

State of Maine

Public Transportation Program

**STATE MANAGEMENT PLAN**

49 USC §5311 Nonurbanized Area Formula Program

49 USC §5310 Elderly Individuals and Individuals with  
Disabilities Program

49 USC §5317 New Freedoms, CFDA 20.521

49 USC §5316 Job Access Reverse Commute

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# Maine Department of Transportation

## Public Transportation

### State Management Plan

#### **Introduction:** [\(to return to top\)](#)

This State Management Plan (SMP) describes the State's policies and procedures for administering the:

49 USC §5310 Elderly Individuals and Individuals with Disabilities Program for private nonprofit organizations and public bodies, 20.513

49USC §5311 Nonurbanized Area Formula Program,

49 USC §5317 New Freedoms,

49 USC §5316 Job Access and Reverse Commute,

and the State's procedures for administering the Rural Transit Assistance Program (RTAP).

The State Management Plan contains all the required elements listed in the 5310, 5311, 5316 and 5317 programs under SMP as well as describes any additional policies and procedures necessary to administer these programs. This Plan was prepared in compliance with the requirements of the Federal Transit Administration (FTA) Circulars for:

- 49 USC §5311 Nonurbanized Area Formula Program, 9040.1F, dated April 1, 2007  
[http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_6519.html](http://www.fta.dot.gov/laws/circulars/leg_reg_6519.html);
- 49 USC §5310 Elderly Individuals and Individuals with Disabilities Program,  
[http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_6622.html](http://www.fta.dot.gov/laws/circulars/leg_reg_6622.html);
- 49 USC §5317 New Freedoms  
[http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_6624.html](http://www.fta.dot.gov/laws/circulars/leg_reg_6624.html);
- 49 USC §5316 Job Access Reverse Commute  
[http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_6623.html](http://www.fta.dot.gov/laws/circulars/leg_reg_6623.html);

MaineDOT management policies are found at <http://mdotweb/apm/apmindex.htm> and general guidance for the FTA grants management process is found at [http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_4114.html](http://www.fta.dot.gov/laws/circulars/leg_reg_4114.html) . All program management follows the detailed guidance in the FTA, DOL and OMB circulars. Guidance for funds from any specific year can be found in the Federal Registers for apportionment and allocation. For ex. (<http://a257.g.akamaitech.net/7/257/2422/01jan20081800/edocket.access.gpo.gov/2008/pdf/08-593.pdf>) 2008 earmark allocations published as a supplemental and the basic program funding at (<http://a257.g.akamaitech.net/7/257/2422/01jan20081800/edocket.access.gpo.gov/2008/pdf/08-214.pdf>). For all federal registers, go to

[http://www.fta.dot.gov/laws/leg\\_reg\\_federal\\_register.html](http://www.fta.dot.gov/laws/leg_reg_federal_register.html) and for general information to [www.fta.dot.gov](http://www.fta.dot.gov)

**or guidance in the SAFETEA-LU federal register of 12/20/05, see**

**<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-23322.htm>**

## **Program Goals and Objectives:** [\(to return to top\)](#)

The primary objective of this Program is to improve the mobility of all Maine citizens including elderly individuals, individuals with disabilities and low income individuals in the rural and small urban areas of the State. This includes support for the continuation of existing services; the inauguration of new operations where need is shown; and support for and improvements to existing intercity or long distance common carrier services throughout the State. Integral to this objective is the provision of services to those recipients of other government programs in a coordinated fashion. A prioritized timetable for the submission of plans and implementation of services is set forth in more detail in Guidelines for Development of 'A Statewide Regional Biennial Operations Plan and for Rural and Urban Public Transportation Projects' which is attached as Appendix A.

The guidelines require submission of a Biennial Regional Operations Plan (BOP) on or before March 1st of the affected year with an updated budget being submitted on the off year. Funds that have not been committed in an approved plan will be reallocated on an ongoing basis to those regions that can establish a need and justification for such funds.

One goal of this Program is to make it possible for the development of the Biennial Regional Operations Plan (BOP) to occur at the local level including the coordination of services that presently exist in both the public transportation and social service transportation areas. The BOP will serve as the 'Locally Coordinated Plan'. Another goal is to strategically plan and implement new and revamped services to meet documented needs.

In March of 1999, the Commissioner of the Department of Transportation endorsed a concept for development of a phased transit system - see Appendix B. The preliminary stages of this plan have been implemented and continued investments are being made. When completed, this system will provide the citizens of the State a seamless public transportation infrastructure which maximizes public and private resources.

Specific goals and objectives for New Freedoms and JARC are as follows:

The New Freedom Program is intended to fill the gaps between human service and public transportation services previously available, and to facilitate the integration of individuals with disabilities into the workforce and full participation in the community.

Designed for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12101 et seq.), that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the ADA of 1990.

The goal of the JARC program is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.

## **Roles and Responsibilities:** [\(to return to top\)](#)

The coordination of the public transportation programs (hereafter referred to as “the Program”), including social service transportation, is required by both Federal requirements and State law. In order to implement Chapter 53 of Title 49, United States Code in the State of Maine, <http://janus.state.me.us/legis/statutes/23/title23sec4209.html> , the Governor has designated the Department of Transportation as the agency to receive and administer funds allocated by FTA (see Appendix C). The mission of the Office of Passenger Transportation is to develop an efficient, environmentally sensitive, and cost effective passenger transportation system which encourages the use of alternate modes of transportation to meet the present and future needs of our citizens, economic development and tourism.

State legislation was enacted, effective June 21, 1979, that provided for the formation of a Bureau of Transportation Services within the Department of Transportation. In 1995, the Department was reorganized by mode and the Office of Passenger Transportation was formed to handle the public transit duties as well as air, train, ferry, and bicycle/pedestrian. In 2008, that office was incorporated into the Bureau of Transportation Systems Planning. The Transportation Programs Unit handles the FTA programs. The legislation, Public Laws 1979, Chapter 505, also provided that the State be divided into geographic regions, see Appendix D. Hence, the State was divided into eight geographic regions. A Biennial Operations Plan (BOP) was required to plan and describe the provision of public transportation in Maine. The BOP is prepared by a consultant with the full participation of the MaineDOT. The approval of each plan by the Department of Transportation with the consent of the Department of Health and Human Services\* is required by law. Contract officers and/or liaison personnel have been appointed by the Department of Health and Human Services to coordinate purchase of service contracts and serve in an advisory capacity to the Department of Transportation in matters concerning public transportation.

The development of the BOP is the basic planning process through which coordination is reviewed, proposed and funded. It is the intent and purpose of the Program to insure that duplicate transportation services exist only where there is a clear justification for such duplication in so far as the Department has control over that service. The development of the BOP must insure that existing public systems are utilized to the greatest extent possible to meet social service needs. The BOP also ensures public participation in the process of developing regional plans for transit. The BOP public hearings are currently held in each region at a Regional meeting either of the Transportation Agency or a local collaborative group.

Statewide, periodic dissemination of information relating to the Program is provided to the transportation providers, those agencies which have been designated to receive Federal Transit Administration (FTA) and State Transit funds, and to the public by a number of procedures which include direct mailing, press releases by the Department of Transportation and the regional transportation operators and by listing on the Maine DOT website for downloading. Public hearings are held as appropriate and information pertaining to each program will also flow through the Department of Health and Human Services. Currently an Interagency Coordinating Committee has been formed by Governor’s Executive Order to further such coordination.

Transportation Providers named in the BOP are charged with providing, within the limits of funding, access to transportation across their entire region. In those few areas which do not operate public demand response service, access to the vehicles purchased with either FTA or State funding is required.

More detailed responsibilities dependent on the individual program requirements include:

- a. notifying eligible local entities of funding availability;
- b. developing project selection criteria;
- c. determining applicant eligibility;
- d. conducting a competitive selection process;
- e. forwarding an annual program of projects (POP) and grant application to FTA;
- f. ensuring that all sub-recipients comply with Federal requirements;
- g. documenting the State's or designated recipient's procedures in a State Management Plan
- h. certifying that allocations of grants to sub-recipients are distributed on a fair and equitable basis; and

The Department of Transportation executes a contract with the transportation providers in each region following the recommendations of the BOP and the results of any competitive processes, especially those required by 5316 and 5317. 5310 funds are fully coordinated with the 5311 program to allow maximum coverage. Program funds are distributed on a reimbursement basis and it is required that the transportation providers file invoices and statistical reports with the Department of Transportation on a monthly basis. Statistical reports forms can be found on the H drive. All invoices will be filed on BT-Form 31A or approved form and are reviewed by a Transportation Programs Unit staff member prior to approval for payment.

**Eligible Recipients:** [\(to return to top\)](#)

Eligibility requirements in the State of Maine are no more restrictive than FTA requirements. Eligible sub-recipients include State agencies, local public bodies and agencies thereof, private non-profit organizations, regional transit providers who also meet other requirements, Indian Tribes and groups, and operators of public transportation services. Private for-profit operators of transit or paratransit services may participate in the 5311 program as contractors for the State or grantees but not as sub-recipients. Private for profit companies may contract directly with the State for Intercity services. State agencies do not define 49 USC §5311 recipient eligibility requirements further than those stated above.

Under the 49 USC §5310 Program, funds are made available for or grants may be made to:

- a. Non-profit corporations and associations for the specific purpose of assisting them  
in providing transportation services meeting the special needs of elderly individuals and individuals with disabilities for who mass transportation services are available, insufficient or inappropriate; Regional transit providers are given priority for the purpose of efficient allocation of funding and resources.
- b. Public bodies approved by the State to coordinate services for elderly individuals and individuals with disabilities; or
- c. Public bodies which certify to the Governor that no non-profit corporations or associations are readily available in an area to provide the service.

As of 10/1/2003, the State no longer makes grants for vehicle purchases unless an exception is granted. Due to the need for proper grants administration and close out of grants as well as the need to meet all applicable procurement guidelines, the State will purchase all vehicles and hold title to them. Funds will still be allocated to each region by formula and the OPT will keep track of the amounts available. However, the purchase of vehicles will be handled by the State. This simplifies the internal tracking of contracts and allows tighter adherence to State and Federal guidelines.

Under the 5317 and 5316 program in Maine, only the State is the direct recipient. Subrecipients can be private non-profit organizations. All urban areas in Maine are currently under 200,000;

There are three categories of eligible sub-recipients of JARC and New Freedoms funds:

Private non-profit organizations;

State or local governmental authority; and

Operators of public transportation services, including private operators of public transportation services.

## **Eligible Services and Service Areas:** [\(to return to top\)](#)

The State of Maine adds no limitations to the Federal rules on Eligible Services and Service Areas. 49 USC §5311 funds are available for expenditure for public transportation projects in areas other than urbanized areas. Public transportation services in Maine are designated to maximize usage by transportation disadvantaged persons, provided that the general public is afforded an equal opportunity to utilize the transportation services. Maine uses a Regional Provider system determined through the BOP process to properly allocate resources. Maine operates a coordinated transportation system based on State (<http://janus.state.me.us/legis/statutes/23/title23sec4209.html>) described above. Based on that and the new requirements for coordination in federal transit statute, even those programs which require a competitive process must meet coordination requirements and those requirements are part of the decision-making process. The only exceptions to contracting through the regional provider not otherwise accommodated in the BOP are those special circumstances involving private companies offering specialized services such as small passenger ferry operations and taxi-cabs.

## **Eligible Assistance Categories:** [\(to return to top\)](#)

The State of Maine applies for 15% of its apportioned 49 USC §5311 funds to administer the Program, to provide necessary planning and to provide technical assistance to local recipients. These expenses are funded at 100% of Federal money. The State of Maine applies for 10% of its apportioned 49 USC §5310 funds to administer the program and provide technical assistance to local recipients. These expenses are funded at 80% federal money. There are no restrictions on the allocation of costs between administrative and operating categories other than those decreed by the FTA and OMB Circular A-133. (5311 new guidance <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-3452.htm>)

Capital expenses for 49 USC §5311, §5310, §5316, and §5317 are funded at 80% Federal money. The State restricts its share of Capital expenses to ½ of the non-federal share as funds are available and local funds must make up the difference. In the case where vehicles are purchased for seasonal use or another purpose so designated by the OPT, up to 100% of the cost of a vehicle may be paid for by the State as limited by bond and other regulatory language. Capital subsidy may be provided under the 49 USC §5309 Capital Program. The matching ratio of Federal and non-federal shares for any project funded under 49 USC §5309 is up to 80/20. FTA has also indicated that priority will be given to those applications that are prepared with an over match. Applications for 49 USC §5309 funding will be coordinated through the Department of Transportation, Office of Passenger Transportation. Capital expenditures for vehicles funded with alternative fuels are eligible for a 15% State match, all others may receive up to 10% depending on available state funds. The Federal share is 90 percent for vehicle-related equipment and facilities required by the Clean Air Act (CAA) or the Americans with Disabilities Act (ADA). It is only the incremental cost of the equipment or facility required by the CAA or ADA that may be funded at 90 percent, not the entire cost of the vehicle or facility, even if the vehicle or facility is purchased for use in service required by the ADA or CAA. Designated recipient wishing to apply for assistance at the higher match ratio should consult the

FTA regional office for further guidance regarding methods of computing the incremental cost before submitting an application.

Administrative expenses for 49 USC §5311 sub-recipients and contractors, may be funded with 80% Federal funds. The 49 USC §5310 Program does not authorize reimbursement to transportation providers for administrative expenses. The designated recipient may authorize up to 10% of its funds for its own administrative expenses for 5310, 5316 and 5317 at 100%. 49 USC §5311 may use up to 15% at 100%. The administrative expenses may include administration, planning, and technical assistance. The State and the designated recipient in urbanized areas have pre-award authority to incur administrative costs for JARC. Because the program is continuously managed, oldest funds available are drawn first regardless of the year of award for program activity

Operating expenses for 49 USC §5311, 5316 and 5317 are funded with 50% Federal money. 5311 programs may also receive up to 50% State funds as available. The State provides 10% as matching funds until all Federal money is expended and, upon request, will increase its share up to 50% of deficit for 5311 programs. There are currently no MaineDOT state funds for operating subsidy for non-5311 programs. The 5310 program in Maine is currently not eligible for operating funds.

Currently, intercity routes in the State of Maine are funded at 50% with Federal funds. As new intercity services are developed and funding increased, administrative and operating expenses may be reimbursed to the appropriate provider in the same manner as the other 49 USC §5311 services.

## **Local Share and Local Funding Requirements:** [\(to return to top\)](#)

Matching funds in the State of Maine for 49 USC §5311 and 49 USC §5310 funds are made up of local, State and/or unrestricted non-DOT Federal funds. Local (non-federal) share is defined as a combination of state and local (non-federal) funds.

The State Legislature has appropriated approximately \$500,000 annually to assist with the State match for operating. 23 M.R.S.A. Section 4209 provides for State funds to be used for match up to the following percentages: Administrative-10% - Operating - 50% of the operating deficit (see definition above). Since 1998, the electorate of the State of Maine has authorized bonding for a portion of the local capital match as funds are available. In the absence of State funds, non-federal share must be provided by the sub-recipients. In addition, the State regularly requests bond funds from the voters for public transit vehicles and, occasionally, for facilities.

All of the local share must be provided from sources other than Federal DOT funds. Some examples of sources of local match which may be used for any or all of the local share include: State or local appropriations; other non-DOT Federal funds; dedicated tax revenues; private donations; revenue from human service contracts; toll revenue credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteer services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

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

Local match may be derived from other Federal funds derived from Federal programs that are eligible to be expended for transportation, other than from the DOT programs. To be eligible for local match for FTA funds, the other Federal funds must be used for activities included in the total net project costs of the FTA grant. Expenditure of other Federal funds for transportation outside of the scope of the project cannot be applied as a credit for local match in the FTA grant.

## **Project Evaluation Criteria and Method for Distributing Funds:** [\(to return to top\)](#)

To distribute funds on a fair and equitable basis, the State was divided into eight regions defined generally along county lines (see Appendix D) for 5310 and 5311 funds. A number of approaches were considered for the allocation of funds including area population and population of elderly individuals and individuals with disabilities in each region. The method selected will allocate funds to each region by the use of a formula which includes the three basic factors of population, road mileage and square miles. Approximately 50% of rural funding remaining after the 15% administrative deduction and the 15% deduction for the inter-city program is distributed by this formula. The remaining 50% is assigned to projects which meet needs identified by the DOT and the BOP. These projects are solicited in a variety of ways. Every other year, the Office of Transportation Systems Planning solicits project requests from all the municipalities and planning organizations in Maine. In addition, the Passenger Transportation Division conducts a series of public meetings as part of its BOP planning process and solicits ideas through that process. MaineDOT publishes a 20 year and 6 year planning document which received public comment as well as a two year workplan and STIP. All these go through an extensive public comment process. These contain projects solicited and chosen from both external and internal sources. These documents strive to be geographically and demographically diverse and meet the needs of all Maine's citizens, businesses and visitors. In addition, Maine publishes legal notices announcing its grant programs and invites inquiries from the public.

Since 1970, the population statistics from the most recent United States Department of Commerce Census have been used. Since the allocation of 49 USC §5311 Federal funds is based on Maine's rural and small urban population, the urbanized populations of Portland, Lewiston/Auburn, Bangor and the Kittery Area were not included in their respective regions. Mileage statistics were derived from the Maine Department of Transportation's State Highway Mileage Table. Road mileage located in the four urbanized sections mentioned above was not included in those regions' computations. It was also decided that a density factor pertaining to the road miles per 1,000 persons should be used. This was accomplished by dividing the region population into the region road miles. The density factor and the population factor were given an equal weight in determining each region's percentage of the total allocation. (Appendix E and F are copies of the formula used to disburse 49 USC §5310 and §5311 allocations, respectively).

For further description of Maine's project selection process for 5310 and 5311, see the Biennial Operations Plan section on page 7. MPO's are consulted only for urban programs. There are currently no TMA's in the State of Maine. Regional providers are able to subcontract as necessary to address special populations. Two Tribal Governments operated coordinated systems under contract to sub-recipients.

For 5317 and 5316 programs, MaineDOT shall conduct a competitive selection process that is separate from, but coordinated with, the planning process. There will be statewide solicitations for applications for grants. In the event that there are more responsive applications than there are funds, a geographic balance component may be applied.

## **Intercity Bus Transportation:** [\(to return to top\)](#)

Fifteen percent of 5311 funds are used to support the current intercity service plus increased feeder services determined viable. Additional funds may be allocated to support increased services as necessary. Intercity routes are bid every three years. All transportation operators, public and private, are given an opportunity to submit proposals for consideration through direct mailings to known providers and a notice published in appropriate newspapers. No Governor's certification has ever needed to be filed.

## **State Rural Transit Assistance Program (RTAP):** [\(to return to top\)](#)

The State administers its RTAP program, 49 USC §5311(b)(3) [http://www.fta.dot.gov/funding/grants/grants\\_financing\\_3554.html](http://www.fta.dot.gov/funding/grants/grants_financing_3554.html), with the advice of a task force of the Maine Transit Association (MTA). The MTA is a network of transportation providers and the only public bus association in Maine. Each year it makes recommendations to the State on the use of the funds to meet the perceived needs. Funds are generally distributed among scholarship funds for training, the annual rodeo for improved safety, the annual training conference and other specialized training. Funds are generally allocated for one year only. Unused funds are redistributed in order to make the best use of these resources and properly manage FTA grants. There are no restrictions greater than those required by the FTA.

In developing the Program of Projects, the Department attempts to accommodate the needs identified by the MTA whenever possible. The Department also involves MTA members as often as feasible in carrying out projects. For example, MTA members serve on consultant selection committees; assist in the development of requests for proposals; and serves as test sites for RTAP support programs. The Department also distributes information about training opportunities and conferences to the MTA and non-member transportation providers.

Local share requirements for RTAP projects are established on a project-by-project basis. The local share may be in the form of registration fees to offset the cost of training workshops; in-kind match of services to assist in transit research; payment of expenses over an established amount; and other contributions, depending on the project. RTAP scholarships receive 100% funding.

The Department participates in Regional (New England, New York and New Jersey) RTAP efforts by pooling ideas and resources, to the maximum practicable extent. Additionally, the Department supports the National RTAP by using, promoting, purchasing, and distributing RTAP training materials; by reviewing and distributing literature on RTAP-related projects; and by making frequent use of the RTAP Hotline to obtain technical assistance for itself and for transportation providers.

## **Annual Program of Projects Development and Approval Process:** [\(to return to top\)](#)

The State's application process for the 5311 program is a simplified submission of the BT-30 form. The distribution of funds and the designation of projects are determined by the Biennial Operations Planning process. Technical assistance is given on a case by case basis. As the POP is not application driven, no instructions are developed. The BOP has a distribution formula that is re-configured every census for 5311 and 5310 funds.

No transfers have been made between the 5311 and 5307 programs, nor the 5310 program. To date, the 5310 program has not been used for purchasing of services. Funds have been flexed from the various FHWA programs into the 5307 and 5311 programs as determined by Maine's budget process. Maine's budget, the DOT's Workplan and State STIP all follow an approved public participation process.

The 5316 and 5317 are administered as statewide competitive selection programs. The criteria generally requires a connection to needs identified in the BOP process. Criteria are set up for each round of selection. Selection continues as long as there are funds available. Packets with information about the program and the process are prepared and distributed at public meetings, through a list serve of interested parties and as requested. Competitions may be annually or more frequently as funding comes available. Funding may be for multiple years. There is further definition of the 5316 and 5317 competitive selection processes in the FTA guidance.

A record of requests for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding will be kept, see relevant appendices . The record identifies applicants that use grant program funds to provide assistance to predominantly minority and low-income populations. The record also indicates whether the applicants were accepted or rejected for funding

## **Biennial Program Development and Project Approval Process:** [\(to return to top\)](#)

The State is divided into eight geographic regions for distribution of the Department of Transportation administered transit funds. Every two years, a consultant is selected to formulate a BOP (Biennial Operations Plan) for each of the eight regions. This selection is made by the Department of Transportation. By State law the Plan is approved with the consent of the Department of Health and Human Services.

The BOP submitted for each regional public transportation agency provides for the following:

- a. Maximum feasible coordination of funds among all State agencies that sponsor transportation in the region;
- b. Development and maintenance of a permanent and effective transportation system, with particular regard to elderly persons, persons with disabilities and low income persons.
- c. Participation of private transit operators in the service area to the greatest extent possible.
- d. Conformity with general operational requirements as may be prescribed by the Commissioner of the Department of Transportation.
- e. The Department may transfer any amount of the State's apportionment for urbanized areas to any urbanized area in the State or with the Governor's permission, to supplement the State's 49 USC §5311 Program. The Department will make such transfers only after consultation with the responsible local elected officials and publicly-owned operators of transportation services in each area to which the funding was originally apportioned.
- f. The BOP will also contain a biennial inventory of FTA and State assets as well as ridership statistics and financial information.

The consultant, along with the Department of Transportation, conducts public meetings to assess needs, determine performance and communication levels and determine coordination of service and distribution of funds. Prior to submission of the plan to the Department of Transportation for approval, the plans are subjected to public meetings at the local level.

Approval of each plan is given by the Department of Transportation with the consent of the Department of Health and Human Services. This is currently done through the Governor's Interagency Coordinating Committee consisting of representatives from the various offices of the Department of Health and Human Services and the Department of Labor. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with the regional operation plan, become eligible to receive funds administered by the Department of Transportation. Separate contracts are then written between the Department of Transportation and each provider agency.

<http://janus.state.me.us/legis/statutes/23/title23sec4209.html>

**Coordination:** [\(to return to top\)](#)

Maine State Public Law 1979, Chapter 505, enacted in 1979 provides for liaison personnel to be appointed by the Departments of Human Services and Mental Health, Mental Retardation and Substance Abuse to act on the coordination of purchase of service contracts and to serve in an advisory capacity to the Department of Transportation in matters concerning public transportation. This same statute also requires approval of the Biennial Operations Plan by the Maine Departments of Transportation, Human Services and Mental Health, Mental Retardation and Substance Abuse.

Program information to transportation providers is made available through the technical assistance program of the Department of Transportation as well as written communications and regular meetings.

Under the BOP regulation, all providers receiving funds from the Dept. must coordinate with providers in their region to avoid duplication of effort and provide the most service to the residents. In addition, providers who are operating across their regional boundaries must do so under a written cooperating agreement with the provider in the next region according to a joint policy memorandum from the Commissioners of Transportation, Human Services, Mental Health; Mental Retardation. <http://janus.state.me.us/legis/statutes/23/title23sec4209.html>

SAFETEA-LU requirements for a Locally Coordinated Plan are met by the BOP process for Maine. For ex. [http://www.fta.dot.gov/documents/FTA\\_C\\_9045.1\\_New\\_Freedom.doc](http://www.fta.dot.gov/documents/FTA_C_9045.1_New_Freedom.doc) Section V.

## **Participation by Private Providers:** [\(to return to top\)](#)

It is the policy of the Maine Department of Transportation to encourage private enterprise participation in the Department's planning process in order to coordinate public and private transportation services throughout the State.

MDOT has required all four Metropolitan Planning Organizations (MPO), all ten designated regional planning agencies and all rural and urbanized transportation providers to assist the State in integrating and utilizing the private sector throughout all planning activities as well as all operational service areas.

The State policy on privatization has been implemented thus far in the following ways:

- a. All MPO's and designated agencies responsible for transportation planning in any of the eight MDOT regions have been instructed to develop, and submit for approval, a privatization policy;
- b. Develop an inventory of all private operations and their capabilities in their area of operations and invite their participation in the planning process;
- c. Develop, submit for approval, and adopt a local process to involve existing private operators in both planning and provision of transit services;
- d. Develop a mechanism for resolving challenges or disputes that might arise, in a manner which assures fairness to all parties involved;
- e. As for the nonurbanized providers, MDOT has included specifics on privatization in our Guidelines for Development of A Statewide Biennial Regional Operations Plan for Rural and Urban Public Transportation Projects. This Biennial Operations Plan is an MDOT requisite for 49 USC §5311 funding. Included in these Guidelines, dated October 1993, are six points dealing specifically with privatization. The six points are:
  1. Description of forums, meetings, hearings or other opportunities for involving the general public in the development of the Plan and for giving private-for-profit transportation agencies the opportunity to provide transportation service in the Region. (Note: Include minutes of meetings, etc. and copy of published notice seeking citizen and private enterprise involvement.)
  2. Describe methods for periodically reviewing existing transportation service in the Region to determine whether the service can be provided more effectively by the private-for-profit sector.
  3. Description of locally established criteria for making public/private service decisions.
  4. Description of local methodology for making true cost comparisons when there are two or more operators interested in providing service.
  5. Information concerning complaints from private operators and how they were resolved.
  6. Description of the local mechanism for resolving conflicts or complaints involving private operators.

Note: Any proposed new route or service requires a public hearing; giving the private sector an opportunity to submit a proposal.

In the event that the local procedures were not followed or that the local process did not provide for fair resolutions of disputes, the State will hold a formal hearing to resolve any conflict or complaint from private transportation providers that was not resolved at the local level.

## **State Administration and Technical Assistance:** [\(to return to top\)](#)

To assist the BOP consultant with the development and implementation of criteria for the Public Transportation Program, the Department has developed guidelines which have incorporated the requirements of the State law pertaining to public transportation, 23 M.R.S.A. Section 4209. These guidelines have been published and disseminated to each of the planning agencies involved with rural and special needs transportation and are attached in Appendix A. Technical assistance both to the planning agencies and the operators directly involved with their projects will be provided.

It is the Department's intent to monitor and evaluate each of the region's local projects by direct contact with the transportation providers on a scheduled basis and examination of performance reports which will be established in the purchase of service contracts. The evaluation will include a review of all projects to determine if surplus funds are available for transfer. FTA allows the transfer of 49 USC §5307 funds to rural areas or 49 USC §5311 funds to urban, and if the Department finds surplus funds in either area, they will be transferred in accordance with FTA Circular 9040.1F. The FTA Regional Administrator will be notified of any request of transfer of funds as directed by FTA Circular 9040.1F. It is expected that the Department of Health and Human Services will also be monitoring these providers to see that they are contributing to the transportation of social service passengers as indicated in the BOP.

The Department of Transportation's Transportation Programs Unit provides technical assistance to the provider agencies through coordinated development of vehicle and equipment specifications, planning assistance, training, and other technical assistance. Members of that unit also serve as advisory to the Metropolitan Planning Organizations (MPO) boards, attend public hearings, and serve on special committees.

The RTAP program provides further resources for technical assistance. Since FY 1987, FTA has appropriated funds to the Rural Transit Assistance Program (RTAP). The Program has two major components described as follows:

- a. State Program. A portion of the RTAP funds are allocated annually to the states. States may apply for these funds to develop and implement training and technical assistance.
- b. National Program. This portion of the Program is managed in FTA headquarters and consists of the development of training and technical assistance materials for use by the states and local operations.

In carrying out its RTAP Program, the Department's goal is to promote safe and effective public transportation services in non-urban areas of Maine. The goal is met by providing training, technical assistance, transit research and related support services that meet the needs of rural and small urban transportation providers and that addresses FTA's Emphasis Areas.

Essentially, the Department's approach to meeting its goal is to administer the RTAP Program in-house but to contract out the training, technical assistance, research and related support services to private consultants, (see State Rural Transit Assistance Program). Objectives for meeting the goal are set forth in a Program of Projects and submitted annually to FTA.

## **State Program Management:** [\(to return to top\)](#)

The Transportation Programming Unit of the Office of Passenger Transportation, MaineDOT, contracts for services based on its planning document, the Biennial Operations Plan, described previously. Currently, program managers are assigned in the following categories: Capital, Urban, and Rural. For those specialized projects, usually under 49 USC §5309, a project manager is assigned and the Manager of the TPU handles the TEAM processing and the compliance issues. All TEAM reports will be filed by one month past the end of the quarter. The program managers contract all funds, manage the projects, manage the TEAM grants including close outs, provide technical assistance and leadership to their contracting agencies and the entities in the area services are provided. They are responsible for ensuring that all federal and state requirements are met both by their activities and their sub-recipients. General management requirements are allocated among the program managers, for ex., Certifications and Assurances, etc.

MaineDOT's Finance and Administration Dept. handle all TEAM financial activities such as drawdowns, etc.

Auditing is handled by our Audit department. All providers are audited yearly.

Procurement is assigned to the Capital Programs Manager. All vehicles, unless an exception is granted, are purchased through the MaineDOT. All vehicle purchasing is done through the State of Maine Bureau of Purchases. State procurement procedures are followed. Disposal of all property titled to the State of Maine is done through the Surplus Property Office of the State and follows their procedures. Occasionally consulting experts are hired to support the procurement process and ensure that all Federal requirements, such as Buy America, are met.

Site visits review compliance with program requirements including vehicle, equipment and facility usage. Vehicle use is reviewed at that time but can be conducted at any time. Maintenance can be reviewed at any time. At a minimum it is reviewed at a site visit. Occasionally consulting experts are hired to support the maintenance review process and ensure that all Federal and State requirements are met. The OPT has been sponsoring a peer group to develop maintenance standards for the sub-recipients.

Due to the BOP process and the excessively rural nature of Maine's geography, no productivity, cost-effectiveness, or service standards have been developed at this time. Maine's goal is to have, at a minimum, once weekly service available to all towns in Maine. Every two years, Maine collects statistics similar to the NTD standards for all providers through it's BOP process.

Currently Maine is following the Consolidated Planning Grant process. Each year, MaineDOT issues a letter to the FTA with copies to the FHWA and MaineDOT Planning managers authorizing the transfer of 5303 Planning funds from the FTA to the FHWA for administration as one grant in consolidation with the FHWA planning funds.

The Maine Department of Transportation follows the Federal guidelines contained in FTA Circulars 5010.1C, 9040.1F and 9070.1F in the management of its Public Transportation Program. All contract agreements are reviewed by the Maine Department of Transportation, Office of Audit. All procurement transactions are carried out in accordance with the provisions of FTA Circular 4220.1E. Property records are maintained in accordance with FTA Circular 5010.1C, Chapter I, paragraph 7, as are all disposition transactions. The Department of

Transportation has contracts with the transportation providers in each region pertaining to fiscal and property (where applicable) management of program funds. Program funds are distributed on a reimbursable basis and providers are required to file invoices on a monthly basis. Providers may request a waiver to bill quarterly or annually. All invoices are subject to a review by a Transportation Planning Analyst assigned to the Transportation Programs Unit prior to payment. Audits are conducted by the Department of Transportation Audit Staff in accordance with FTA Circular 5010.1C, and when the projects have been audited and all audit issues satisfactorily resolved, the projects are closed out.

The TPU follows all State of Maine financial and property management regulations both for their internal programs and requires such compliance with all sub-recipients and contractors. See Other Provisions.

**Maintenance:** [\(to return to top\)](#)

Sub-recipients and contractors are required, at a minimum, to follow the manufacturer's suggested maintenance intervals and procedures. Maintenance can be reviewed at any time and is reviewed during site visits. Currently MaineDOT has a maintenance expert under contract to perform on site inspections at transit facilities and their facilities both announced and unannounced. They support the maintenance review process and ensure that all Federal and State requirements are met. The OPT has been sponsoring a peer group to develop maintenance standards for the sub-recipients and to allow peer support for improvement of maintenance of vehicles and input to the specifications development for procurement. Maintenance of ADA accessibility features is included. See Appendix G for Maintenance requirements regarding lease of vehicles.

The **CONTRACTOR** shall maintain the leased vehicles at a high level of cleanliness, safety, and mechanical reliability. Such maintenance shall be the **CONTRACTOR'S** responsibility and shall be subject to periodic inspection by the **DEPARTMENT** to insure continuing quality of maintenance, appearance and physical condition.

**Civil Rights:** ([to return to top](#))

All agreements entered into by the Maine Department of Transportation of behalf of FTA require the contractor to certify that no person on the grounds of race, color, creed, national origin, sex, age or disability, and to meet State requirements, sexual orientation, will be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part by FTA in accordance with Title VI and the Equal Employment Opportunity requirements. In addition, the State of Maine and all transportation providers certify at the Triennial Site Visit that a good faith effort is made to utilize Disadvantaged Business Enterprises as required by FTA Circular 5010.1C.

[http://www.fta.dot.gov/legal/guidance/circulars/5000/324\\_288\\_ENG\\_HTML.htm](http://www.fta.dot.gov/legal/guidance/circulars/5000/324_288_ENG_HTML.htm) All transportation providers who receive Federal and/or State subsidies are required to meet certain regulations delineated in the Certifications and Assurances. Technical support is provided in the form of distribution of guidance from the FTA to the providers.

There is also coordination between the Transportation Programs Unit and the Civil Rights Office (<http://www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php>) of the Maine Department of Transportation. The Civil Rights Office has responsibility for drafting, maintaining and updating a certified Disadvantaged Business Enterprise Directory as well as the Department's Disadvantaged/Minority/Women's Business Enterprise Program. This Program outlines how the various administrative and operating units of the Department shall work together to carry out the policy established by the Department. They also include all FTA requirements for joint FHWA and FTA approval in all required documents, ADA Plan, Title VI Plan, AA/EOE, DBE, LEP, and OJT. Environmental Justice assessments are done on a project by project basis.

Department of Transportation personnel assigned to the Transportation Programs Unit are assigned specific types of FTA Programs. In addition to providing technical assistance to local recipients, they also monitor the recipients as required to insure compliance with the requirements of Title VI, EEO, and Section 105(f) (DBE). This will be accomplished through the Site Visits to the provider agencies and administrative contacts. During the Site Visits, the Office of Passenger Transportation and the Civil Rights Office of the MaineDOT will review the minority and low-income population in the area served by the provider based on Census 2000 data. The service provided and/or available to these identified groups will be determined by the provider and verified by the Office of Civil Rights in conjunction with the Office of Passenger Transportation. The provider will be provided with all the appropriate census data for their region and all information available to the MaineDOT concerning contacts in their area with groups representing the minorities, low-income residents and those with Limited English Proficiency. At the time of the Annual Certifications and Assurances, providers will be required to certify their compliance with Title VI by signed letter.

In addition, during the Biennial Operations Planning process, all known representatives of these identified groups will be invited to participate. It will be through this process that the need for service using 5310 or 5311 funds will be identified and planned for within the limits of funding and regulations. MaineDOT will continue to be committed to coordinated service as it reaches out to these groups.

All RFP's directly advertised by the Dept. are posted on our Contractors web site and notices are sent to appropriate DBE's in addition to the standard advertising format.

For additional information on ADA complementary paratransit, see the FTA website at [http://www.fta.dot.gov/transit\\_data\\_info/ada/14524\\_ENG\\_HTML.htm](http://www.fta.dot.gov/transit_data_info/ada/14524_ENG_HTML.htm), specific information on ‘origin to destination’ service can be found at [http://www.fta.dot.gov/14531\\_17514\\_ENG\\_HTML.htm](http://www.fta.dot.gov/14531_17514_ENG_HTML.htm)

Part 37 guidance can be found at: [http://www.fta.dot.gov/14534\\_5606\\_ENG\\_HTML.htm](http://www.fta.dot.gov/14534_5606_ENG_HTML.htm)

See end for additional information

For LEP guidance, review MaineDOT documents and [http://www.fta.dot.gov/documents/LEP\\_Handbook.doc](http://www.fta.dot.gov/documents/LEP_Handbook.doc)

## **Section 504 and Americans with Disabilities Act (ADA) Reporting: (See statewide ADA Plan)** [\(to return to top\)](#)

Individual transportation providers are required to submit Section 504 and ADA certifications through the annual submission of Certifications and Assurances for FTA Assistance. The BOP or plans and reports are submitted to the Transportation Programs Unit for review and approval; however, before ADA plans are approved, the Division coordinates with the Civil Rights Office. For additional information, see <http://www.access-board.gov/about/laws/ADA.htm#Title%20II%20-%20Public%20Services>

The State of Maine's Human Rights Commission has regulations more stringent than the Federal 504 Requirements, stipulating that all vehicles purchased with either a State or Federal subsidy must be accessible by the State's elderly and disabled population. As a result of these requirements, all vehicles purchased under any of the FTA Programs are made accessible either by installing a ramp or lift or use of vehicles designed to accommodate wheelchairs and mobility impaired riders without the use of a ramp or lift such as low-floor and/or kneeling bus. The only exception to this rule are vehicles such as minivans or station wagons when they constitute no more than 10% of the fleet and are used where there is no call for an accessible vehicle. The agency must provide an accessible vehicle whenever and wherever necessary in conjunction with their service plan. [http://www.fta.dot.gov/388\\_15991\\_ENG\\_HTML.htm#ch3](http://www.fta.dot.gov/388_15991_ENG_HTML.htm#ch3)

## **Other Reporting:** [\(to return to top\)](#)

MaineDOT will submit **annual status reports** electronically into TEAM for each active grant under 5310, 5311, 5316, and 5317, by October 31 each year. This status report will reflect any changes for the preceding 12 months. This will include an updated POP containing revised project descriptions, changes in projects from one category to another, and adjustments within budget categories as necessary. These may also require budget revisions. It should also include significant civil rights compliance issues and any notable accomplishments or problems involving subrecipients in these programs. The status report will also include program measures containing ridership #'s and gaps in service filled and include all recipients and sub-recipients. DBE reporting is done biennially and electronically attached to TEAM.

In addition to the annual status reports, MaineDOT will submit **milestone progress reports, financial status reports (FSR's), and program measure reports** as required under each grant program. See 5010.1D, Page III-2, Section 3 for additional information on reporting. Some of the particular requirements for the FSR's are that they should be calculated on an accrual basis, must contain complete and up to date information for the reporting period, must be based on information in MaineDOT's official financial management system and must be derived from accounts that are maintained on a consistent basis. See Appendices for FSR reporting process.

## **NTD Reporting:** [\(to return to top\)](#)

The Maine Department of Transportation requires all rural providers to report according to the National Transit Database requirements described in 49 U.S.C 5335(b). The Rural Program Manager sends reminders to each sub-recipient to submit their data and ensures that each one has

the proper codes for the system and holds trainings as necessary. Each year in October, the rural program manager enters all data as required into Maine's NTD and verifies the information entered by the providers. The urban program manager will

As described in <http://www.fta.dot.gov/documents/C9070.1F.doc> , VI-12, 17. for 5310;  
in [http://www.fta.dot.gov/documents/FTA\\_C\\_9040.1F.doc](http://www.fta.dot.gov/documents/FTA_C_9040.1F.doc) , VI-9, 12. for 5311;  
in [http://www.fta.dot.gov/documents/FTA\\_C\\_9050.1\\_JARC.doc](http://www.fta.dot.gov/documents/FTA_C_9050.1_JARC.doc) , VI-12, 16. for 5316  
and in [http://www.fta.dot.gov/documents/FTA\\_C\\_9045.1\\_New\\_Freedom.doc](http://www.fta.dot.gov/documents/FTA_C_9045.1_New_Freedom.doc) , VI-12, 16. for 5317.

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

⋮

**Charter Rule:** <http://edocket.access.gpo.gov/2008/pdf/08-86.pdf> [\(to return to top\)](#)

FTA recipients are prohibited from providing any charter service using FTA-funded equipment or facilities if there is at least one private charter operator willing and able to provide the service that the recipient desires to provide as long as no exception applies. For exceptions see §604.5-12. In 49 CFR, Subpart C - §604.13-14, the Rule sets forth a public participation process for determining if there are any willing and able private charter operators using the new FTA Registration Website for advertising to the registered private providers.

[http://ftawebprod.fta.dot.gov/CharterRegistration/\(S\(jza3bqn33pwhi4iqilophuub\)\)/Splash-CharterRegistration.aspx](http://ftawebprod.fta.dot.gov/CharterRegistration/(S(jza3bqn33pwhi4iqilophuub))/Splash-CharterRegistration.aspx) . The process may be carried out by the State in state-administered programs or may be delegated to sub-recipients of FTA funds. As the state-administering agency, the Department has chosen to delegate the responsibility for the public notice to sub-recipients. Providers must follow all rules under the new Charter regulations concerning what is defined as charter service, what the exceptions are to the charter service rule, how to proceed with the notification process and how to provide charter service. Providers will notify the MaineDOT when they have used the website to notify private charter providers.

## **Capital Procurements:** [\(to return to top\)](#)

Maine State procurement procedures, through the State of Maine Bureau of Purchases, are followed except where federal regulations prevail, see 49 CFR Part 18, 19, and FTA C4220.1E, 9040.1F and 9070.1F. No current conflicts are identified. All RFP's, Bid Awards, Contracts and Dispute resolution are processed and approved by the Maine Bureau of Purchases. The TPU follows FTA requirements regarding monitoring, property management, vehicles use, maintenance, and disposition for both purchases by sub-recipients and direct procurements by the State of Maine which are then leased to Transit Providers. All requirements for procurement for sub-recipients and contractors are followed for State purchases. All previously cited FTA circulars are adhered to for State purchases. As of July 1, 2003, the OPT holds title to all vehicles based on attorney's advice and for the purposes of more efficiently complying with Federal and State regulations.

Pre-award/post delivery reviews will be conducted according to Federal and State regulations. Federal regulation, 49 CFR 663 (October 1, 1997) and 49 USC § 5323 require that prior to awarding the contract, MaineDOT must certify compliance with the described provisions of Buy America and the described provisions of the Bus Testing clearance (49 CFR 665). The manufacturer must submit documentation and certification, both pre-award and post delivery. This includes certifying by the Pre-Award Buy America Certification Form (see appendix H). Section 5323, Buy America, requires that prior to purchase, the State must not only obtain the certification from the manufacturer attesting to the appropriate % of manufacture and final assembly being done in the United States but must take further steps to certify that this is accurate. This may include any additional information about the manufacturer or the product. After delivery of the vehicle or other equipment as appropriate, the Planning Analyst for capital investment must further determine and document to the file that the documentation accompanying the vehicle which shows the origin of parts and location of assembly meets the appropriate regulation. These certification processes must be documented in the procurement file.

Applicants for bus grants must certify that both their current spare bus ratio and the spare bus ratio anticipated at the time the new buses are introduced into service will be in compliance with the guidance given in paragraph IV-3a(1)(d) of FTA Circular 9030.1C.

Standard accounting procedures will be used for determining least cost. Least cost is not the only factor in awarding bids.

*Financial procedures for capital payments* - Capital equipment is **not** handled on a reimbursement basis. OPT uses the industry standard process of payment on delivery once the vehicles and/or equipment has satisfactorily passed MDOT's and the provider's inspection. See attachment for Federal Clauses on procurements. If at any time the vehicle is leased to other than the originally cited provider in the grant, the current grant in that category will have a memo attached to it (electronically) stating who the originally cited recipient was, the grant will be cited and the current lessee noted.

For additional information on real property management, see <http://www.fhwa.dot.gov/realestate/49cfr.htm> .

For information on Best Practices, link to

[http://www.fta.dot.gov/funding/thirdpartyprocurement/grants\\_financing\\_6037.html](http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html)

For information on Buy America and other requirements, link to

[http://www.fta.dot.gov/laws/leg\\_reg\\_5429.html](http://www.fta.dot.gov/laws/leg_reg_5429.html)

## **Monitoring Compliance/Continuing Control:** [\(to return to top\)](#)

The State of Maine, Office of Passenger Transportation monitors compliance by its sub-recipients and contractors through its review of policies and procedures, site visits and reporting of passenger trips.

OPT visits all its contractors and sub-recipients for an FTA Compliance Review (commonly, Site Visit) on a triennial basis, usually about six/year. See Appendix G for 'Field Visit Checklist for FTA Compliance Review'. Beginning in State FY 2001, contractors and sub-recipients will need to submit ridership reports with their quarterly bills.

The Office of Passenger Transportation reconciles a physical inventory at the time of a site visit and may at other times to meet the two year FTA requirement for inventory management. Unannounced visits to sites or routes may occasionally take place to verify appropriate use of equipment. In addition, qualified contractors may be hired to conduct additional and in depth maintenance monitoring visits, inspections and physical inventory requirements.

Site visits will include a review of written policies showing the allowed transportation of portable oxygen, service animals and attendant charges.

**Vehicle Disposition:** [\(to return to top\)](#)

MaineDOT's Office of Passenger Transportation follows State of Maine Property Disposition procedures. Any vehicle owned by the State of Maine must be disposed of through their Office of Surplus Property. For vehicles bought with Federal funds and owned by the contractor or sub-recipient, the Transportation Analyst for Capital Procurement inspects the vehicle and gives approval for disposition. Vehicle life requirements are listed in the Procedures Manual for Federal Transit Administration Programs for the Transportation Programs Unit (TPU). MaineDOT is no more restrictive than the vehicle life requirements listed by the FTA.

Release of Federal interest in vehicles will be achieved by sales managed by the State Surplus Property office. If vehicles are leased at any time during their useful life to a recipient which is not the one noted in the Program of Projects, the change in lease will be noted in a current grant. **(attach memo describing as is where is)**

**Property Management:** [\(to return to top\)](#)

The TPU follows all State of Maine Property Management requirements as well as the FTA C 5010.1C guidelines on Management of Real Property, Equipment and Supplies. These include equipment inventory, TPU's Inventory System in ACCESS; acquisition costs under procurement and audit practices; excess property guidelines in disposition; incidental use in Charter Regulations, etc.

For facilities purchased or built with FTA funds, the OPT will do a site visit and inspection every two years. In addition, a facilities maintenance plan will be required for each site and be included in leases if applicable.

## **Drug and Alcohol:** [\(to return to top\)](#)

Current Drug and Alcohol regulations require recipients to comply with the FTA regulations, Section 5331. Current State regulations require compliance with the Maine Drug Free Workplace Act. FTA regulations basically require testing of all safety sensitive positions which currently include drivers, dispatchers, mechanics and supervisors who control the movement of vehicles. Drug Free Workplace regulations require that all Maine workplaces shall be drug free, including alcohol.

Most Transit Providers in the State of Maine currently belong to a Drug Testing Consortium. Each contractor and sub-recipient submits their policies triennially as part of the Site Visit. They are reviewed for adherence to the FTA Drug and Alcohol checklist provided in the Spring 1998 check list issue and then approved by the Maine DOT. In addition, the TPU is responsible for seeing that the providers are testing the accuracy of their testing contractor per the FTA regulations.

Site visits by either MaineDOT or their consultant will check all requirements for Drug and Alcohol testing including securement of records.

The State of Maine Drug and Alcohol Policy is located here:  
<http://mdotweb/apm/apm11.htm>

## **Lobbying:** [\(to return to top\)](#)

All sub-recipients and contractors are required to submit documentation as part of their annual Certification and Assurances. For all third party contractors whose contract exceeds the \$100,000 minimum threshold, all applicable Certifications and Assurances must also be filed even in the cases where the third party contractor has already certified as a sub-recipient for another service. For disclosure of actual lobbying activity, sub-recipients and contractors will be required to use form FTA C 9300.1A “Disclosure of Lobbying Activities”.

<http://www.whitehouse.gov/omb/grants/sflllin.pdf>

**Other Provisions:** [\(to return to top\)](#)

The Department of Transportation requires all recipients to comply with the FTA regulations as they pertain to DOL 5333(b) (aka Section 13(c)), labor protection, environmental protection, school bus regulations and requirements. Verification is assured through site visits, field trip inspections and program audits conducted by the DOT audit staff.

- j. Public Comment on Fare and Service Changes. The grant applicant must certify that it has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transit service.

The grantee is expected to have a written policy that describes the public comment process on increases in the basic fare structure and on major service reductions. The policy should provide an opportunity for a public hearing or public meeting for any fare increase or major service reduction and should describe how such meetings will be conducted and how the results of such meetings will be considered in the process of changing fares and service. A public meeting is not mandatory; however, an opportunity for a public meeting in order to solicit comment must be given.

## **Construction Management/Property Management:** [\(to return to top\)](#)

The Maine DOT requires all recipients to comply with the FTA regulations stated in FTA 5010.1C as regards to the standard assurances, historic preservation, all applicable environmental mitigation processes, NEPA, CE's, EA's, etc. and the project management plans and any more stringent State regulations which apply. Currently new sprawl regulations are in addition to the standards followed. In addition State of Maine regulations regarding inventory and disposal are to be followed by all contractors and sub-recipients. See Procurement and State Program Management.

MaineDOT, when constructing projects, follows the standard Sixteen (16) Division rules as published. MaineDOT also has Standard Specifications for construction which incorporates the articles and items which are the standard Federal guidelines for construction. Davis Bacon is also adhered to.

In response to FTA Circular 5010.1D, Page IV-31, m. Maintenance, [http://www.fta.dot.gov/documents/C\\_5010\\_1D\\_Finalpub.pdf](http://www.fta.dot.gov/documents/C_5010_1D_Finalpub.pdf), MaineDOT requires that each facility with FTA investment have and follow a maintenance plan based on the plan in Appendix G.

## **Financial Management:** [\(to return to top\)](#)

Financial Management regulations are covered under OMB Circular A-133, A-122, A-87, A-110 and the Common Rule and State regulations including MAAP. Transportation Providers must follow MAAP rules as they apply to community agencies.

Lead Agency for auditing purposes - The lead agency (a/k/a the cognizant agency in federal regulations) is determined by the amount of Federal funds received by an agency.

Some of the most relevant information:

- The designated cognizant agency for audit shall be the Federal awarding agency that provides the predominant amount of direct funding to a recipient unless OMB makes a specific cognizant agency for audit assignment.
- *Following is effective for fiscal years ending on or before December 31, 2003:* To provide for continuity of cognizance, the determination of the predominant amount of direct funding shall be based upon direct Federal awards expended in the recipient's fiscal years ending in 1995, 2000, 2005, and every fifth year thereafter.
- *Following is effective for fiscal years ending after December 31, 2003:* The determination of the predominant amount of direct funding shall be based upon direct Federal awards expended in the recipient's fiscal years ending in 2004, 2009, 2014, and every fifth year thereafter. For example, audit cognizance for periods ending in 2006 through 2010 will be determined based on Federal awards expended in 2004. (However, for 2001 through 2005, the cognizant agency for audit is determined based on the predominant amount of direct Federal awards expended in the recipient's fiscal year ending in 2000).

The intention of MAAP (Maine Uniform Accounting and Auditing Practices for Community Agencies) is to mirror Federal Regulations. Most of the MAAP agencies receive their federal funds as pass-through funds. Therefore, for MAAP purposes, the federal cognizant agency would be the agency providing the predominant amount of direct and/or pass-through federal funds.

[http://www.maine.gov/dhhs/purchased-services/word/MAAP\\_annotated\\_changes.doc](http://www.maine.gov/dhhs/purchased-services/word/MAAP_annotated_changes.doc)

**New Freedoms:** [\(to return to top\)](#)

See Appendix L

**Transferring funds:** [\(to return to top\)](#)

Funds in specific categories and for specific purposes can be transferred between FTA and FHWA. For additional information, see

[http://www.fta.dot.gov/funding/finance/grants\\_financing\\_107.html](http://www.fta.dot.gov/funding/finance/grants_financing_107.html)

New Codes For Flex Fund transfers FTA -

New Section codes:

Urbanized Area = 95 (ME-95-X0001)

Nonurbanized Area = 85 (ME-85-X001)

Elderly Individuals and Individuals with Disabilities = 65 (ME-65-X001)

Bus and Bus facilities = 55 (ME-55-000X) (As far as I know we can't transfer flex funds into Bus & Bus Facility Earmarks, but I'll have to check if it's different if they are discretionary grants.)

Flex funds transferred in FY 2007 must be in separate grants using the above codes. Project numbers should match new section code numbers, i.e., "95" "85" "65" and "55".

**Program measures:** [\(to return to top\)](#)

5310 – FTA requires that the following program measures be tracked; gaps in service filled and ridership (see FTA C 9070.1F, p. VI-13, 17 d.) These measures will be reported in the annual status reports described in “Other Reporting”.

5316 – FTA requires that the following program measures be tracked; actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of JARC projects implemented in the current reporting year. Actual or estimated number of rides (as measured by one-way trips) provided as a result of the JARC projects implemented in the current reporting year.

5317 – FTA requires that the following program measures be tracked and reported in both a quantitative and qualitative manner; services that affect availability of transportation services; infrastructure, technology and vehicle changes in the reporting year; ridership (see FTA C 9045.1, p. VI-12m 16 c.) These measures will be reported in the annual status reports described in “Other Reporting”.

**Designated Recipient Program Management:** [\(to return to top\)](#)

See sections above on capital procurement, lobbying, satisfactory continuing control, other provisions.

**For Appendices see:** [\(to return to top\)](#)

H:\\$Common-OPT\TRANSIT oversight, SMPappendices.doc

Additional information to incorporate:

Additional information on State law on leased to purchase vans, buses, etc. Chapter 41 (4/11/03)  
Part C, Section C-1 to C2, Part D. ask Terry

<http://www.whitehouse.gov/omb/circulars/index.html>.

Lead Agency for auditing purposes

The lead agency (a/k/a the cognizant agency in federal regulations) is determined by the amount of Federal funds received by an agency.

The information in this attached WORD document comes from OMB Circular A-133 Subpart D...



Lead Agency for  
Operator's Man...

Please note that planning funds can ONLY be combined with FY 2006 and FY 2007 funds, NOT earlier year funding.

Q&A on JARC, NEW FREEDOM and 5310

[http://www.fta.dot.gov/funding/grants/grants\\_financing\\_3550.html](http://www.fta.dot.gov/funding/grants/grants_financing_3550.html)

**CFDA**

[http://12.46.245.173/pls/portal30/CATALOG.FIND\\_GRANT\\_RPT1.show](http://12.46.245.173/pls/portal30/CATALOG.FIND_GRANT_RPT1.show)

Here is the link to the Single Audit Clearinghouse.

<http://harvester.census.gov/sac/dissemin/entity.html?submit=Return+to+Entity+Search>

It is the responsibility of WHCA to determine if their subcontractors have filed their Single Audit report on time. Please report to your contract officer anytime when the Indian Township or Pleasant Point Tribal Governments have not filed their reports on the date required. EIS # 010449625

13(c), 5333(b), DOL reg

<https://www.dol.gov/esa/regs/fedreg/final/99019111.htm>

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Shortcut to: <http://www.whitehouse.gov/omb/grants/sf269a.pdf>,  
these are the new FSR form 269 quarterly reporting which was updated on 7-97.

Drug and Alcohol implementation guidelines

[http://transit-safety.volpe.dot.gov/publications/substance/ImplementationGuidelines/ImplementationGuidelines\\_rev\\_11\\_2003.pdf](http://transit-safety.volpe.dot.gov/publications/substance/ImplementationGuidelines/ImplementationGuidelines_rev_11_2003.pdf)

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