee taking to monitor vendor (e.g., consortia, third party administrators, collection site, MRO) compliance with program requirements?

During the review period, when did the grantee submit annual calendar year MIS forms or reporting disks to MTA for itself, contractors, subcontractors, and lessees by March 15 of each year? When was the 2011 MIS Data Collection Form (covering January 1 – December 31, 2012) submitted? Was it complete and accurate?

Does the grantee the state-required quarterly reports to MTA?

## OTHER

- 1. ITS Architecture** - Intelligent Transportation Systems (ITS) projects funded by the Highway Trust Fund and the Mass Transit Account must conform to the National ITS Architecture, as well as to United States Department of Transportation (USDOT) adopted ITS Standards..

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### Questions

      

Is the grantee attempting to deploy ITS technologies? If yes, are ITS projects and programs part of a locally approved Regional ITS Architecture?

      

Has the grantee established a process for the systems engineering analysis of ITS projects that addresses the seven prescribed steps? Has it applied the process? If the project scope has changed, has it reviewed the systems engineering analysis and, if necessary, updated it?

*The seven required steps are:*

- 1. Identify portions of the Regional ITS Architecture being implemented. Show where the elements of the ITS project is in the Regional ITS Architecture.*
- 2. Identify participating agency's roles and responsibilities. Define for each participating agency.*
- 3. Define requirements. What functions will the ITS system need to perform?*
- 4. Analyze alternative system configurations and technology options to meet the requirements. What other options were examined?*
- 5. Analyze financing and procurement. How will the ITS project be funded, procured and maintained?*
- 6. Identify ITS standards and testing. Identify applicable ITS standards and testing procedures.*
- 7. Identify procedures and resources necessary for operations and management. How will the ITS project be operated and maintained?*

**Appendix C:**  
**MTA/OLTS Standard Operating Procedures**  
**Related to DBE Program Activities for the LOTS**



# Standard Operating Procedure

Procedure No. TBD		MTA Document Serial No. TBD		Page 1 of 6
Rev No. <u>1</u>	Issue Date: 08/28/2013	Supersedes: N/A		Areas Affected: Office of Local Transit Support
Effective Date: 08/28/2013	Applies to: LOTS DBE PRG Goal Determination		Department: Office of Local Transit Support	

## 1. STATEMENT

- 1.1. The Maryland Transit Administration’s (MTA) Office of Local Transit Support (OLTS) Disadvantaged Business Enterprise (DBE) Procurement Review Group (PRG) Goal Determination Procedures.
- 1.2. The OLTS DBE PRG Goal Determination procedures are administered by the MTA’s Office of Fair Practices (OFP) with guidance provided by the Maryland Department of Transportation’s (MDOT) DBE Program.

## 2. PURPOSE

- 2.1. The Maryland Transit Administration’s (MTA) Office of Local Transit Support (OLTS) will monitor and ensure that the LOTS are in compliance with the DBE PRG Goal Determination procedures that ultimately lead to the award and administration of DOT-assisted capital projects.
  - 2.1.1. The intended purpose of the DBE PRG goal determination procedures are to ensure the LOTS are submitting documentation that supports DBE goals for work being performed on capital projects that equal or exceed \$50,000.
  - 2.1.2. Projects between \$25,000 and \$50,000 will not go to the PRG for review but must follow the remaining steps that are documented in this Standard Operating Procedure, such as establishing a DBE goal that will be reviewed and approved by the OFP, etc.

<b>Reviewed By:</b>	<i>(Signature)</i>	<i>(Date)</i>	<b>Approved By:</b>
<input type="checkbox"/> [Managing Department]	_____	_____	_____
<input type="checkbox"/> [Guiding Department]	_____	_____	<i>(Print Name)</i>
<input type="checkbox"/> [Stakeholder(s)]	_____	_____	<i>(Signature)</i>
<input type="checkbox"/> [Stakeholder(s)]	_____	_____	_____
<input type="checkbox"/> Safety and Risk Management	_____	_____	<i>(Date)</i>
<input type="checkbox"/> _____	_____	_____	<b>Director</b>
			<i>(Title)</i>



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2.1.3. The expected outcome is that the applicable LOTS are in compliance with the DBE program.

### 3. RESPONSIBILITIES

OLTS, specifically the Regional Planners (RP), are responsible for adhering to these procedures and working with the Office of Fair Practices to ensure DBE goals are appropriately established on a contract-by-contract basis. Also noted, the LOTS are responsible for ensuring the DBE PRG goal determination package is submitted to the Regional Planners.

### 4. DEFINITIONS

4.1. Locally Operated Transit Systems (LOTS) – sub recipients of the Maryland Transit Administration that receive Federal funds to support their transit systems.

4.2. A Regional Planner (RP) is a staff representative in the Office of Local Transit Support (OLTS) who provides administrative oversight, and technical support to the LOTS and non-profit organizations located in the five regions throughout the State. The regions are Central Maryland, Northern Maryland, Southern Maryland, Eastern Shore, and Western Maryland.

4.3. Procurement Review Group (PRG) – the participants consist of Procurement Officers, Project Managers and employees of the Office of Fair Practice (OFP). PRG meetings are held bi-weekly to determine the Disadvantaged Business Enterprise (DBE) goals for MTA/subrecipients contracts that are being offered for solicitation.

4.4. Procurement Review Group (PRG) form – a form required for all capital projects that equal or exceed the \$50,000 threshold (excluding bus purchases). Explanations of some of the key categories on the form are described below:

4.4.1. Project Manager is the Regional Planner.

4.4.2. Project Description includes the scope of work/specification of the project.



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4.4.3. Subcontracting Category information can be found in the scope of work. This is a description of work for the project that would provide all procurement items that can be subcontracted. This function is performed by the LOTS procurement officer.

4.4.4. Estimated Dollar Value for Work Items – Dollar amount for specific category of work that could be subcontracted (electrical, concrete, plumbing, etc.)

4.4.5. % of Contract – (The percentage of the estimated dollar value for each subcontracting category identified). The percentage is determined by the LOTS procurement officer based upon the value of the contract, comparing proposed projects with previous projects and prior experience of other contracts across the state.

4.4.6. NAICS Code(s) section will be completed by the Office of Fair Practices (OFP). OFP will review the PRG form and all contract documents from the LOTS to begin to search the categories and the NAICS codes for each subcontracting category identified. These searches are performed in the MBE/DBE Directory, located on MDOT’s website: [www.mdot.maryland.gov](http://www.mdot.maryland.gov). OFP will search the number of certified firms in the U.S. and in Maryland, MBE/DBE firms and DBE only firms as applicable. The idea is to locate an ample number of firms to support the categories offered. There are occasions when OFP may determine additional categories that can also be considered. In that case, these are discussed with the LOTS’ procurement officer for possible inclusion on to the PRG form.

4.4.7. Total Number of Certified DBE firms will be verified by the OFP.

4.4.8. Potential Available DBE firms will be verified by the OFP.

4.5. Scope of Work (SOW) – a description of work for the project that identifies what is to be purchased under what conditions and terms.

4.6. DBE goal tabulation is an engineer’s estimate. It is a document that lists all line items contained in a project including costs and percentages.

4.7. Independent Cost Estimate (ICE) – It is necessary to determine the approximate cost of the project (which will determine what types of procurement methods may be used). The



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ICE is an important step in developing a project's specifications. Also, it is needed to determine if the LOTS has enough resources to conduct the project.

## 5. AUTHORITY AND REFERENCE

5.1. The Maryland Department of Transportation's Goal Setting Process.

## 6. PROCEDURE

### 6.1. DBE Goal Determination Submittal

- 6.1.1. The LOTS will submit a request for procurement to the Regional Planner identifying the capital project, the estimated project cost, the anticipated DBE goal, the DBE goal tabulation, the method of procurement and any procurement documents such as a Request for Proposal (RFP) which contains a scope of work (SOW). See SAMPLE Request for Procurement letter.
- 6.1.2. The LOTS procurement specialist is required to create a subcontracting analysis which identifies the subcontracting opportunities and an independent cost estimate (ICE) for the project with assistance from the Regional Planner as needed. See attached template for the Independent Cost Estimate form (ICE).
- 6.1.3. The Regional Planner, with assistance from the LOTS, will use the information from the LOTS to complete the Procurement Review Group (PRG) form.
- 6.1.4. The Regional Planner submits the PRG form, the LOTS letter identifying the request for concurrence for the procurement, the subcontracting analysis, the ICE and the SOW to MTA's Procurement Department.
- 6.1.5. The MTA's Procurement Department will send the PRG form and the aforementioned documents to the OFP at least 10 days before the PRG meeting.



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- 6.1.6. The MTA’s Office of Fair Practices will complete its portion of the PRG form – NAICS Codes, Total Number of Certified DBE Firms and Potential Available DBE Firms.
- 6.1.7. OFP may adjust the LOTS’ recommended DBE goals after reviewing the PRG form.
- 6.1.8. In the event that the OFP makes any adjustments to the DBE goal, they will work directly with the LOTS’ procurement officer to address such recommendations before the PRG meeting.
- 6.1.9. OFP then presents the PRG form with its recommended DBE goal for review at the Procurement Review Group (PRG) meetings. The Regional Planner will attend the PRG meetings as a participant representing the LOTS.
- 6.1.10. At the PRG meeting, the participants review for approval the PRG form presented by OFP. The LOTS’ procurement officer should be available via telephone to address any concerns if necessary.
- 6.1.11. Following the PRG meeting, the MTA procurement representative will send the PRG form (signed by those at the PRG meeting) to the Regional Planner.
- 6.1.12. The Regional Planner will send the signed PRG form electronically to the LOTS procurement officer for signature.
- 6.1.13. Once the Regional Planner receives the signed PRG form from the LOTS procurement officer, the Regional Planner will forward a copy of the PRG form to the OFP.
- 6.1.14. Regional Planner will instruct the LOTS not to move forward with the procurement until they receive an official concurrence letter from the Regional Planner.





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6.1.15. The Regional Planner will provide a concurrence letter to the LOTS that states the DBE goal has been approved and to proceed with the solicitation process. See SAMPLE DBE PRG Goal Determination Concurrence letter

## 7. ATTACHMENTS AND FORMS

### 7.1. Attachments

- 7.1.1. SAMPLE Request for Procurement letter
- 7.1.2. SAMPLE DBE PRG Goal Determination Concurrence letter
- 7.1.3. Independent Cost Estimate (ICE) form

## 8. FLOW CHART



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Effective Date:	Applies to: LOTS DBE Solicitation Process		Department: Office of Local Transit Support	

## 1. STATEMENT

- 1.1. The Maryland Transit Administration’s (MTA) Office of Local Transit Support (OLTS) Disadvantaged Business Enterprise (DBE) Solicitation Process.
- 1.2. The LOTS DBE Solicitation Process must be in accordance with 49 CFR Part 26, administered by the MTA Office of Fair Practices (OFP) with guidance provided by the Maryland Department of Transportation’s (MDOT) DBE Program.

## 2. PURPOSE

- 2.1. The Maryland Transit Administration’s (MTA) Office of Local Transit Support (OLTS) will monitor and ensure that the LOTS are in compliance with the DBE Solicitation Process that ultimately leads to the award and administration of DOT-assisted capital projects.
  - 2.1.1. The governing of the DBE Solicitation Process can be found in 49 CFR and MDOT’s 2012 Federal DBE Program Manual, Section VII.
  - 2.1.2. The intended purpose of the LOTS DBE Solicitation process is to ensure the LOTS are fairly and adequately soliciting work being performed on capital projects that equal or exceed \$25,000.
  - 2.1.3. The expected outcome is that the applicable LOTS are in compliance with the DBE program.

## 3. RESPONSIBILITIES

<b>Reviewed By:</b>	<i>(Signature)</i>	<i>(Date)</i>	<b>Approved By:</b>
<input type="checkbox"/> [Managing Department]	_____	_____	_____
<input type="checkbox"/> [Guiding Department]	_____	_____	<i>(Print Name)</i>
<input type="checkbox"/> [Stakeholder(s)]	_____	_____	<i>(Signature)</i>
<input type="checkbox"/> [Stakeholder(s)]	_____	_____	_____
<input type="checkbox"/> Safety and Risk Management	_____	_____	<i>(Date)</i>
<input type="checkbox"/> _____	_____	_____	<b>Director</b>
			<i>(Title)</i>



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OLTS, specifically the Regional Planners (RP), are responsible for adhering to these procedures and working with the Office of Fair Practices to ensure that the LOTS are following the DBE Solicitation Process. Also noted, the LOTS are responsible for ensuring the proper documentation of the LOTS DBE Solicitation Process is submitted to the Regional Planners.

## 4. DEFINITIONS

4.1. Locally Operated Transit Systems (LOTS) – sub recipients of the Maryland Transit Administration that receive Federal funds to support their transit systems.

4.2. A Regional Planner (RP) is a staff representative in the Office of Local Transit Support (OLTS) who provides administrative oversight, and technical support to the LOTS and non-profit organizations located in the five regions throughout the State. The regions are Central Maryland, Northern Maryland, Southern Maryland, Eastern Shore, and Western Maryland.

## 5. AUTHORITY AND REFERENCE

5.1. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

5.1.1. Subpart C – Goals, Good Faith Efforts and Counting

5.1.1.1. 26.53 – What are the good faith efforts procedures recipients follow in situations where there are contract goals?

5.1.1.2. Appendix A to Part 26 – Guidance Concerning Good Faith Efforts

## 6. PROCEDURE

### 6.1. LOTS DBE Solicitation Process

6.1.1. The Regional Planner will provide a concurrence letter to the LOTS stating the DBE goal has been approved and to proceed with the solicitation process.



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- 6.1.2. The concurrence letter is accompanied by the following DBE forms that must be completed by the bidders as part of the bid package.
- 6.1.2.1. MDOT DBE FORM A: Federally-Funded Contracts – Certificated DBE Utilization and Fair Solicitation Affidavit
  - 6.1.2.2. MDOT DBE FORM B: Federally-Funded Contracts – DBE Participation Schedule
  - 6.1.2.3. MDOT DBE FORM C: Federally-Funded Contracts – Outreach Efforts Compliance Statement
  - 6.1.2.4. MDOT DBE FORM D: Federally-Funded Contracts – DBE Subcontractor Project Participation Affidavit
- 6.1.3. The LOTS will advertise the procurement using one of the methods of procurement such as a Request for Proposal (RFP), an Invitation for Bid (IFB), etc.
- 6.1.4. The LOTS procurement officer will receive the proposals and conduct an analysis to ensure the bidders are responsive to the bid specifications.
- 6.1.5. The LOTS procurement officer will recommend the appropriate bidder.
- 6.1.6. The LOTS will send the recommended appropriate bidder’s bid analysis, along with the DBE package, to the Regional Planner.
- 6.1.7. The LOTS will specifically request concurrence from the Regional Planner to award the project to the recommended appropriate bidder.
- 6.1.8. The Regional Planner will send a memo to the Office of Fair Practices (OFP) asking for a DBE evaluation of the recommended appropriate bidder.
- 6.1.9. OFP will conduct an analysis of the DBE package and send a copy of the analysis back to the Regional Planner.
- 6.1.10. If there is a request for a DBE waiver, **see 6.2. DBE Waiver section** for instructions before issuing a concurrence letter to award the project.



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6.1.11. Once a final determination has been made by OFP, the Regional Planner will send a concurrence letter, along with the DBE analysis, to the LOTS to award the project.

6.1.12. The LOTS and the Regional Planner will begin the LOTS DBE Monitoring Process.

## 6.2. Requesting DBE Waiver

6.2.1. The bidder/offeror may submit a request for a waiver demonstrating she/he is unable to achieve the DBE participation goal as outlined in the procurement document such as a RFP or IFB, etc.

6.2.2. The prime contractor/bidder would complete MDOT DBE FORM A: Federally-Funded Contracts – Certificated DBE Utilization and Fair Solicitation Affidavit and check the box requesting the waiver.

6.2.3. The Regional Planner will receive the MDOT DBE FORMS and review them to ensure they are completed.

6.2.4. The Regional Planner will specifically review MDOT DBE FORM A: Federally-Funded Contracts – Certificated DBE Utilization and Fair Solicitation Affidavit to determine if the box is checked requesting a waiver.

6.2.5. If a waiver is requested, the Regional Planner will request documentation from the bidder/offeror showing good faith efforts to obtain the specified DBE participation goal.

6.2.6. OFP will review the waiver request documentation and determine if the bidder/offeror is able to show a good faith effort in trying to achieve the DBE participation goal.

6.2.7. OFP will consult with the MTA's Legal Department before rendering a final decision regarding the DBE waiver request.

6.2.8. OFP will provide the Regional Planner a copy of the DBE waiver determination.



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6.2.9. If the waiver request is approved, the LOTS will be required to submit DBE forms C & D if they have not already been submitted in the original DBE package.

## 7. ATTACHMENTS AND FORMS

### 7.1. Attachments

- 7.1.1. DBE Forms
- 7.1.2. SAMPLE LOTS Request to Award the Project
- 7.1.3. MEMO to OFP to Review Recommended Appropriate Bidder
- 7.1.4. OFP DBE analysis of the recommended appropriate bidder/offeror to RP
- 7.1.5. SAMPLE LOTS Concurrence Letter to Award the Project

## 8. FLOW CHART



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Effective Date: 04/02/13	Applies to: LOTS DBE Contract Monitoring			Department: Office of Local Transit Support

## 1. STATEMENT

- 1.1. The Maryland Transit Administration’s (MTA) Office of Local Transit Support (OLTS) Disadvantaged Business Enterprise (DBE) Contract Monitoring Procedures.
- 1.2. The OLTS DBE Contract Monitoring must be in accordance with 49 CFR Part 26, administered by the MTA Office of Fair Practices (OFP) with guidance provided by the Maryland Department of Transportation’s (MDOT) DBE Program.

## 2. PURPOSE

- 2.1. The Maryland Transit Administration’s (MTA) Office of Local Transit Support (OLTS) will monitor and ensure that the LOTS are in compliance with the award and administration of DOT-assisted capital and operating projects.
  - 2.1.1. The governing of DBE contract monitoring can be found in 49 CFR 26.37 and 26.55 and MDOT’s 2012 Federal DBE Program Manual, Section VIII.
  - 2.1.2. The intended purpose of the DBE contract monitoring procedure is to ensure the OLTS is reviewing documentation that supports work being performed on the project by the prime and subcontractors accordingly.
  - 2.1.3. The expected outcome is that the applicable LOTS are in compliance with the DBE program.

<b>Reviewed By:</b>	<i>(Signature)</i>	<i>(Date)</i>	<b>Approved By:</b>
<input type="checkbox"/> [Managing Department]	_____	_____	_____
<input type="checkbox"/> [Guiding Department]	_____	_____	<i>(Print Name)</i>
<input type="checkbox"/> [Stakeholder(s)]	_____	_____	<i>(Signature)</i>
<input type="checkbox"/> [Stakeholder(s)]	_____	_____	_____
<input type="checkbox"/> Safety and Risk Management	_____	_____	<i>(Date)</i>
<input type="checkbox"/> _____	_____	_____	<b>Director</b>
			<i>(Title)</i>



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Effective Date: 03/27/13	Applies to: LOTS DBE Contract Monitoring			Department: Office of Local Transit Support

### 3. RESPONSIBILITIES

OLTS, specifically the Regional Planners (RP), are responsible for adhering to these procedures and working with the Office of Fair Practices to ensure DBE compliance. Also noted, the LOTS have a contractual agreement with the contractors and are responsible for ensuring timely submission of the contractors' DBE participation data to the Regional Planners.

### 4. DEFINITIONS

4.1. Locally Operated Transit Systems (LOTS) – sub recipients of the Maryland Transit Administration that receive Federal funds to support their transit systems.

4.2. A Regional Planner (RP) is a staff representative in the Office of Local Transit Support (OLTS) who provides administrative oversight, and technical support to the LOTS and non-profit organizations located in the five regions throughout the State. The regions are Central Maryland, Northern Maryland, Southern Maryland, Eastern Shore, and Western Maryland.

### 5. AUTHORITY AND REFERENCE

5.1. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

5.1.1. Subpart B – Administrative Requirements for DBE Programs for Federally-Assisted Contracting.

5.1.1.1. 26.37 – What are a recipient's responsibilities for monitoring the performance of other program participants?

5.1.2. Subpart C – Goals, Good Faith Efforts and Counting

5.1.2.1. 26.55 – How is DBE participation counted toward goals?

5.1.3. MDOT's 2012 Federal DBE Program Manual, Section VIII – DBE Contract Compliance.





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## 6. PROCEDURE

### 6.1. Review of Compliance Requirement

- 6.1.1. The Regional Planner will issue a contract concurrence letter to the LOTS to award the project. The LOTS will send the prime contractor and subcontractor a letter that describes the specific compliance process, its time frames and give the contractor a Compliance Assistance Package. This package will contain instructions for completing the Monthly Payment Forms. Compliance requirements are also included in the contract proposal and discussed at the Pre-Bid and Pre-Construction meetings.
- 6.1.2. The Regional Planner will forward a copy of the concurrence letter to the Office of Fair Practices (OFP) which will serve as the official award date of the project.
- 6.1.3. a. The LOTS will send the Regional Planner a copy of the letters and supporting documentation that were sent to the prime contractor and the subcontractor.
- b. The MTA's OLTS will provide the OFP with a copy of the letters and supporting documentation that were sent to the prime contractor and the subcontractor.
- 6.1.4. Reference Documents
- 6.1.4.1. LOTS Contract Concurrence Letter
  - 6.1.4.2. Prime Contractor's Letter - DRAFT
  - 6.1.4.3. Subcontractor Letter
  - 6.1.4.4. Prime Contractor Instructions for Completing Monthly Payment Report
  - 6.1.4.5. Monthly Prime Disadvantaged Business Enterprise Payment Report
  - 6.1.4.6. DBE Subcontractor Instructions for Completing Monthly Payment Report
  - 6.1.4.7. Monthly Subcontractor Disadvantaged Business Enterprise Payment Report

### 6.2. DBE Prime Contractor and Subcontractor Participation Reports



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6.2.1. The prime contractor will be required to submit the Monthly Prime Disadvantaged Business Enterprise Payment Report to the LOTS. Also, the subcontractor will be required to submit the Monthly Subcontractor Disadvantaged Business Enterprise (DBE) Payment Report to the LOTS, which at a minimum shall include:

- Identification of the DBE subcontractors participating on the project;
- Type of work being done by each DBE subcontractor;
- Dollar amount of project and each DBE subcontract;
- Actual monies paid during the reporting period and to date to the DBE subcontractors; and
- Comments by the contractor/subcontractor.

6.2.2. The prime contractor and the DBE subcontractors are expected to complete and return the Monthly Payment Reports to the LOTS by the 10<sup>th</sup> of the following month even if there is no payment activity.

6.2.3. The LOTS will forward the Monthly Payment Reports to the Regional Planner upon receipt of Forms from the prime contractor and the DBE subcontractor.

6.2.4. The Regional Planner will provide a copy of the monthly report to the Office of Fair Practices.

6.2.5. Any participating DBE must serve a commercially useful function on a contract and not function as a broker, unless certified as a broker (insurance, real estate, etc.) A firm is considered to perform a commercially useful function when it executes a distinct element of work by actually performing, managing and supervising the work involved and/or negotiating the cost of, arranging and accepting delivery of, and paying for materials or supplies required for the work of its contract. The contractor may count toward its DBE goal 60 percent of its expenditures for material and supplies required under the contract and obtained from a DBE regular



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dealer, and 100 percent of such expenditures to a DBE manufacturer. If, at any time before execution of the contract, the prime contractor determines that the designated DBE subcontractor has or will become unavailable, the contractor shall notify the LOTS immediately. Any change in the schedule of participation must be approved in advance by the Office of Fair Practices and shall indicate the contractor's good faith efforts to substitute another DBE subcontractor to perform the work.

### 6.3. Review of Project Engineer's Files

6.3.1. The Regional Planner shall review records maintained at the project site concerning work being done on the project during the quarterly site visits. The Project Engineer is responsible for maintaining accurate records on a daily basis, regarding the participation of all DBE subcontractors at the work site.

6.3.2. The RP will work with the Office of Fair Practices should there be any issues of non-compliance indicated on the Monthly Payment Form submissions from the DBE subcontractors and/or during the quarterly site visits.

## 7. ATTACHMENTS AND FORMS

### 7.1. Attachments

- LOTS Contract Concurrence Letter
- Prime Contractor's Letter – DRAFT
- Subcontractor Letter
- Prime Contractor Instructions for Completing Monthly Payment Report
- Monthly Prime Disadvantaged Business Enterprise Payment Report
- DBE Subcontractor Instructions for Completing Monthly Payment Report
- Monthly Subcontractor Disadvantaged Business Enterprise Payment Report

7.2. Attach a flow chart displaying the procedure process.

7.2.1. LOTS DBE Contract Monitoring Flow Chart

**Appendix D:**  
**Sample ADA-related Policies and Procedures for**  
**Fixed Route Services**

# Fixed Route Service Sample

(This template is appropriate for systems that provide fixed route and complementary paratransit services. It is not appropriate for systems that only provide demand-response service)

## Americans with Disabilities Act of 1990 (ADA) Policy and Procedures

Date: \_\_\_\_\_

### INTRODUCTION

**Purpose:** This policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable Maryland laws and regulations. The \_\_\_\_\_ **Public Transit System** operates services on a fixed route basis, with complementary paratransit provided to those individuals who are unable to ride fixed-route due to a disability. The \_\_\_\_\_ **Public Transit System** complies with ADA requirements with respect to such services.

### POLICY STATEMENT

It is the policy of \_\_\_\_\_ **Public Transit System** to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

**Goals:** Service is provided in a manner that meets these goals to:

1. provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. ensure that eligible individuals who are unable to board, ride or disembark from the fixed-route service are provided complementary paratransit that is comparable in service availability and quality to the fixed route service.
3. expedite the safe and efficient boarding, securing, transporting and alighting of all passengers, regardless of mobility status.
4. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

**Applicability:** This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

### Definitions:

*Wheelchair:* a mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

*Disability:* A physical or mental impairment that substantially limits one or more major life activities.

*Fixed Route Service:* Vehicle is operated along a prescribed route according to a fixed schedule.

*Mobility Aid/Non Wheelchair Mobility Device:* A device used by a person with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These include but are not limited to canes, crutches, walkers and “segways” when used by a person with a mobility related disability.

*Route Deviation Service:* A system that permits user-initiated deviations from routes or schedules. Sometimes referred to as deviated fixed route or flexible route service.

*Securement Equipment:* Equipment used for securing wheelchairs against uncontrolled movement during transport.

*Securement Station:* Space specifically designed to secure and stabilize wheelchairs on transit vehicles.

*Service Animal:* An animal that is individually trained to perform a task or tasks for people with disabilities.

## GENERAL GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY

**Recruitment and Employment:** As stated in the transit systems personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

**Facility and Vehicle Accessibility:** The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Maryland. All vehicles purchased for fixed-route and deviated fixed-route service will be accessible. Vehicles purchased for demand-response service will only be non-accessible to the extent that the demand-response system, when viewed in its entirety, provides the same level of service to disabled persons as non-disabled persons.

**Vehicle and Route Assignment:** To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. All vehicles assigned to fixed routes and deviated fixed routes will be accessible.

For general demand-response service outside the ADA Complementary Paratransit described below, the transit system will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Trip denials will be tracked by disability to monitor whether trips are disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Should this be found to be the case, inaccessible vehicles will be replaced with accessible vehicles until the demand-response system, when viewed in its entirety, is accessible.

**Maintenance of Accessible Features:** Accessibility features on vehicles, including lifts, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of the \_\_\_\_\_ **Public Transit System** provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection. *(Note: lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by MTA as a way to comply with the federal ADA requirement that transit systems conduct regular and frequent lift checks, sufficient to determine if lifts are actually operative).*

Drivers are required to report lift failures as soon as possible. Vehicles with inoperative lifts will be replaced as soon as possible. Additional fixed-route policies related to inoperative lifts are discussed under "Policies Specific to Fixed Route Service."

**Wheelchair Accommodation:** Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, \_\_\_\_\_ **Public Transit System** will transport the device (and its user).

**Boarding:** Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before

moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest, escort or attendant will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit system employee can operate the lift, secure the wheelchair on the lift and in the securement station.

**Use of Accessibility Devices by Persons with Disabilities Not Using a Wheelchair:** A person with a disability who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

**Priority Seating:** With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede the transit system's right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where a person with a disability requests use of priority seating that currently occupied by another passenger, the driver will ask that passenger to allow the person with a disability to use of the seat.

**Driver Assistance:** Drivers will make their selves available for assistance to persons with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement systems. Drivers will use the accessibility-related equipment and features on their vehicles as described in these policies.

**Securement:** Securement of the wheelchair class of mobility devices is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the tie-down system is not compatible for the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair can not be secured because of the wheelchair design, the passenger still has the right to ride the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area.

*[Note: select one depending on your agency policy. Make sure that all riders are treated the same]* Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. Or, seat belts and shoulder harnesses are required for ALL passengers.

**Non-Standard Mobility Devices:** Mobility devices that are not wheelchairs will be accommodated to the extent that the ADA-compliant lift and securement areas can safely do so. However, these



devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

**Accommodation of Portable Oxygen:** Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials.

**Transfer to Fixed Seating:** All passengers using seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

**Service Animals:** In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a threat to other passengers may be restricted from riding.

**Alighting:** It is the responsibility of the driver to determine that the location for passenger alighting is safe. For fixed route, the driver will allow a passenger who uses the lift to disembark at any stop, unless the lift cannot be deployed, the lift will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair, secure it on the lift and operate the lift to return the passenger to the ground level.

**Staff Training:** All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

**Rider Information:** All printed informational materials are made available in accessible formats upon request, for example, large print for persons with low vision or audio for blind persons, as well as accessible electronic formats.

**Complaint Procedure:** All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the \_\_\_\_\_. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. *[Note: may want to attach complaint form.]*

**Modification of Policy:** If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting \_\_\_\_\_. The transit system will work with the individual to find an accommodation solution.

## **GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY SPECIFIC TO FIXED ROUTE SERVICES**

**Inoperative Lifts:** Vehicles with inoperative lifts must be taken out of fixed route service as soon as possible (no later than the beginning of the vehicle's next service day) and inoperative equipment will be replaced promptly with spare vehicle. The inoperative lift will be repaired before the vehicle returns to service.

If there is no spare vehicle available to take the place of a vehicle with an inoperable lift on a route, the vehicle with the inoperable lift may be kept in service for no more than three days *[maximum if the entity serves an area of over 50,000 population – or five days if the entity serves an area of 50,000 or less population]*. In such cases, complementary paratransit will be provided to individuals with disabilities who are unable to use the vehicle because its lift does not work. *[Note: Alternative transportation is only required if the headway to the next accessible vehicle on the route exceeds 30 minutes, but few rural and small urban systems operate on such frequent headways.]*

**Route Identification to Passengers Waiting at Shared Stops:** Where vehicles for more than one route serve the same stop, each driver will stop and announce their route to passengers waiting at the stop. These stops have been listed for each route and the lists are provided to drivers during training. *[Note: You may wish to attach the lists of these stops to your policy.]* *(Note: as a supplemental approach, if preferred by the customers in your community, you may provide customers with route hailing kits (containing numbered cards, for example) to allow passengers to inform drivers of the route they want to use or to be identified by the driver as a potential customer seeking a ride on a particular route.)*

**Route Orientation Announcements:** Fixed route drivers will announce the following stops to passengers on board the vehicle (using the vehicle's public address system on larger vehicles if such is available): 1) transfer points with other routes, 2) major intersections or destination points, 3) sufficient intervals along a route to orient a passenger with a visual disability to his or her location, and 4) any stop requested by a passenger with a disability. Stops that fall into the first three categories are listed for each route and provided to drivers during training. *[Note: You may wish to attach the lists of these stops to your policy.]*

**Bus Stop Accessibility:** When establishing new bus stops, it is the policy of the \_\_\_\_\_ **Public Transit System** to select locations that are accessible to riders using mobility devices, either at the stop location, or close by if the actual stop is not accessible to a wheelchair user. When installing improvements at existing bus stops, the improvements will be made accessible in accordance with Americans with Disabilities Act Accessibility Guidelines of the U.S. Access Board. In the event that a particular stop is not accessible, the transit system will provide complementary paratransit to any persons unable to use the fixed route system because that stop is inaccessible. If a person with a disability requests that an existing stop be made accessible, the \_\_\_\_\_ **Public Transit System** will work with the jurisdiction which is responsible for the street and sidewalk (if applicable) to include accessibility improvements to the stop within the jurisdiction's ADA transition plan for sidewalks.

**ADA Complementary Paratransit:** Individuals who are unable to use the fixed route service because of a disability will be provided demand-response service that is comparable to the fixed route service in service availability and quality. The policies for ADA Complementary Paratransit are provided in the next section.

## GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY SPECIFIC TO ADA COMPLEMENTARY PARATRANSIT SERVICES

**Introduction:** The \_\_\_\_\_ **Public Transit System** provides ADA Complementary Paratransit services for individuals who are unable to use the fixed route service because of a disability. This is demand-response service that is equivalent to the fixed route service in terms of service characteristics as described under 49 CFR Part 37, Subpart F.

**Eligibility Determination Process:** To be eligible to use the ADA Paratransit service, local residents and long-term visitors must complete an ADA paratransit eligibility determination process. Eligible individuals will receive documentation of ADA paratransit eligibility, which can be used in other areas.

### *Eligibility Criteria*

The certification process strictly limits ADA paratransit eligibility to the regulatory definition of eligibility. Only those persons who meet the regulatory definition will be given documentation indicating that they are "ADA Paratransit Eligible". A person will be considered eligible for complementary paratransit if:

- The person is unable, as the result of a physical or mental impairment, and without assistance of another individual to board, ride, or disembark from any vehicle on the system, which is readily accessible to and usable by individuals with disabilities. All riders who are using wheelchairs are to be accommodated by the paratransit system.
- The person with a disability is capable of using the system with the assistance of a wheelchair lift but the route they want to use is not 100% ADA accessible.
- The person with a disability has a specific impairment-related condition, which prevents such individual from traveling to a fixed route boarding location or from a disembarking location.

Temporary eligibility for ADA paratransit service will be allowed for those with a disability that is only temporary in nature. Temporary eligibility is established during the certification process.

*[Note: If your system uses Conditional Eligibility, include the following paragraph.]* In addition, if individuals who are determined to be ADA paratransit eligible can use fixed route service under certain conditions (for example, trips for which they have been trained to navigate or under variable conditions that affect an individual's disability), the eligibility will be considered "Conditional" and documentation which they are given will indicate the limitations/condition of their eligibility.

## ***Application Form***

A copy of the application form used for \_\_\_\_\_ **Public Transit System**'s ADA paratransit service is provided at the end of this section. (*Attach*) Large print, audio, electronic, and other accessible formats are available upon request, as well as in Spanish language (*or other applicable language per your system's LEP plan*).

## ***Review Process and Time Frame***

Upon receipt of a completed application, the \_\_\_\_\_ **Public Transit System** will review the application and determine the individual's eligibility within 21 days of receipt. This responsibility has been assigned to the ADA Coordinator (*or other designated individual*).

*[Note: If your system also relies on an in-person assessment, include a description of this process, responsible parties, and time frame.]*

## ***Notification of Eligibility***

Each applicant will be notified in writing by mail of his or her status within 21 days of submitting a properly completed application (*and completing the in-person assessment if applicable*). If determined eligible, this letter will serve as temporary eligibility documentation as described below. The procedures for using ADA paratransit will also be mailed with this letter in a format useable by the individual (such as large print, audiotape).

Those persons determined to be ineligible will be informed as to why their application was rejected and provided instructions on how they can appeal the decision (described below). This information will also be mailed with this letter in a format useable by the individual.

## ***Documentation***

The \_\_\_\_\_ **Public Transit System** will provide certified individuals with documentation that can be used as identification for reciprocal service in other areas of the state or in other communities in the United States that are required to provide ADA complementary paratransit service. This documentation will include the following information:

- Name of eligible individual
- Name of certifying transit provider - \_\_\_\_\_ **Public Transit System**
- Telephone number of the - \_\_\_\_\_ **Public Transit System** ADA Coordinator
- Whether or not the rider requires use of a lift or ramp
- Expiration date
- Any conditions or limitations on eligibility
- Whether person is authorized to travel with a PCA
- Information on the appeal process if the individual is denied eligibility or has conditions placed on eligibility.

### *Term of Eligibility*

Once determined eligible, a person maintains eligibility for \_\_\_ years. Recertification is required every \_\_\_ years. *[Note: Fill in the number of years, per your system's specific eligibility process. The ADA regulations state that recertification may be required at "reasonable intervals." Typical intervals used by many transit systems are three and five years.]* Persons given temporary eligibility remain eligible for the duration of time of the temporary disability, as determined through the certification process and indicated in the documentation that is to be provided to the applicant.

### *Appeals Process*

The appeals process will be explained to all applicants who are rejected or permitted only partial (conditional or temporary) service. The applicant has 60 days to file a written appeal with \_\_\_\_\_ Public Transit System, with the decision to be made by the \_\_\_\_\_ **Public Transit System** Chief Operating Officer. The Chief Operating Officer has 30 days from the date of the appeal to render a decision concerning the appeal. If a decision is not reached within 30 days, the applicant will be presumed eligible until a decision has been reached. The ADA regulations require that the person who makes a determination on an appeal must not be involved in the initial determination of the individual's eligibility. *[Note: The ADA establishes the right to paratransit as a civil right, and as such, there is an obligation on the part of the transit system to ensure "due process."]*

### *ADA Paratransit Service for Visitors*

ADA paratransit eligible individuals visiting from other localities outside of \_\_\_\_\_ (*your system's service area*) will also be served when eligible trips are requested. The visiting individual's local certification will be honored by the \_\_\_\_\_ **Public Transit System**. If a visitor does not have ADA certification from another jurisdiction, but makes a claim of eligibility, that claim will be honored as required by the ADA. However, in such cases, the \_\_\_\_\_ **Public Transit System** reserves the right to require proof that the individual is not a resident of the county, and if the individual has a disability which is not apparent. If the visitor is planning on staying in the \_\_\_\_\_ area more than 21 days, he or she needs to formally apply for eligibility certification.

### *Personal Care Attendants*

The \_\_\_\_\_ **Public Transit System** will provide paratransit service for a personal care attendant (PCA) traveling with the eligible rider. The need to travel with a PCA will be determined as part of the eligibility determination process. It is important to note that the PCA may not directly be needed for transportation, but may be needed at the individual's trip destination (for example, to assist with grocery shopping) and thus need for a PCA will not be limited to those individuals who require assistance in traveling. Also, an individual who is certified as needing a PCA cannot be denied service if they chose to travel without a PCA.

## Service Characteristics and Operating Policies

### *Geographic Service Area*

ADA paratransit is provided within a three-quarter mile radius corridor surrounding each fixed-route, plus relatively small areas enclosed by fixed routes. *(Attach a map of the service area and/or boundaries of areas covered.)*

### *Days and Hours of Service*

ADA paratransit is provided within the same days and hours as the fixed-route services. *(Attach the current fixed route operating schedules.)*

### *Fares*

The one-way trip charge for ADA paratransit is \$\_\_\_\_, based on the current fixed route fare. The fare charged for ADA paratransit will not exceed twice the regular general public cash fare for the equivalent trip on the fixed-route service. In the event that the regular public cash fare is increased the transit system may increase the paratransit fare accordingly. *(Attach the current fixed route and paratransit fares.)*

If the eligible individual is certified as needing to travel with a PCA, the PCA will not be charged a fare for ADA paratransit.

### *Trip Purpose*

ADA paratransit is provided for trips of any purpose; no priorities are placed on specific types of trips.

### *Trip Scheduling and Response Time*

Reservations are accepted for ADA paratransit trip reservations with one-day advance notice, until regular close-of-business hours for trips to be provided at any time the next day. Riders may schedule trips by calling the \_\_\_\_\_ **Public Transit System** office Monday through Friday from \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m., Saturday from \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m., and Sunday \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. *(if applicable)*. For trips on Monday, reservations on Sunday are accepted via *[Note: Detail how your system meets this requirement such as an answering machine/pager, Sunday office hours, or other means]*.

### *Service Capacity and Scheduling Flexibility*

As required, the \_\_\_\_\_ **Public Transit System** will provide adequate capacity to meet all demand for eligible ADA paratransit trips. In some cases it may be necessary to make use of the one-hour window of scheduling flexibility allowed by law (that is, a trip requested for 11:00 a.m. may be scheduled as early as 10:00 a.m. or as late as 12:00 noon).

In order to meet the ADA requirement for ensuring adequate capacity, the \_\_\_\_\_ **Public Transit System** will monitor the following indicators of capacity to ensure that no patterns or practices of capacity constraints are found:

- **On-time performance** - \_\_\_\_\_ Transit System defines on-time performance as *[Note the timeframe within which you would consider a trip as "on-time". For example, 30 minutes beyond the pick-up time. The ADA prohibits substantial numbers of significantly untimely pick-ups for initial or return trips, as this may be a capacity constraint]*. The System will try to ensure that all trips are on-time but because of the realities of operating conditions (e.g., poor weather, road construction), 100 percent of trips will not be on-time. Should on-time performance fall below \_\_\_ percent, actions will be taken to address and improve trip timeliness.
- **Trip denials and missed trips** - Since ADA prohibits substantial numbers of denied or missed trips, the \_\_\_\_\_ **Public Transit System** plans to meet all requests for ADA paratransit service based on expected demand and to avoid any missed trips. There may be insignificant number of trips that may be denied due to unforeseen conditions. There may also be an insignificant number of missed trips, defined as a trip where the vehicle arrives late and the rider either is no longer there or declines the trip due to lateness, because of the realities of operating conditions. These will be monitored to ensure compliance with ADA.
- **Trips with excessive lengths** - Since the ADA prohibits substantial numbers of trips with excessive lengths (also called travel time or ride time), \_\_\_\_\_ **Public Transit System** monitors travel times on ADA paratransit to ensure comparability to the same or comparable trip if taken on fixed route. *[Note: ADA paratransit trips should generally not take much longer, for example 15 or 20 minutes longer, than comparable trips on fixed route, which include not only the time on the bus but the time to walk to and from the bus stops at either end of the trip and the time to wait for the bus to arrive. These will be monitored to ensure compliance with ADA.]*

### ***Subscription Trips***

As permitted by the ADA regulations, \_\_\_\_\_ **Public Transit System** provides a portion of its ADA paratransit trips on a subscription basis (also called standing orders). Unlike other ADA paratransit trips, trip priorities and waiting lists for subscription trip may be established. *[You can decide to set priorities for subscription trips – if so note here]* Since \_\_\_\_\_ **Public Transit System** does not have capacity constraints, there are no restrictions on the percentage of trips that will be provided as subscription trips. *[Note: The requirements specify that subscription service may not absorb more than 50 percent of the available trips at any time of the service day, unless there remain trips available for non-subscription riders. That is, as long as there is capacity available for non-subscription trips (i.e., no trip denials), trips for subscription riders may exceed 50 percent of the available trip capacity.]*

### ***Companions***

An ADA paratransit rider is permitted to travel with a companion (and more than one on a space-available basis). Companion passengers pay the same fare as ADA riders. The eligible rider shall reserve space for the companion(s) when the rider reserves his or her own ride. Any companions traveling with the eligible individual must share the same trip origin and destination as the eligible individual.

### ***Curb-to-Curb Service and Passenger Assistance***

ADA paratransit services will be provided on a curb-to-curb basis [Note if you do all trips door-to-door and, if so, adjust the next paragraph]. The \_\_\_\_\_ **Public Transit System** drivers will assist ADA paratransit riders with boarding and disembarking from vehicles and in securing their mobility devices. All drivers who operate ADA paratransit services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

Riders will be required to travel to the curb outside of their trip origin in time for their scheduled pick-up. Riders who require additional assistance in the form of door-to-door service in order to use the paratransit may request a modification of this policy by contacting the ADA coordinator at \_\_\_\_\_. In such case, the driver will provide assistance on a door-to-door basis. This ensures that the System meets the ADA requirement to provide service on an “origin to destination” basis. While limited assistance in guiding a passenger from their door to the curb may be provided on a case-by-case base, this must be prearranged and indicated when the trip is scheduled.

Under no circumstances will staff of the \_\_\_\_\_ **Public Transit System** provide weight-bearing assistance, leave a vehicle unattended with passengers on board, enter a rider’s home, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than the \_\_\_\_\_ **Public Transit System** can provide as provider of public transportation, the individual will be responsible for arranging for personal assistance. The ADA coordinator will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance provided by the driver and formally document this in a letter sent to the individual.

### ***Wheelchair Accommodation***

Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, \_\_\_\_\_ **Public Transit System** will transport the device (and its user).

### ***No Show Policy***

If no shows become a problem for ADA paratransit riders, the \_\_\_\_\_ **Public Transit System** will establish an ADA no-show policy with input from the disability community. A no-show policy allows a transit system to discipline riders who establish a pattern or practice of missing scheduled trips, which can have a negative effect on paratransit performance.



**Appendix E:**  
**Sample ADA-related Policies and Procedures for**  
**Demand-Response Services**

# Non-Fixed Route Service Sample

(Not appropriate for fixed route or ADA complementary paratransit)

## Americans with Disabilities Act of 1990 (ADA) Policy and Procedures

Date: \_\_\_\_\_

**Purpose:** This policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable Maryland laws and regulations. All services operated by the \_\_\_\_\_ Public Transit System are operated on a non-fixed route basis and the system complies with ADA requirements with respect to such services.

**Policy:** It is the policy of \_\_\_\_\_ Public Transit System to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

**Goals:** Service is provided in a manner that meets these goals to:

1. provide individual, dignified services to all persons including individuals with disabilities.
2. expedite the safe and efficient boarding, securing, transporting and alighting of all passengers, regardless of mobility status.
3. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

**Applicability:** This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

### Definitions:

*Wheelchair:* a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

*Disability:* A physical or mental impairment that substantially limits one or more major life activities.

*Mobility Aid/Non Wheelchair Mobility Device:* A device used by a person with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These include but are not limited to canes, crutches, walkers and "segways" when used by a person with a mobility related disability.

*Securement Equipment:* Equipment used for securing wheelchairs against uncontrolled movement during transport.

*Securement Station:* Space specifically designed to secure and stabilize wheelchairs on transit vehicles.

*Service Animal:* An animal that is individually trained to perform a task or tasks for people with disabilities.

**Recruitment and Employment:** As stated in the transit systems personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

**Facility and Vehicle Accessibility:** The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Maryland. Vehicles purchased for non-fixed-route service will only be non-accessible to the extent that the system, when viewed in its entirety, provides the same level of service to disabled persons as non-disabled persons.

**Vehicle and Route Assignment:** To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. However, in the interest of preparedness, standard operating procedures shall be to station accessible vehicles first on runs that operate on a daily basis and have the potential for accessibility needs on a given day, second on runs that have a history of higher accessibility needs and third on all other runs. The transit system will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Trip denials will be tracked by disability to monitor whether trips are disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Should this be found to be the case, inaccessible vehicles will be replaced with accessible vehicles until the system, when viewed in its entirety, is accessible.

**Wheelchair Accommodation:** Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, \_\_\_\_ Public Transit System will transport the device (and its user).

**Boarding:** Drivers will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest, escort or attendant will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit system employee can operate the lift, secure the wheelchair on the lift and in the securement station.

**Priority Seating:** With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede the transit system's right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where a person with a disability requests use of priority seating that currently occupied by another passenger, the driver will ask that passenger to allow the person with a disability to use of the seat.

**Driver Assistance:** Drivers will make their selves available for assistance to persons with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement systems.

**Securement:** Securement of the wheelchair class of mobility devices is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Non-wheelchair aids are the responsibility of the individual passenger; however, it must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the tie-down system is not compatible for the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair can not be secured because of the wheelchair design, the passenger still has the right to ride the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the common wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area.

*[Note: select one depending on your agency policy. Make sure all riders are treated the same].* Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. Or, seat belts and shoulder harnesses are required for ALL passengers.

**Transfer to Fixed Seating:** All passengers using seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

**Service Animals:** In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a threat to other passengers may be restricted from riding.

**Alighting:** It is the responsibility of the driver to determine that the location for passenger alighting is safe. However, the driver will allow a passenger who uses the lift to disembark at any location, unless the lift cannot be deployed, the lift will be damaged if deployed; or conditions at the stop would present unsafe conditions for all passengers. The driver will only unsecure the wheelchair and operate the lift to return the passenger to the ground level. Only a properly trained transit system employee can operate the lift, secure the wheelchair on the lift and in the securement station.

**Use of Accessibility Devices by Persons Not Using a Wheelchair:** A person who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

**Maintenance of Accessible Features:** Accessibility features on vehicles, including lifts and wheelchair securement devices, will be maintained in operative condition. This includes providing preventive maintenance on lifts as recommended by the equipment manufacturers, cycling the lift as part of each pre-trip inspection\*, taking vehicles with inoperative lifts out of service, and repairing inoperative equipment promptly. Drivers are required to report lift failures as soon as possible. (*\*Note: lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by MTA as a way to comply with the federal ADA requirement that transit system conduct regular and frequent lift checks, sufficient to determine if lifts are actually operative*).

**Accommodation of Portable Oxygen:** Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials.

**Staff Training:** All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assist and treat individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

**Rider Information:** All printed informational materials are made available in accessible formats upon request, for example, large print for persons with low vision or audio for blind persons, as well as accessible electronic formats.

**Complaint Procedure:** All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the \_\_\_\_\_. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. (*Note: may want to attach complaint form*)

**Modification of Policy:** If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting \_\_\_\_\_. The transit system will work with the individual to find an accommodation solution.

# **Appendix F:**

## **MTA/OLTS ADA-related Guidance for Route Deviation Services**

### **Use of Route Deviation Service**

For systems that operate route deviation service:

- If deviations are available to all members of the public (not just persons with disabilities), the service is considered “Demand Response” and your system does not need to operate ADA complementary paratransit services.
- If deviations are only available for persons with disabilities, the LOTS must offer separate complementary paratransit as well.

### **Origin-to-Destination Service versus Curb-to-Curb versus Door-to-Door**

In September 2005, the US DOT issued legal guidance clarifying that ADA complementary paratransit is origin-to-destination service, and what this means. Prior to this, the regulations were sometimes interpreted as requiring curb-to-curb service (as opposed to door-to-door). The September 2005 guidance indicated that, while transit agencies could have a curb-to-curb policy for ADA paratransit, for some individuals and locations, it might be necessary to provide service to or from the door. The requirement does not, however, require transit providers “to take actions to accommodate individual passengers’ needs that would fundamentally alter the nature of the service or create undue burdens” such as the provision of “personal services,” leaving the vehicle for an extended period of time, or take actions that are clearly unsafe. For more information on the nuances of this requirement, see the US DOT legal guidance ([http://fta.dot.gov/12325\\_3891.html](http://fta.dot.gov/12325_3891.html)).

## **OTHER DEMAND-RESPONSIVE TRANSPORTATION**

Other types of paratransit services, including SSTAP, rural general public, and agency-contracted service, have the following accessibility requirements under the ADA.

### **Equivalent Level of Service and Vehicle Accessibility**

LOTS demand-responsive systems, when viewed in their entirety, must provide an equivalent level of service for customers with disabilities (including customers who use wheelchairs) as for non-disabled customers.

As previously stated, vehicles procured for use in demand-responsive services must be accessible unless that agency already has an adequate number and percentage of accessible vehicles in their demand-responsive fleet to ensure this equivalency.

Equivalent service means equivalent:

- Schedules/headways (if the service is route deviation)
- Response time (if the service is purely demand-responsive)
- Fares
- Geographic area of service

# **Appendix G: Quarterly PM Check Form**



# QUARTERLY PM CHECK

Operator  Date

Unit #  VIN #

Date of First PM Older Than 6 Months from Today's Date

Mileage at Time This PM was Performed

Type of PM

**Additional PM's Within the Last 6 Months:**

		DATE	MILEAGE	TYPE
<b>Manufacturer's Recommended Interval</b>	1	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
<input style="width: 100%; height: 25px;" type="text"/>	2	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
<b>Operator's Stated Policy Interval</b>	3	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
<input style="width: 100%; height: 25px;" type="text"/>	4	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
<b>Average Interval Between PM's</b>		<input style="width: 150%; height: 25px;" type="text"/>		

Operator is Compliant with Vehicle PM Schedule 

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

If No, Please Explain, Including Corrective Actions Taken:

Name of MTA Representative Doing Evaluation: \_\_\_\_\_

# **Appendix H: Subrecipient Performance Standards**

# Recommended Revised Performance Standards for MTA LOTS

Dec 18, 2015

Using 2014 CPI change

Cost-based Standards to be updated annually using CPI from base year 2013 (see footnote\*)

Urban Fixed-Route Bus	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$91.44	\$91.44 - \$111.76	> \$111.76
Operating Cost per Mile	< \$7.11	\$7.11 - \$8.13	> \$8.13
Operating Cost per Passenger Trip	< \$3.81	\$3.81 - \$4.57	> \$4.57
Local Operating Revenue Ratio	> 70%	60% - 70%	< 60%
Farebox Recovery Ratio	> 25%	20% - 25%	< 20%
Passenger Trips per Mile	> 2.25	1.75 - 2.00	< 1.75
Passenger Trips per Hour	> 30.0	20.0 - 30.0	< 20.0

\*Based on composite of 54 national peer agencies with comparably-sized operations

Urban Demand-Response Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$71.12	\$71.12 - \$91.44	> \$91.44
Operating Cost per Mile	< \$4.06	\$4.06 - \$8.13	> \$8.13
Operating Cost per Passenger Trip	< \$20.32	\$20.32 - \$30.48	> \$30.48
Local Operating Revenue Ratio	> 60%	40% - 60%	< 40%
Farebox Recovery Ratio	> 12%	6% - 12%	< 6%
Passenger Trips per Mile	> 0.25	0.15 - 0.25	< 0.15
Passenger Trips per Hour	> 3.0	1.5 - 3.0	< 1.5

\*Based on composite of 375 national peer agencies with comparably-sized operations

Suburban / Small Urban Fixed-Route Bus	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$66.04	\$66.04 - \$86.36	> \$86.36
Operating Cost per Mile	< \$4.06	\$4.06 - \$6.10	> \$6.10
Operating Cost per Passenger Trip	< \$4.06	\$4.06 - \$7.11	> \$7.11
Local Operating Revenue Ratio	> 55%	45% - 55%	< 45%
Farebox Recovery Ratio	> 20%	10% - 20%	< 10%
Passenger Trips per Mile	> 1.25	0.75 - 1.25	< 0.75
Passenger Trips per Hour	> 16.0	12.0 - 16.0	< 12.0

\*Based on composite of 136 national peer agencies with comparably-sized operations

Suburban/Small Urban Demand-Response Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$60.96	\$60.96 - \$81.28	> \$81.28
Operating Cost per Mile	< \$3.56	\$3.56 - \$7.11	> \$7.11
Operating Cost per Passenger Trip	< \$20.32	\$20.32 - \$40.64	> \$40.64
Local Operating Revenue Ratio	> 60%	40% - 60%	< 40%
Farebox Recovery Ratio	> 12%	6% - 12%	< 6%
Passenger Trips per Mile	> 0.20	0.10 - 0.20	< 0.10
Passenger Trips per Hour	> 3.0	1.5 - 3.0	< 1.5

\*Based on composite of 375 national peer agencies with comparably-sized operations

Rural Transit Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$40.64	\$40.64 - \$60.96	> \$60.96
Operating Cost per Mile	< \$2.03	\$2.03 - \$4.06	> \$4.06
Operating Cost per Passenger Trip	< \$7.11	\$7.11 - \$18.29	> \$18.29
Local Operating Revenue Ratio	> 50%	40% - 50%	< 40%
Farebox Recovery Ratio	> 15%	7% - 15%	< 7%
Passenger Trips per Mile	> 0.30	0.15 - 0.30	< 0.15
Passenger Trips per Hour	> 5.0	2.5 - 5.0	< 2.5

\*Based on composite of 334 national peer agencies with comparably-sized operations

\* Based on "Annual Avg. CPI" as produced by the Bureau of Labor Statistics in Table 24 of the CPI Detailed Reports available at <http://www.bls.gov/cpi/#tables>

# **Appendix I: Non-Fare Revenue Reporting Form**

# **Appendix J:**

## **Guidance on Subrecipient Requirements for FTA Drug and Alcohol Testing**

# **Appendix K: Application Checklist**