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**Appendix A - Guidelines for Development of A Statewide Biennial Regional Operations  
Plan for Rural and Urban Public Transportation Projects 4/10/2006  
MaineDOT State Management Plan, 2/8/08**

**H:\\$Common-OPT\BOP** , See rfpbop. Also copied to Transit Oversight for 06 version

## **Appendix B - Concept for Phased Transit System Development**

### **MaineDOT State Management Plan, 2/8/08**

#### **Phased Transit System Development**

##### **Phase I - Intermodal facilities linking Intercity routes**

Over the next biennium OPT will work with public and private transit operators to build on the existing intercity transportation network along major corridors of travel. OPT has preliminarily identified key locations where development of intermodal passenger facilities will occur and in concert with the expansion of the intercity network, we will perform feasibility studies at each location (Bangor, Lewiston-Auburn, Trenton, etc.). One essential component of each facility will be the ability to generate revenues (include retail, parking facilities, day care centers, etc.) FTA's Capital Program (Joint Development) has built in flexibility for generating revenues to be used to offset transit costs. We propose using a mixture of FTA and FHWA monies to fund this effort.

##### **Phase II - Feeder Service Connections to Intercity Routes**

Working closely with the regional planners and transit agencies, OPT will identify feeder corridor connections to the intercity routes. This identification will occur by reviewing needs demonstrated in previous planning studies; gaps identified using GIS capabilities and demographic information; regional information gathering meetings, etc. RFP's for service on feeder connections will be developed and advertised and subsequent contracts will be executed. The RFP's should include criteria for selection of service on these routes prioritizing work, recreation, general purpose and medical trips (our goal would be to formulate integrated service plans with all reasonable needs met). **Initially this effort could be financed with increased rural funding through the life of TEA-21, transitioning to full operating subsidies from the rural funding.**

##### **Phase III - Rural Community Demand Response Service**

Again, working closely with the regional planners, transit agencies, OPT will develop RFPs for implementation of transportation development plans to identify the needs of the rural community demand response service. Once the needs have been identified additional planning funds could be used to develop viable systems, using numerous stakeholders, businesses, hospitals, social service agencies, universities, etc. Upon establishment of these systems, we assume DOT's role will transition to assisting in planning and capital efforts.

**Appendix C – MaineDOT State Management Plan, 2/8/08**

Letter from Commissioner Cole, dated 8/15/07 and authorizing resolution from Governor John E. Baldacci, dated July 30, 2007 [TEDOCS #798601](#)

Letter from Commissioner Cole stating choice of 80/20 split,  
TEDOCS # 798189

The following is the prior letter from 2003. The above dated letter is available separately.

AUTHORIZING RESOLUTION

Resolution No

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. chapter 53, title 23 United States Code, and other Federal statutes administered by the Federal Transit Administration

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project,

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the applicant, and may require the Applicant to provide the local share of the project cost,

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project,

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNOR, STATE OF MAINE


1 That the Commissioner of the Maine Department of Transportation and Designee is authorized to execute and file an application for Federal assistance on behalf of the Maine Department of Transportation with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration

2 That the Commissioner of the Maine Department of Transportation and Designee is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement

3 That the Commissioner of the Maine Department of Transportation and Designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Maine Department of Transportation

CERTIFICATION

The undersigned duly qualified Governor of the State of Maine, acting on behalf of the Maine Department of Transportation, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Governor of the State of Maine held on \_\_\_\_\_

  
Governor, State of Maine  
7/21/03  
Date

**Appendix D - Map Depicting Transit Regions  
MaineDOT State Management Plan, 2/8/08**

**P:\Transit , transit districts**

(when sent electronically, may be a separate file)

TransitDistricts.pdf

**Appendix E - 49 USC §5310 Formula  
MaineDOT State Management Plan, 2/8/08**

H:\\$Common-OPT\TRANSIT oversight

(when sent electronically, may be a separate file)

MAINE DEPARTMENT OF TRANSPORTATION  
OFFICE OF PASSENGER TRANSPORTATION  
REGIONAL POPULATION AND ROAD MILEAGE DATA  
FOR USE IN ALLOCATING ELDERLY AND PERSONS WITH DISABILITIES FUNDS

2/2/2003	(1) Total Regional Population	(2) Elderly & Disabled Population	(3) % E & D Population	(4) Regional Road Miles	(5) % Regional Road Miles	(6) Regional Square Miles	(7) %Regional Square Miles	(8) Columns 3+5+7 Miles	(9) Regional Allocation Column 8 Miles	Difference +/-
1 Aroostook	73 938	33 916	7.24%	2 408 12	10.78%	2908 78	16.73%	11 58%	10.42%	+ 17%
2 Washington Hancock	85,732	34 224	7.30%	2 315 97	10.37%	2579 98	14.84%	10.84%	9.75%	+ 02%
3 Piscataquis Penobscot	162 154	60 556	13.01%	3 021 47	13.53%	3078 48	17.70%	14.75%	13.27%	07%
4 Somerset Kennebec	168 002	66 168	14.12%	3 103 76	13.90%	2355 47	13.54%	13.85%	12.47%	+ 13%
5 Sagadahoc Lincoln Knox Waldo	144 728	50 796	10.84%	3 087 29	13.82%	1742 91	10.02%	11.56%	10.41%	77%
6 Cumberland	265 612	84,085	17.94%	2 381 90	10.66%	765 17	4.40%	11.00%	9.90%	+ 54%
7 Franklin Oxford Androscoggin	188 015	74 654	15.93%	3 787 83	16.96%	2547 59	14.65%	15.85%	14.26%	+ 98%
8 York	186 742	63 837	13.62%	2,228 29	9.98%	1412 63	8.12%	10.57%	9.52%	1%
<b>TOTALS</b>	1 274 923	468 636	100.00%	22 334 63	100.00%	17 391 01	100.00%	100.00%	90.00%	0.00%

Regional Population statistics derived from 2000 Census  
Regional Disabled Population statistic derived from 2000 Census  
Regional Road Miles from Bureau of Planning 1990  
Population statistics for the Elderly population derived from 2000 Census

**Appendix F - 49 USC §5311 Formula,  
MaineDOT State Management Plan, 2/8/08**

H:\\$Common-OPT\TRANSIT oversight

(when sent electronically, may be a separate file)

MAINE DEPARTMENT OF TRANSPORTATION  
OFFICE OF PASSENGER TRANSPORTATION  
REGIONAL POPULATION AND ROAD MILEAGE DATA  
FOR USE IN ALLOCATING NONURBAN AREA FUNDS

Region	Sq Miles	2000		6/18/2002 Region Mileage	Region		% mileage + %Pop + %Sq Miles/3	Difference
		Region % of Sq Miles	Region Non Urban Pop		% of Pop	%Mileage		
1 Aroostook	2908 78	=SUM(B11/B36)	73938	=SUM(D11/D36)	2408 12	=SUM(F11/F36)	=SUM(C11+E11+G11)/3	- 56%
2 Washington Hancock	2579 98	=SUM(B14/B36)	85732	=SUM(D14/D36)	2315 97	=SUM(F14/F36)	=SUM(C14+E14+G14)/3	+ 30%
3 Piscataquis Penobscot	2787 68	=SUM(B17/B36)	103171	=SUM(D17/D36)	2729 51	=SUM(F17/F36)	=SUM(C17+E17+G17)/3	+ 49%
4 Somerset Kennebec	2433 58	=SUM(B20/B36)	168002	=SUM(D20/D36)	3103 76	=SUM(F20/F36)	=SUM(C20+E20+G20)/3	- 29%
5 Sagadahoc Lincoln Knox Walco	1794 81	=SUM(B25/B36)	144728	=SUM(D25/D36)	3087 29	=SUM(F25/F36)	=SUM(C25+E25+G25)/3	- 75%
6 Cumberland	686 17	=SUM(B27/B36)	111426	=SUM(D27/D36)	1784 89	=SUM(F27/F36)	=SUM(C27+E27+G27)/3	+ 80%
7 Franklin Oxford Androscoggin	2423 68	=SUM(B31/B36)	137463	=SUM(D31/D36)	3469 89	=SUM(F31/F36)	=SUM(C31+E31+G31)/3	+ 2.22%
8 York	1360 18	=SUM(B33/B36)	132150	=SUM(D33/D36)	1946 77	=SUM(F33/F36)	=SUM(C33+E33+G33)/3	- 2.37%
TOTALS	=SUM(B11 B33)	=SUM(C11 C33)	=SUM(D11 D33)	=SUM(E11 E33)	=SUM(F11 F33)	=SUM(G11 G33)	=SUM(H11 H33)	=SUM(I11 I33)

Note: Percentages may not total exactly 100% because of rounding built into the program

**DO NOT CHANGE THE SQUARE MILES**

Regional Population statistics derived from 2000 Census  
Regional NonUrban statistics derived from 2000 Census  
Regional Road Miles statistics derived from MDOT Bureau of Planning (1990 Census)

**Appendix G - FTA Compliance Review Site Visit Checklist,  
MaineDOT State Management Plan, 2/8/08**

[H:\\\$Common-OPT\TRANSIT oversight\NEW SITE VISIT FORM](H:\$Common-OPT\TRANSIT oversight\NEW SITE VISIT FORM)

<b>Maintenance Plan for facilities which used FTA funding</b>			
meets requirements for FTA C 5010.1D, p. IV-31, Chapter IV Project Management, 3.m			
<b>Location</b>			
<b>MaineDOT Maintenance Region</b>			
<b>MaineDOT Transit Region</b>			
<b>MaineDOT responsible position</b>			
<b>Notes</b>			
<b>FTA funding info</b>			
<b>Building #</b>			
<b>responsible contact</b>			
<b>phone #</b>			
<b>Description</b>			
<b>date of construction</b>			
<b>dates of additions, major improvements</b>			
<b>length</b>			
<b>width</b>			
<b>stories</b>			
<b>sq. footage</b>			
<b>construction type, roof type, exterior type, flooring, external ground cover</b>			
<b>electrical service info</b>			
<b>HVAC description</b>			
<b>nearest fire station</b>			
<b>water supply, municipal or well</b>			
<b>sewerage disposal, municipal or septic</b>			
<b>type of doors</b>			
<b>security systems</b>			
<b>use of building</b>	primary	secondary	
<b>Additional systems that are unique to the building</b>			
<b>INSPECTION LIST:</b>			
<b>weekly</b>	<b>method</b>	<b>date of inspection</b>	<b>comment</b>
<b>monthly</b>			
<b>emergency exit lights</b>	walk around		
<b>emergency exit signs</b>	walk around		
<b>clearance around and to exits, breakers, fire extinguishers</b>	walk around		
<b>functional access from all exits</b>			
<b>semi-annually</b>			
<b>any safety exhaust systems</b>			
<b>hazard containment systems (fuel, chemicals, etc.)</b>			
<b>gutters, downspouts, drainage</b>			
<b>yearly</b>			
<b>smoke alarms</b>			
<b>fire extinguishers</b>			
<b>breaker service</b>			
<b>outlets, plugs and power cords</b>			

**Appendix H – Procurement Delivery Checklist**  
**MaineDOT State Management Plan, 10/31/07**

## Maine DOT pre-acceptance and post delivery checklist for capital equipment

Prior to bid award

- Buy America pre-acceptance (see attached checklist and form below)
- Suspension and Debarment certifications
- ADA accessibility
- Adherence to vehicle specifications
- Federal and State Safety Standards
- Federal Noise Level and Exhaust Emissions Standards
- Maintenance responsibilities

Post-delivery, before placement into revenue service

- Buy America post-delivery (see attached checklist)
- Suspension and Debarment filing
- Adherence to vehicle specifications

<http://janus.state.me.us/legis/statutes/23/title23sec4210-b.html>, star acct.



JOHN L. AGUIRRE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0016

DAVID A. COLE  
COMMISSIONER

**PRE-AWARD BUY AMERICA COMPLIANCE CERTIFICATION**

As required by Title 49 of the CFR, Part 663 – Subpart B, MaineDOT, Bureau of Transportation Systems Planning, Passenger Transportation Services, (the recipient) is satisfied that the buses to be purchased, \_\_\_\_\_ (number and description of buses) from \_\_\_\_\_ (the manufacturer), meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended. The recipient, I, or its appointed analyst, \_\_\_\_\_

\_\_\_\_\_ (the analyst – not the manufacturer or its agent), has reviewed documentation provided by the manufacturer, which lists (1) the proposed component and subcomponent parts of the buses identified by manufacturer, country of origin, and cost, and (2) the proposed location of the final assembly point for the buses, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_



RECYCLED PAPER

THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION / EQUAL OPPORTUNITY EMPLOYER

## Appendix J - ADA requirements ([http://www.fta.dot.gov/civil\\_rights.html](http://www.fta.dot.gov/civil_rights.html) )

### MaineDOT State Management Plan, 10/31/07

#### Subpart F\_Partransit as a Complement to Fixed Route Service

##### Sec. 37.121 Requirement for comparable complementary paratransit service.

(a) Except as provided in paragraph (c) of this section, each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

(b) To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements of Sec. Sec. 37.123-37.133 of this subpart. The requirement to comply with Sec. 37.131 may be modified in accordance with the provisions of this subpart relating to undue financial burden.

(c) Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

##### Sec. 37.123 ADA paratransit eligibility: Standards.

(a) Public entities required by Sec. 37.121 of this subpart to provide complementary paratransit service shall provide the service to the ADA paratransit eligible individuals described in paragraph (e) of this section.

(b) If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria.

(c) Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

(d) Public entities may provide complementary paratransit service to persons other than ADA paratransit eligible individuals. However, only the cost of service to ADA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under Sec. Sec. 37.151-37.155 of this **part**.

(e) The following individuals are ADA paratransit eligible:

(1) Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.

(2) Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route.

(i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in Sec. 37.167(g) of this part.

(ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (e.g., because the vehicle's lift does not meet the standards of part 38 of this title), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.

(iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but—

(A) There is not yet one accessible car per train on the system; or

(B) Key stations have not yet been made accessible.

(3) Any individual with a disability who has a specific impairment-related [[Page 400]] condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

(i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.

(ii) Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

(f) Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows:

(1) One other individual accompanying the ADA paratransit eligible individual shall be provided service—

(i) If the ADA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual;

(ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;

(2) Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals;

(3) In order to be considered as "accompanying" the eligible individual for purposes of this paragraph (f), the other individual(s) shall have the same origin and destination as the eligible individual.

Sec. 37.125 ADA paratransit eligibility: Process.

Each public entity required to provide complementary paratransit service by Sec. 37.121 of this part shall establish a process for determining ADA paratransit eligibility.

(a) The process shall strictly limit ADA paratransit eligibility to individuals specified in Sec. 37.123 of this part.

(b) All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request.

(c) If, by a date 21 days following the submission of a complete application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless the entity denies the application.

(d) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reasons for the finding.

(e) The public entity shall provide documentation to each eligible individual stating that he or she is "ADA Paratransit Eligible." The documentation shall include the name of the eligible individual, the name of the transit provider, the telephone number of the entity's paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual's eligibility including the use of a personal care attendant.

(f) The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals.

(g) The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial. [[Page 401]]

(1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.

(2) The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and the reasons for it.

(3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.

(h) The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.

(1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.

(2) Before suspending service, the entity shall take the following steps:

(i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction.

(ii) Provide the individual an opportunity to be heard and to present information and arguments;

(iii) Provide the individual with written notification of the decision and the reasons for it.

(3) The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal.

(i) In applications for ADA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant.

Sec. **37.127** Complementary paratransit service for visitors.

(a) Each public entity required to provide complementary paratransit service under Sec. **37.121** of this **part** shall make the service available to visitors as provided in this section.

(b) For purposes of this section, a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served by the public entity or other entities with which the public entity provides coordinated complementary paratransit service within a region.

(c) Each public entity shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible, under the criteria of Sec. **37.125** of this **part**, in the jurisdiction in which they reside.

(d) With respect to visitors with disabilities who do not present such documentation, the public entity may require the documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. The entity shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph (b) of this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit.

(e) A public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service during such 365-day period. In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service required by this section.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]

Sec. **37.129** Types of service.

(a) Except as provided in this section, complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service.

(b) Complementary paratransit service for ADA paratransit eligible persons described in Sec. **37.123(e)(2)** of this **part** may also be provided by on-call [[Page 402]] bus service or paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip.

(c) Complementary paratransit service for ADA eligible persons described in Sec. **37.123(e)(3)** of this **part** also may be provided by paratransit feeder service to and/or from an accessible fixed route.

Sec. 37.131 Service criteria for complementary paratransit.

The following service criteria apply to complementary paratransit required by Sec. 37.121 of this **part**.

(a) Service Area--(1) Bus. (i) The entity shall provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route. The corridor shall include an area with a three-fourths of a mile radius at the ends of each fixed route.

(ii) Within the core service area, the entity also shall provide service to small areas not inside any of the corridors but which are surrounded by corridors.

(iii) Outside the core service area, the entity may designate corridors with widths from three-fourths of a mile up to one and one half miles on each side of a fixed route, based on local circumstances.

(iv) For purposes of this paragraph, the core service area is that area in which corridors with a width of three-fourths of a mile on each side of each fixed route merge together such that, with few and small exceptions, all origins and destinations within the area would be served.

(2) Rail. (i) For rail systems, the service area shall consist of a circle with a radius of  $\frac{3}{4}$  of a mile around each station.

(ii) At end stations and other stations in outlying areas, the entity may designate circles with radii of up to  $1\frac{1}{2}$  miles as **part** of its service area, based on local circumstances.

(3) Jurisdictional boundaries. Notwithstanding any other provision of this paragraph, an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area. The entity shall take all practicable steps to provide paratransit service to any **part** of its service area.

(b) Response time. The entity shall schedule and provide paratransit service to any ADA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day. Reservations may be taken by reservation agents or by mechanical means.

(1) The entity shall make reservation service available during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day.

(2) The entity may negotiate pickup times with the individual, but the entity shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.

(3) The entity may use real-time scheduling in providing complementary paratransit service.

(4) The entity may permit advance reservations to be made up to 14 days in advance of an ADA paratransit eligible individual's desired trips. When an entity proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of Sec. 37.131(b) and (c).

(c) Fares. The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(1) In calculating the full fare that would be paid by an individual using the fixed route system, the entity may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.

(2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under [[Page 403]] Sec. 37.123 (f) of this **part**, shall be the same as for the ADA paratransit eligible individuals they are accompanying.

(3) A personal care attendant shall not be charged for complementary paratransit service.

(4) The entity may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

(d) Trip purpose restrictions. The entity shall not impose restrictions or priorities based on trip purpose.

(e) Hours and days of service. The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

(1) Restrictions on the number of trips an individual will be provided;

(2) Waiting lists for access to the service; or

(3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.

(i) Such patterns or practices include, but are not limited to, the following:

(A) Substantial numbers of significantly untimely pickups for initial or return trips;

(B) Substantial numbers of trip denials or missed trips;

(C) Substantial numbers of trips with excessive trip lengths.

(ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

(g) Additional service. Public entities may provide complementary paratransit service to ADA paratransit eligible individuals exceeding that provided for in this section. However, only the cost of service provided for in this section may be considered in a public entity's request for an undue financial burden waiver under Sec. Sec. 37.151-37.155 of this **part**. [56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]

Sec. 37.133 Subscription service.

(a) This **part** does not prohibit the use of subscription service by public entities as **part** of a complementary paratransit system, subject to the limitations in this section.

(b) Subscription service may not absorb more than fifty percent of the number of trips available at a given time of day, unless there is non-subscription capacity.

(c) Notwithstanding any other provision of this **part**, the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.

Sec. **37.135** Submission of paratransit plan.

(a) General. Each public entity operating fixed route transportation service, which is required by Sec. **37.121** to provide complementary paratransit service, shall develop a paratransit plan.

(b) Initial submission. Except as provided in Sec. **37.141** of this **part**, each entity shall submit its initial plan for compliance with the complementary paratransit service provision by January 26, 1992, to the appropriate location identified in paragraph (f) of this section.

(c) Annual Updates. Except as provided in this paragraph, each entity shall submit an annual update to its plan on January 26 of each succeeding year.

(1) If an entity has met and is continuing to meet all requirements for complementary paratransit in Sec. Sec. **37.121-37.133** of this **part**, the entity may submit to FTA an annual certification of continued compliance in lieu of a plan update. Entities that have submitted a joint plan under Sec. **37.141** may submit a joint certification under this paragraph. The requirements of Sec. Sec. **37.137** (a) and (b), **37.138** and **37.139** do not apply when a certification is submitted under this paragraph.

(2) In the event of any change in circumstances that results in an entity which has submitted a certification of [[Page 404]] continued compliance falling short of compliance with Sec. Sec. **37.121-37.133**, the entity shall immediately notify FTA in writing of the problem. In this case, the entity shall also file a plan update meeting the requirements of Sec. Sec. **37.137-37.139** of this **part** on the next following January 26 and in each succeeding year until the entity returns to full compliance.

(3) An entity that has demonstrated undue financial burden to the FTA shall file a plan update meeting the requirements of Sec. Sec. **37.137-37.139** of this **part** on each January 26 until full compliance with Sec. Sec. **37.121-37.133** is attained.

(4) If FTA reasonably believes that an entity may not be fully complying with all service criteria, FTA may require the entity to provide an annual update to its plan.

(d) Phase-in of implementation. Each plan shall provide full compliance by no later than January 26, 1997, unless the entity has received a waiver based on undue financial burden. If the date for full compliance specified in the plan is after January 26, 1993, the plan shall include milestones, providing for measured, proportional progress toward full compliance.

(e) Plan implementation. Each entity shall begin implementation of its plan on January 26, 1992.

(f) Submission locations. An entity shall submit its plan to one of the following offices, as appropriate:

(1) The individual state administering agency, if it is—

(i) A section 18 recipient;

(ii) A small urbanized area recipient of section 9 funds administered by the State;

(iii) A participant in a coordinated plan, in which all of the participating entities are eligible to submit their plans to the State; or

(2) The FTA Regional Office (as listed in appendix B to this **part**) for all other entities required to submit a paratransit plan. This includes an FTA recipient under section 9 of the FT Act; entities submitting a joint plan (unless they meet the requirements of paragraph (f)(1)(iii) of this section), and a public entity not an FT Act recipient. [56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996; 61 FR 26468, May 28, 1996]

Sec. **37.137** Paratransit plan development.

(a) Survey of existing services. Each submitting entity shall survey the area to be covered by the plan to identify any person or entity (public or private) which provides a paratransit or other special transportation service for ADA paratransit eligible individuals in the service area to which the plan applies.

(b) Public participation. Each submitting entity shall ensure public participation in the development of its paratransit plan, including at least the following:

(1) Outreach. Each submitting entity shall solicit participation in the development of its plan by the widest range of persons anticipated to use its paratransit service. Each entity shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan;

(2) Consultation with individuals with disabilities. Each entity shall contact individuals with disabilities and groups representing them in the community. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to members of the public, except where disclosure would be an unwarranted invasion of personal privacy;

(3) Opportunity for public comment. The submitting entity shall make its plan available for review before the plan is finalized. In making the plan available for public review, the entity shall ensure that the plan is available upon request in accessible formats;

(4) Public hearing. The entity shall sponsor at a minimum one public hearing and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements; and

(5) Special requirements. If the entity intends to phase-in its paratransit [[Page 405]] service over a multi-year period, or request a waiver based on undue financial burden, the public hearing shall afford the opportunity for interested citizens to express their views concerning the phase-in, the request, and which service criteria may be delayed in implementation.

(c) Ongoing requirement. The entity shall create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities. This includes, but is not limited to, the development of the initial plan, any request for an undue financial burden waiver, and each annual submission.

Sec. **37.139** Plan contents.

Each plan shall contain the following information:

(a) Identification of the entity or entities submitting the plan, specifying for each--

(1) Name and address; and

(2) Contact person for the plan, with telephone number and facsimile telephone number (FAX), if applicable.

(b) A description of the fixed route system as of January 26, 1992 (or subsequent year for annual updates), including--

(1) A description of the service area, route structure, days and hours of service, fare structure, and population served. This includes maps and tables, if appropriate;

(2) The total number of vehicles (bus, van, or rail) operated in fixed route service (including contracted service), and percentage of accessible vehicles and percentage of routes accessible to and usable by persons with disabilities, including persons who use wheelchairs;

(3) Any other information about the fixed route service that is relevant to establishing the basis for comparability of fixed route and paratransit service.

(c) A description of existing paratransit services, including:

(1) An inventory of service provided by the public entity submitting the plan;

(2) An inventory of service provided by other agencies or organizations, which may in whole or in **part** be used to meet the requirement for complementary paratransit service; and

(3) A description of the available paratransit services in paragraphs (c)(2) and (c)(3) of this section as they relate to the service criteria described in Sec. 37.131 of this **part** of service area, response time, fares, restrictions on trip purpose, hours and days of service, and capacity constraints; and to the requirements of ADA paratransit eligibility.

(d) A description of the plan to provide comparable paratransit, including:

(1) An estimate of demand for comparable paratransit service by ADA eligible individuals and a brief description of the demand estimation methodology used;

(2) An analysis of differences between the paratransit service currently provided and what is required under this **part** by the entity(ies) submitting the plan and other entities, as described in paragraph (c) of this section;

(3) A brief description of planned modifications to existing paratransit and fixed route service and the new paratransit service planned to comply with the ADA paratransit service criteria;

(4) A description of the planned comparable paratransit service as it relates to each of the service criteria described in Sec. 37.131 of this **part**--service area, absence of restrictions or priorities based on trip purpose, response time, fares, hours and days of service, and lack of capacity constraints. If the paratransit plan is to be phased in, this paragraph shall be coordinated with the information being provided in paragraphs (d)(5) and (d)(6) of this paragraph;

(5) A timetable for implementing comparable paratransit service, with a specific date indicating when the planned service will be completely operational. In no case may full implementation be completed later than January 26, 1997. The plan shall include milestones for implementing phases of the plan, with progress that can be objectively measured yearly;

(6) A budget for comparable paratransit service, including capital and operating expenditures over five years.

(e) A description of the process used to certify individuals with disabilities [[Page 406]] as ADA paratransit eligible. At a minimum, this must include--

(1) A description of the application and certification process, including--

(i) The availability of information about the process and application materials in accessible formats;

(ii) The process for determining eligibility according to the provisions of Sec. Sec. 37.123-37.125 of this **part** and notifying individuals of the determination made;

(iii) The entity's system and timetable for processing applications and allowing presumptive eligibility; and

(iv) The documentation given to eligible individuals.

(2) A description of the administrative appeals process for individuals denied eligibility.

(3) A policy for visitors, consistent with Sec. 37.127 of this **part**.

(f) Description of the public participation process including—

(1) Notice given of opportunity for public comment, the date(s) of completed public hearing(s), availability of the plan in accessible formats, outreach efforts, and consultation with persons with disabilities.

(2) A summary of significant issues raised during the public comment period, along with a response to significant comments and discussion of how the issues were resolved.

(g) Efforts to coordinate service with other entities subject to the complementary paratransit requirements of this **part** which have overlapping or contiguous service areas or jurisdictions.

(h) The following endorsements or certifications:

(1) A resolution adopted by the board of the entity authorizing the plan, as submitted. If more than one entity is submitting the plan there must be an authorizing resolution from each board. If the entity does not function with a board, a statement shall be submitted by the entity's chief executive;

(2) In urbanized areas, certification by the Metropolitan Planning Organization (MPO) that it has reviewed the plan and that the plan is in conformance with the transportation plan developed under the Federal Transit/Federal Highway Administration joint planning regulation (49 CFR **part** 613 and 23 CFR **part** 450). In a service area which is covered by more than one MPO, each applicable MPO shall certify conformity of the entity's plan. The provisions of this paragraph do not apply to non-FTA recipients;

(3) A certification that the survey of existing paratransit service was conducted as required in Sec. **37.137(a)** of this **part**;

(4) To the extent service provided by other entities is included in the entity's plan for comparable paratransit service, the entity must certify that:

(i) ADA paratransit eligible individuals have access to the service;

(ii) The service is provided in the manner represented; and

(iii) Efforts will be made to coordinate the provision of paratransit service by other providers.

(i) A request for a waiver based on undue financial burden, if applicable. The waiver request should include information sufficient for FTA to consider the factors in Sec. **37.155** of this **part**. If a request for an undue financial burden waiver is made, the plan must include a description of additional paratransit services that would be provided to achieve full compliance with the requirement for comparable paratransit in the event the waiver is not granted, and the timetable for the implementation of these additional services.

(j) Annual plan updates. (1) The annual plan updates submitted January 26, 1993, and annually thereafter, shall include information necessary to update the information requirements of this section. Information submitted annually must include all significant changes and revisions to the timetable for implementation;

(2) If the paratransit service is being phased in over more than one year, the entity must demonstrate that the milestones identified in the current paratransit plans have been achieved. If the milestones have not been achieved, the plan must explain any slippage and what actions are being taken to compensate for the slippage.

(3) The annual plan must describe specifically the means used to comply with the public participation requirements, as described in Sec. **37.137** of this **part**. [[Page 407]]

Sec. **37.141** Requirements for a joint paratransit plan.

(a) Two or more entities with overlapping or contiguous service areas or jurisdictions may develop and submit a joint plan providing for coordinated paratransit service. Joint plans shall identify the participating entities and indicate their commitment to participate in the plan.

(b) To the maximum extent feasible, all elements of the coordinated plan shall be submitted on January 26, 1992. If a coordinated plan is not completed by January 26, 1992, those entities intending to coordinate paratransit service must submit a general statement declaring their intention to provide coordinated service and each element of the plan specified in Sec. **37.139** to the extent practicable. In addition, the plan must include the following certifications from each entity involved in the coordination effort:

(1) A certification that the entity is committed to providing ADA paratransit service as **part** of a coordinated plan.

(2) A certification from each public entity participating in the plan that it will maintain current levels of paratransit service until the coordinated plan goes into effect.

(c) Entities submitting the above certifications and plan elements in lieu of a completed plan on January 26, 1992, must submit a complete plan by July 26, 1992.

(d) Filing of an individual plan does not preclude an entity from cooperating with other entities in the development or implementation of a joint plan. An entity wishing to join with other entities after its initial submission may do so by meeting the filing requirements of this section.

Sec. 37.143 Paratransit plan implementation.

(a) Each entity shall begin implementation of its complementary paratransit plan, pending notice from FTA. The implementation of the plan shall be consistent with the terms of the plan, including any specified phase-in period.

(b) If the plan contains a request for a wavier based on undue financial burden, the entity shall begin implementation of its plan, pending a determination on its waiver request.

Sec. 37.145 State comment on plans.

Each state required to receive plans under Sec. 37.135 of this **part** shall:

(a) Ensure that all applicable section 18 and section 9 recipients have submitted plans.

(b) Certify to FTA that all plans have been received.

(c) Forward the required certification with comments on each plan to FTA. The plans, with comments, shall be submitted to FTA no later than April 1, 1992, for the first year and April 1 annually thereafter.

(d) The State shall develop comments to on each plan, responding to the following points:

(1) Was the plan filed on time?

(2) Does the plan appear reasonable?

(3) Are there circumstances that bear on the ability of the grantee to carry out the plan as represented? If yes, please elaborate.

(4) Is the plan consistent with statewide planning activities?

(5) Are the necessary anticipated financial and capital resources identified in the plan accurately estimated?

Sec. 37.147 Considerations during FTA review.

In reviewing each plan, at a minimum FTA will consider the following:

(a) Whether the plan was filed on time;

(b) Comments submitted by the state, if applicable;

(c) Whether the plan contains responsive elements for each component required under Sec. 37.139 of this **part**;

(d) Whether the plan, when viewed in its entirety, provides for paratransit service comparable to the entity's fixed route service;

(e) Whether the entity complied with the public participation efforts required by this **part**; and

(f) The extent to which efforts were made to coordinate with other public entities with overlapping or contiguous service areas or jurisdictions.

#### Sec. 37.149 Disapproved plans.

(a) If a plan is disapproved in whole or in **part**, FTA will specify which provisions are disapproved. Each entity [[Page 408]] shall amend its plan consistent with this information and resubmit the plan to the appropriate FTA Regional Office within 90 days of receipt of the disapproval letter.

(b) Each entity revising its plan shall continue to comply with the public participation requirements applicable to the initial development of the plan (set out in Sec. 37.137 of this **part**).

#### Sec. 37.151 Waiver for undue financial burden.

If compliance with the service criteria of Sec. 37.131 of this **part** creates an undue financial burden, an entity may request a waiver from all or some of the provisions if the entity has complied with the public participation requirements in Sec. 37.137 of this **part** and if the following conditions apply:

(a) At the time of submission of the initial plan on January 26, 1992--

(1) The entity determines that it cannot meet all of the service criteria by January 26, 1997; or

(2) The entity determines that it cannot make measured progress toward compliance in any year before full compliance is required. For purposes of this **part**, measured progress means implementing milestones as scheduled, such as incorporating an additional paratransit service criterion or improving an aspect of a specific service criterion.

(b) At the time of its annual plan update submission, if the entity believes that circumstances have changed since its last submission, and it is no longer able to comply by January 26, 1997, or make measured progress in any year before 1997, as described in paragraph (a)(2) of this section.

#### Sec. 37.153 FTA waiver determination.

(a) The Administrator will determine whether to grant a waiver for undue financial burden on a case-by-case basis, after considering the factors identified in Sec. 37.155 of this **part** and the information accompanying the request. If necessary, the Administrator will return the application with a request for additional information.

(b) Any waiver granted will be for a limited and specified period of time.

(c) If the Administrator grants the applicant a waiver, the Administrator will do one of the following:

(1) Require the public entity to provide complementary paratransit to the extent it can do so without incurring an undue financial burden. The entity shall make changes in its plan that the Administrator determines are appropriate to maximize the complementary paratransit service that is provided to ADA paratransit eligible individuals. When making changes to its plan, the entity shall use the public participation process specified for plan development and shall consider first a reduction in number of trips provided to each ADA paratransit eligible person per month, while attempting to meet all other service criteria.

(2) Require the public entity to provide basic complementary paratransit services to all ADA paratransit eligible individuals, even if doing so would cause the public entity to incur an undue financial burden. Basic complementary paratransit service in corridors defined as provided in Sec. 37.131(a) along the public entity's key routes during core service hours.

(i) For purposes of this section, key routes are defined as routes along which there is service at least hourly throughout the day.

(ii) For purposes of this section, core service hours encompass at least peak periods, as these periods are defined locally for fixed route service, consistent with industry practice.

(3) If the Administrator determines that the public entity will incur an undue financial burden as the result of providing basic complementary paratransit service, such that it is infeasible for the entity to provide basic complementary paratransit service, the Administrator shall require the public entity to coordinate with other available providers of demand responsive service in the area served by the public entity to maximize the service to ADA paratransit eligible individuals to the maximum extent feasible.

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Sec. 37.155 Factors in decision to grant an undue financial burden waiver.

(a) In making an undue financial burden determination, the FTA Administrator will consider the following factors:

(1) Effects on current fixed route service, including reallocation of accessible fixed route vehicles and potential reduction in service, measured by service miles;

(2) Average number of trips made by the entity's general population, on a per capita basis, compared with the average number of trips to be made by registered ADA paratransit eligible persons, on a per capita basis;

(3) Reductions in other services, including other special services;

(4) Increases in fares;

(5) Resources available to implement complementary paratransit service over the period covered by the plan;

(6) Percentage of budget needed to implement the plan, both as a percentage of operating budget and a percentage of entire budget;

(7) The current level of accessible service, both fixed route and paratransit;

(8) Cooperation/coordination among area transportation providers;

(9) Evidence of increased efficiencies, that have been or could be effectuated, that would benefit the level and quality of available resources for complementary paratransit service; and

(10) Unique circumstances in the submitting entity's area that affect the ability of the entity to provide paratransit, that militate against the need to provide paratransit, or in some other respect create a circumstance considered exceptional by the submitting entity.

(b)(1) Costs attributable to complementary paratransit shall be limited to costs of providing service specifically required by this **part** to ADA paratransit eligible individuals, by entities responsible under this **part** for providing such service.

(2) If the entity determines that it is impracticable to distinguish between trips mandated by the ADA and other trips on a trip-by-trip basis, the entity shall attribute to ADA complementary paratransit requirements a percentage of its overall paratransit costs. This percentage shall be determined by a statistically valid methodology that determines the percentage of trips that are required by this **part**. The entity shall submit information concerning its methodology and the data on which its percentage is based with its request for a waiver. Only costs attributable to ADA-mandated trips may be considered with respect to a request for an undue financial burden waiver.

(3) Funds to which the entity would be legally entitled, but which, as a matter of state or local funding arrangements, are provided to another entity and used by that entity to provide paratransit service which is **part** of a coordinated system of paratransit meeting the requirements of this **part**, may be counted in determining the burden associated with the waiver request.

**Appendix K – 5316 Job Access/Reverse Commute distribution process  
MaineDOT State Management Plan, 10/31/07**

**Project Selection Criteria and Method of Distributing Funds:**

A recipient of funds shall conduct a competitive selection process that is separate from, but coordinated with, the planning process. Statewide solicitation.—A recipient of funds apportioned under subsection (c)(1)(B) [urbanized areas with a population of less than 200,000] or (c)(1)(C) [Other Than Urbanized areas] shall conduct a statewide solicitation for applications for grants to the recipient and sub-recipients under this Section.

The competitive selection process should be transparent, as described below. Further, the designated recipient must certify that the distribution of funds is “fair and equitable” as required by 49 U.S.C. 5316(f)(2). Title 49 U.S.C. 5316 requires that selected projects be derived from a locally developed coordinated plan and meet the intent of the program. The law further requires that the designated recipient conduct the competitive selection process.

Competitions may be conducted annually or at intervals not to exceed three years as determined by the designated recipient based on local needs. Designated recipients may choose to fund projects that will be implemented over multiple years. There should be opportunities to update coordinated plans to align with the competitive selection process. In addition to identified need, designated recipients should work with State and/or local coordinating bodies to consider funding levels, adequate time for implementation, duration of projects, cost of projects, and other factors when setting timeframes for competitive cycles.

The designated recipient may select contingency projects that could be funded if any competitively selected project is deleted from the program of projects. The designated recipient may use different approaches to conduct a competition.

The competitive selection process is not the same as third party contracting, but rather the selection of grants to the recipient and subrecipients. If it is determined that a recipient or subrecipient will contract for goods and services, the entity receiving the funds must follow FTA procurement procedures established within the current FTA Circular 4220.1 in a separate process, regardless of how a project is selected.

Public notification: The designated recipient should publicly advertise the availability of funds and selection criteria in formats and forums appropriate to the potential recipients and subrecipients. Designated recipients should also publish a list of selected projects following the competitive selection process.

The State publishes an announcement for JARC project proposals or proposals for all funding sources available to the State. The State next evaluates projects submitted from small urbanized and nonurbanized areas using selection criteria stated in the announcement.

It is important to demonstrate that the competition was open and transparent resulting in a fair and equitable distribution of funds. FTA notes that equitable distribution refers to equal access

to, and equal treatment by, a fair and open competitive process. The result of such a process may not be an “equal” allocation of resources among projects or communities. It is possible that some areas may not receive any funding at the conclusion of the competitive selection process.

FTA’s guidance for compliance with Title VI of the Civil Rights Act of 1964 applies to the JARC program. To ensure compliance with U.S. Department of Transportation (DOT) civil rights regulations (49 CFR part 21), and the DOT Order on Environmental Justice, FTA requires grantees to document that they distribute FTA funds without regard to race, color, and national origin.

**Appendix L – 5317 New Freedoms distribution process  
MaineDOT State Management Plan, 10/31/07**

**Project Selection Criteria and Method of Distributing Funds:**

COMPETITIVE SELECTION PROCESS: A recipient of funds shall conduct a competitive selection process that is separate from, but coordinated with, the planning process. The competitive selection process allocates funding to the sub-recipients to implement New Freedom projects. Recipients may not allocate/sub-allocate New Freedom funds without conducting a competitive selection process. Title 49 U.S.C. 5317, as amended by SAFETEA-LU, provides the following:

(d) Competitive Process for Grants to Subrecipients: (2) Statewide solicitation. A recipient of funds apportioned under subsection (c)(1)(B) [urbanized areas with a population of less than 200,000] or (c)(1)(C) [Other Than Urbanized areas] shall conduct a statewide solicitation for applications for grants to the sub-recipients under this Section.

Conducting a Competitive Selection Process.

Title 49 U.S.C. 5317 requires that selected projects be derived from the locally developed coordinated plan and meet the intent of the program. The law further requires that the designated recipient conduct the competitive selection process.

*Frequency of competition.* Competitions can be conducted annually or at intervals not to exceed three years as determined by the designated recipient based on local needs. Designated recipients may choose to fund projects that will be implemented over multiple years. There should be opportunities to update coordinated plans to align with the competitive selection process. In addition to identified need, designated recipients should work with State and/or local coordinating bodies to consider funding levels, adequate time for implementation, duration of projects, cost of projects, and other factors when setting timeframes for competitive cycles. Note: The frequency of the competition differs from the period of project performance. Projects may be selected for funding that cover multiple years of operating.

*Public notification.* The designated recipient should publicly advertise the availability of funds and selection criteria in formats and forums appropriate to the potential recipients and sub-recipients. Designated recipients should also publish a list of selected projects following the competitive selection process.

*Evaluation criteria and project selection.* Designated recipients may consider establishing an external peer review process for developing criteria, evaluating proposals, and project selection. Examples of potential criteria may include selecting projects that: (1) address gaps in current service provisions for targeted communities as defined in the local coordinated plan; (2) make use of available resources and leverage resources to the extent possible; (3) coordinate with other Federal programs (e.g., coordinated services, financial partnership); (4) can be achieved with the given technical capacity of the project sponsor; (5) geographic/demographic factors; and (6) show evidence of broad solicitation for input (coordinated planning process).

**FAIR AND EQUITABLE DISTRIBUTION OF FUNDS.** Regardless of the competitive selection process used, it is important to demonstrate that the competition was open and transparent resulting in a fair and equitable distribution of funds. FTA notes that equitable distribution refers to equal access to, and equal treatment by, a fair and open competitive process. The result of such a process may not be an “equal” allocation of resources among projects or communities.

...the designated recipient must certify that each year’s funds were distributed on a fair and equitable basis.

Appendix M – Financial Status Report Procedure – See Standard Operating Procedures, FSR Accounting Controls, H:\\$Common-OPT\Standard Operating Procedures Passenger Services