



# Program Management and Recipient Coordination Plan

## for the Madison Urbanized Area's Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program

~~Madison Area Transportation Planning Board — a Metropolitan Planning Organization~~Greater Madison Metropolitan Planning Organization (MPO)

and

City of Madison, Metro Transit

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# 1. Introduction

## Mobility Programs for Seniors and People with Disabilities under SAFETEA-LU

Under the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), signed into law in August 2005 – there were two programs that were designed to enhance mobility for seniors and people with disabilities:

**Transportation for Elderly Persons and Persons with Disabilities (Section 5310)**, which provided federal funds to help private non-profit agencies purchase vehicles and other capital items to transport seniors and people with disabilities. In Dane County, past funding was used to purchase vans for non-profit organizations used for transportation for seniors.

**New Freedom Program (Section 5317)**, which provided federal funds to expand transportation mobility options for people with disabilities. MPOs in large urbanized areas exceeding 200,000 in population such as Madison (called Transportation Management Areas or TMAs) received a direct allocation of funding under the program. These funds were also distributed by WisDOT through a competitive application process coordinated with the MPO, and the funds could be used by private non-profit agencies, state and local governments, and public and private transportation operators for capital purchases and operating expenses associated with new services that went beyond the requirements of the Americans with Disabilities Act (ADA). Section 5317 funds were used to fund mobility management services for Dane County specialized transportation services and for funding new accessible vans and training and financial incentives for Union Cab drivers providing accessible cab rides.

## Consolidation of Programs under MAP-21

In July of 2012, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) supplanted SAFETEA-LU and combined the two programs (Transportation for Elderly Persons and Persons with Disabilities and New Freedom Program) to create the **Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310 program)**. This new program continues to enhance mobility for seniors and people with disabilities, and the activities that were eligible for funds under the former New Freedom Program are now eligible for Section 5310 funding.

Under SAFETEA-LU and previous legislation, Section 5310 program funds were apportioned to states for distribution to subrecipients. Another significant change instituted by MAP-21 was that Section 5310 program funds are apportioned to rural, small urban, and large urban areas. In large MPO areas (TMAs) such as Madison, the designated recipient must be designated by the state and responsible local officials. As a result, a local administration process needed to be developed by the ~~Madison Area Transportation Planning Board (MATPB)~~ ~~–~~ ~~a~~ ~~Greater Madison~~ Metropolitan Planning Organization (MPO)<sup>±</sup> to allow the funds associated with the new program to be distributed in the Madison area.

Although MAP-21 consolidated the former Section 5310 and 5317 programs, it specifies that at least 55% of program funds be used for traditional capital projects for seniors and people with disabilities, including mobility management. The remaining funds (up to 45%) may be used for non-traditional projects.

The most recent federal transportation authorization bills, the Fixing America’s Surface Transportation (FAST) Act, adopted in December 2015, and the Bipartisan Infrastructure Law (BIL, alternately known as the

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<sup>±</sup> ~~Now the Greater Madison MPO~~

Infrastructure Investment and Jobs Act (IIJA)), adopted in November 2021, continued the same structure and rules for the Section 5310 program.

## **Purpose of the Program Management and Recipient Coordination Plan**

The Program Management and Recipient Coordination Plan (PMRCP) is designed to identify the policies and procedures for administering the Section 5310 program in the Madison Urbanized Area. These policies and procedures are based on program requirements issued by the Federal Transit Administration (FTA).

~~Circular FTA C 9070.1G~~[Circular FTA C 9070.1H](#) Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions provides guidance for Section 5310 projects. It covers project requirements, administration procedures, and other relevant components of the federal Section 5310 program. The PMRCP serves as a local companion to FTA C 9070.1H~~G~~, describing the roles and mechanisms for carrying out policies and procedures in the Madison Urbanized Area, satisfying the FTA requirement for a Program Management Plan. [Award Management Requirements Circular C 5010.1F incorporates and updates guidance for award administration and management activities for all applicable FTA Federal assistance programs.](#)

## **Summary of Roles and Responsibilities for Section 5310 Program in the Madison Urban Area**

The City of Madison – Metro Transit (Metro Transit) is the largest provider of public transportation in Dane County and the second largest public transit agency in Wisconsin. Metro Transit is the direct recipient for Section 5310 program funds. Metro Transit is also the designated recipient for other federal funds, such as Urbanized Area Formula (Section 5307) grants, and has the legal, financial, and staffing capabilities to receive and administer federal funds. As the designated recipient, Metro Transit is responsible for administering grant agreements, with subrecipients applying for federal funds, and satisfying documentation and reporting requirements.

The ~~Madison Area Transportation Planning Board (MATPB)~~~~—A~~[Greater Madison](#) Metropolitan Planning Organization (MPO) serves as the MPO for Madison Urban Area in central Dane County. With a 20~~14~~<sup>2</sup> population of about ~~457,895~~<sup>408,000</sup>, the Madison Urban Area is a Transportation Management Area (TMA) as determined by the Federal Highway Administration (FHWA) and FTA. The MPO's role in the Section 5310 program is to select and prioritize projects for funding and prepare and maintain the PMRCP in cooperation with Metro Transit.

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<sup>2</sup> 20~~14~~<sup>2</sup> Census population within the Madison Urban Area as adopted by USDOT 6/11/2013 and by MPO 3/4/15  
Program Management and Recipient Coordination Plan

## 2. Summary of the Section 5310 Enhanced Mobility Program

The purpose of the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program is:

To improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. This program supports transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas...Eligible projects include both traditional capital investment and nontraditional investment beyond the Americans with Disabilities Act (ADA) complementary paratransit services.

– FTA Section 5310 Fact Sheet

### **Designated Recipient**

The governor of each state or an official designee must designate a public entity to be the recipient for Section 5310 funds. The designated agency must have the requisite legal, financial, and staffing capabilities to receive and administer federal funds under this program. In many cases it is appropriate for the designated recipient (DR) for the Section 5310 program to be the same as the DR for Urbanized Area Formula (Section 5307) funds. Alternatively, the DR for the former Section 5317 program, the MPO, the state, or another public agency may be a preferred choice based on local circumstances. Up to 10% of the recipient's total fiscal year apportionment may be used to fund program administration costs.

The DR is primarily responsible for applying to FTA for Section 5310 grants on behalf of itself and/or subrecipient(s). In addition, the DR is responsible for the development of a Program of Projects (POP) which identifies the subrecipients and projects for which the recipient is applying for financial assistance. In the Madison Urbanized Area, the MPO will prepare the POP for submission to the FTA by the DR. In addition, the DR manages all aspects of grant distribution, including reporting to the FTA.

Metro Transit was identified as the most appropriate DR in the Madison Urbanized Area because of Metro staff's experience with similar federal funding programs, including the Urbanized Area Formula Program (Section 5307) and Bus and Bus Facilities Program (Section 5339). The State of Wisconsin designated Metro Transit as the recipient of Section 5310 program funds for the Madison Urbanized Area via a letter from Governor Walker to the FTA dated December 9, 2013.

### **Eligible Subrecipients**

Eligible subrecipients are entities that are allowed to apply for and receive funds through the Section 5310 program.

The eligible subrecipients for this program are:

- State or local government authorities
  - To be eligible for "traditional 5310 capital projects", a state or local government authority must be approved by WisDOT to coordinate services for seniors and individuals with disabilities or certify that there are no non-profit organizations readily available in the area to provide the service.
- Private non-profit organizations
  - Private non-profit organizations must be certified as such by the State of Wisconsin or Internal Revenue Service prior to the application deadline for that funding cycle.

- Operators of public transportation that receive a grant indirectly through a recipient
  - Not eligible for “traditional 5310 capital projects”

Subrecipients that have failed to provide required documentation in a timely manner and/or support for required site visits for past awards are not eligible for funding until the following conditions have been met:

- Documentation and site visits have been brought current.
- Individual responsible staff have changed, and new responsible staff have met with Metro and MPO staff to discuss subrecipient roles and responsibilities.

### **Eligible Activities**

According to FTA requirements, at least 55% of the Section 5310 funding apportionment must be used for capital expenses for public transportation projects that are planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities (“traditional Section 5310 capital projects”). It is not sufficient that seniors and individuals with disabilities are merely included (or assumed to be included) among the people who will benefit from the project. Mobility management expenses, previously eligible under Section 5317, are eligible and qualify for this traditional Section 5310 project requirement.

The remaining 45% of the funds may be used for operating or capital expenses associated with:

- Public transportation projects that exceed the requirements of the ADA
- Public transportation projects that improve access to fixed route transit service and decrease reliance by individuals with disabilities on complementary paratransit
- Alternatives to public transportation that assist seniors and individuals with disabilities

Before a project can be awarded funds, the project must be certified by the DR that it is included in a locally developed coordinated public transit – human services transportation plan. The 2019 Coordinated Public Transit – Human Services Transportation Plan for Dane County, prepared and published by the MPO, serves as this document.

### **Section 5310 Program Goals and Objectives**

The following principles from the 2019 Coordinated Public Transit – Human Services Transportation Plan for Dane County summarize the goals and objectives for the use of Section 5310 program funds in the Madison Urban Area.

**Independence** – Promote and maintain the independence of older adults, people with disabilities, and others with limited resources, by encouraging and supporting the use of transportation options that foster independence; and, provide training and resources to allow transit-dependent people the greatest possible access to the community.

**Accessibility** – Eliminate geographical inequity in availability of transportation options; provide access to transportation services throughout Dane County that are open to seniors and people with disabilities and not limited to a specific group of clients or customers; and, connect communities and their residents to transportation services that are integrated and open to the general public.

**Efficiency** – Develop cost effective solutions and avoid duplication of service provision; seek out cost-sharing opportunities and partnerships to extend the usefulness of transportation resources; and, evaluate services based on productivity and measures of cost effectiveness that exemplify good stewardship of public resources.

**Resourcefulness** – Use a mix of resources (human, monetary, equipment, contractual) to create and sustain services that meet different transportation needs; and, apply innovative thinking and cultivate community relationships to address issues.

Funding priorities and project selection criteria are listed in Section 4, Project Selection Criteria and Process.

### **Funding for Projects and Program Administration**

Section 5310 program funds are awarded on an annual calendar cycle. For example, Fiscal Year 2020 allocations are awarded in Calendar Year 2019.

The Section 5310 program can generally fund up to 80% of a project’s capital costs (in some limited cases up to 90%) and up to 50% of a project’s operating costs. Administrative costs (up to 10% of the federal apportionment) are funded at 100% federal share. The remaining costs can be covered by:

- Other federal (non-DOT) transportation funding sources.
- State and local funding sources.
- Private funding sources.

It is the responsibility of the subrecipient to secure and administer funds outside the 5310 program.

Metro Transit and the MPO are eligible to be reimbursed for Section 5310 administrative costs. Subrecipients will not be reimbursed for administrative costs related to application development, program reporting, or other activities. The administrative costs will be used for activities described in Section 3, Roles and Responsibilities.



### 3. Roles and Responsibilities

Although Metro Transit is the DR for the Madison Urbanized Area's Section 5310 program, the program is co-administered by Metro Transit and ~~MATPB~~the MPO. Metro Transit may apply for funding for projects it conducts; therefore, in this document the word "subrecipient" applies to Metro Transit as well as other entities. Each entity's administrative roles and responsibilities are summarized below.

#### Metro Transit Roles and Responsibilities

- Develop, execute, manage, and amend grant agreements with subrecipients.
- Apply for federal funds on behalf of eligible subrecipients as identified by the MPO and manage the program's federal grants.
- Complete program grant reporting to the FTA on a quarterly and annual basis.
- Work with subrecipients and WisDOT to procure capital items and ensure compliance with all applicable state and federal requirements.
- Process payments, draw down federal funds, complete financial audits, and complete grant closeouts.
- Collect and maintain financial reports, operating statistics, and vehicle data from subrecipients.
- Monitor subrecipient compliance with federal requirements (Section 504, ADA, etc.).
- Conduct on-site inspections of subrecipient projects, if needed.
- ~~Amend~~ ~~Ensure that~~ Metro Transit's Title VI Plan, Equal Employment Opportunity (EEO) Plan, Disadvantaged Business Enterprise (DBE) Goals, and other applicable documents ~~to~~ include the Section 5310 program.
- Review subrecipients' Title VI, EEO, and DBE programs.
- Investigate and address Title VI, EEO, and DBE complaints.
- Monitor subrecipients' adherence to maintenance plans and safety standards.
- Participate in the roles and responsibilities of eligible subrecipients for project applications on behalf of Metro Transit.

#### MPO Roles and Responsibilities

- Develop and revise the program's PMRCP.
- Develop and approve the annual Program of Projects (POP) as part of the Transportation Improvement Program (TIP) process.
- ~~Develop and revise~~ ~~Keep~~ the Coordinated Public Transit – Human Services Transportation Plan for Dane County current, with updates every four to five years.
- Notify potential subrecipients of application cycles; distribute project application materials.
- Determine subrecipient and project eligibility; maintain a list of potential subrecipients.
- Provide technical assistance to potential subrecipients.
- Develop and conduct the project selection process, which includes:
  - Develop the application form to distribute to potential subrecipients.
  - Release a solicitation for project applications to potential subrecipients.

- Develop project selection criteria.
- Receive and review project applications from subrecipients.
- Recruit persons to serve on the project evaluation team each year (if it is decided to use one) and work with the team to review and score the project applications.
- Present project scoring and funding recommendations to the MPO's advisory committees and to the program's decision-making body (MPO Policy Board). Utilize the Transportation Improvement Program (TIP) process in the MPO's Public Participation Plan for providing the public and private transportation providers with notice and an opportunity to comment on projects selected for funding.
- Notify successful subrecipients of their award amounts and reporting requirements.
- Ensure compliance with Section 5310 program requirement that at least 55% of the federal funding apportionment is used for "traditional 5310 capital projects".
- Provide demographic data to help subrecipients comply with Title VI requirements.

### **Subrecipient Roles and Responsibilities**

- Inform ~~MATPB~~ (MPO) staff of intention to apply for Section 5310 program funds, complete and submit application(s) and/or provide project description(s) and funding information, provide follow-up information, and participate in interviews and/or on-site visits if conducted.
- Work with Metro Transit and WisDOT to procure capital items and; assure that procurement regulations are met.
- Develop and maintain a Maintenance Plan to be held on file with Metro Transit.
- Insure, insure, and maintain all vehicles funded through the program.
- Complete and submit acceptance certifications to Metro Transit upon vehicle delivery.
- Deliver the project as described in the grant project application, including local management and administration, in a timely manner. Projects must be completed within the calendar year of the funding award (by December 31) or funding will be forfeited. In extenuating circumstances, grant agreements may be extended by one calendar year at the discretion of Metro, the MPO, and the City of Madison. Subrecipients should communicate any concerns about meeting this deadline with Metro and MPO staff as soon as they have any doubt about being able to meet this deadline.
- Provide financial management of the project, including provision of non-Section 5310 funds and assurance that Section 5310 funds are used for the project identified in the project application.
- Submit financial and progress reports, operating statistics, and vehicle data to Metro Transit.
- Maintain a Title VI plan and comply with federal Title VI requirements.
- Submit to on-site inspections as requested by Metro Transit and the Wisconsin State Patrol.
- Comply with private sector participation requirements in Section 5.
- Maintain a Data Universal Numbering System (DUNS) profile and provide the DUNS number to Metro Transit. DUNS numbers can be requested at no charge at [www.dnb.com](http://www.dnb.com).
- Register for a System for Award Management (SAM) account and profile and provide the SAM registration to Metro Transit. SAM registration can be performed for no charge but requires an account through [www.login.gov](http://www.login.gov).
- Comply with all additional applicable state and federal requirements.

Failure to fulfill these roles and responsibilities will result in the cancellation of operational grant funding, and in the repossession by Metro (lienholder) of vehicles procured with section 5310 funding.

## 4. Project Selection Criteria and Process

### Project Planning and Coordination

Medium-range planning for Section 5310 program projects is included in the five-year Coordinated Public Transit – Human Services Transportation Plan for Dane County, completed by the MPO. This planning process is conducted within the framework of the MPO’s long range transportation plan (currently the Regional Transportation Plan 2050 adopted in 2017) and the currently adopted Transit Development Plan for the Madison Urban Area.

A competitive process is used to select and prioritize projects for Section 5310 program funding the Madison urban area. The MPO will solicit project applications from eligible subrecipients.

### Project Application Process

The application process will be led by the MPO. Specific tasks, deadlines, and meeting dates will be identified in the materials that are distributed to eligible subrecipients as appropriate.

- MPO staff informs eligible subrecipients of upcoming application cycle.
- Eligible subrecipients notify MPO staff of intention to apply.
- MPO staff distributes application materials to interested eligible subrecipients.
- Completed applications are due to MPO staff.
- MPO staff assembles an evaluation panel with objective individuals who do not represent any of the applicants, which scores the applications. †Note: Evaluation panel will generally be used, but is optional.†
- MPO staff prepares a draft program of projects (POP) based on the scores, funding available, and requirements of the Section 5310 program.
- MPO staff notify applicants of award recommendations included in the draft POP.
- MPO board votes on accepting the funding recommendations in the draft POP; projects selected at this time are included in the preliminary POP. Applicants are encouraged to attend this board meeting to make presentations or answer board questions before the vote is taken.
- MPO staff distributes letters to applicants informing them of whether or not they are included in the preliminary POP. Applicants whose projects are not recommended for funding may submit letters of protest, which are due to the MPO staff contact one week prior to the scheduled adoption of the POP.
- MPO board approves the POP with any changes as part of approval of the TIP or a TIP amendment.
- Applicants work with Metro Transit to develop project agreements.
- Metro Transit applies to the FTA for funding for the projects on behalf of the subrecipients.

Project application materials are developed by WisDOT. MPO staff have the option of using these application materials as they are or developing alternative application materials to distribute. The benefit of using application materials developed by WisDOT is that applicants that do not ~~immediately~~ know whether they should apply for state-managed Section 5310 funds or MPO-managed Section 5310 funds can fill out one standard application. Applicants for projects that serve areas both within the MPO Planning Area and outside the Planning Area are encouraged to apply for funding through both the MPO and WisDOT, with project costs proportionally allocated relative to the services provided within and outside the Planning Area.

Applicants that are approved for vehicle capital funds should contact Metro Transit as soon as possible to begin the procurement process. Applicants that are approved for operating funds should contact Metro Transit as soon as possible to develop project agreements.

## Project Selection Criteria

The projects that receive funds through the Madison Urbanized Area’s Section 5310 program are selected by the MPO based on published criteria. The evaluation criteria used by the evaluation panel to score project applications are as follows:

<b>Section 5310 Application Scoring Criteria</b>		<b>Maximum Points</b>
<b>1. Demonstration of Need and Project Benefits</b>		<b>40</b>
The application describes how the existing project or the proposed project will be effective at meeting the transportation needs of seniors and people with disabilities and what happens if the funding is not awarded.		10
Project Type	<ul style="list-style-type: none"> <li>Replacement or Service Level Maintenance Vehicle- Explains why current fleet cannot meet current needs. (10 Points)</li> <li>Expansion Vehicle- Describes the planned service expansion and how the need for the expanded service was determined. (8 Points)</li> <li>Mobility Management (Traditional)-Describes how project will help meet the transportation needs of seniors and individuals with disabilities, and identifies specific services and activities the project will provide. (10 Points)</li> <li>Non-Traditional Projects- Describes how project will help meet transportation needs of seniors and individuals with disabilities. Identifies specific services and activities the project will provide. (8 Points)</li> </ul>	10
Supported by the Coordinated Plan- The project overcomes barrier to transportation and/or meets an unmet need. <ul style="list-style-type: none"> <li>Identified as a Tier 1 Strategy Project. (10 Points)</li> <li>Identified as a Tier 2 Strategy Project. (6 Points)</li> <li>Not identified as a strategy, but addresses a need. (3 Points)</li> </ul>		10
The project serves a reasonable number of individuals or trips given the project budget. <ul style="list-style-type: none"> <li>Should include total number of people served, and percentage of seniors or individuals with a disability served.</li> </ul>		10
<b>2. Promotes the Development of a Coordinated Network</b>		<b>30</b>
The application identifies other transportation services available and how the project complements rather than duplicates them. <ul style="list-style-type: none"> <li>Could include (but not limited to) increased hours of operation, reduction of coverage gaps, increased access to medical/employment/recreation trips.</li> <li><u>For contracted shared-ride service providers, identify existing contracts or contracts that would be sought if new or replacement vehicles were available to provide service.</u></li> </ul>		15
The application identifies steps that will be taken to ensure a coordinated effort with other local agencies (including human services agencies, meal and shopping sites, employers etc.), and how the service will be marketed.		10
The application describes who is eligible to ride/participate in proposed service. <ul style="list-style-type: none"> <li>Public- Project/service is open to all eligible seniors or individuals with disabilities. (5 Points)</li> <li>Private- Project/service is limited to a select client base. (2 points)</li> </ul>		5
<b>3. Financial and Management Capacity</b>		<b>30</b>
The project has a reasonable level of administrative costs.		10

The application identifies local match sources that are backed up by budgets, support letters, and other documentation.	10
The project sponsor has the capacity to meet the project management, reporting, and project delivery functions of the Section 5310 program.	10

Projects will be selected by the MPO for inclusion in the POP based on their scores and the extent to which they fulfill the general funding priorities and address specific service needs identified in the Coordinated Public Transit – Human Services Transportation Plan, including the Priority Tier each project falls under:

Tier 1- Maintain existing level of service of viable programs or operations

Tier 1 supports existing transportation services and projects that:

- Have shown to be effective in meeting transportation needs of seniors, people with disabilities, and those with limited income
- Continue to demonstrate effective transportation operations within the county’s coordinated network

Tier 2a- Accommodate increasing demand for services within existing programs and operations

Tier 2a supports existing and new services and projects that:

- Require capital and operating assistance to meet growing demand for the service(s) within present boundaries
- Are able to improve efficiency and functionality by building on existing infrastructure
- Allow for growth, but do not automatically extend new service without a careful evaluation of transportation needs across populations and jurisdictions

Tier 2b- Respond to emerging community needs, opportunities, and create new partnerships

Tier 2b supports projects that:

- Are under development and bring new resources
- Address identified transportation needs and gaps and/or focus on an underserved group of individuals
- Improve the efficiency and effectiveness of the overall system
- Provide an added benefit to the transportation services network and riders
- Are innovative in their approach in reaching out to new riders or geographic areas

Additionally, the MPO will select and prioritize projects based on their ability to satisfy the Section 5310 Program Goals and Objectives described in Section 2: independence, accessibility, efficiency, and resourcefulness.

**Annual Program of Projects Development, Appeal, Approval, and Amendment Process**

The MPO is responsible for developing and amending the Program of Projects (POP) since it has the responsibility for selecting the projects and prepares the five-year Transportation Improvement Program (TIP). The POP must be consistent with the TIP and the federal share cannot exceed the allocation of Section 5310 program funds; however, the TIP may include illustrative projects that do not yet have completed and accepted project applications. The requirements for the POP include:

- Identification of each subrecipient, including whether they are governmental authorities, private non-profit agencies, or Indian tribal governments or tribal transit agencies.
- A description of each project.
- The total project cost and the federal share, including specifying any awarded funds that were carried over from prior apportionment years, and any funds from special funding bills (e.g. CARES or CRRSAA).

- Whether each project is a capital or an operating expense and whether or not it meets the requirements for a “traditional Section 5310 capital” project.

MPO staff develops a draft POP after project applications are reviewed and scored by the evaluation panel. The draft POP and a description of any projects not selected for funding are presented to the MPO’s advisory committees.

MPO staff distributes ~~letters-emails~~ to each applicant with the draft POP, informing them whether or not their project is included. Applicants may appeal the decision of MPO staff to include or not include any project in the draft POP. Applicants must submit their appeal in writing by one calendar week prior to the scheduled adoption of the POP. Appeals must be submitted to the MPO staff contact, who will be identified in the notice and is listed on page 23. Any appeals will be included in the meeting packet for the MPO board. The MPO board will make the final decision on which projects are included in the POP.

Following review and a recommendation by the MPO ~~advisory-Technical Coordinating C~~committees, the MPO Policy Board may approve the project recommendations ~~(with or without modifications)~~, or direct staff to develop alternative proposals. The approved POP is then forwarded to Metro Transit, which forwards it to the FTA and carries it out. Amendments to the POP are conducted as needed using the same process.



## **5. Private Sector Participation**

The FTA requires that local recipients provide private for-profit transit and paratransit operators a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of proposed transportation services. Therefore, each applicant for funds from the Madison Urbanized Area's Section 5310 program must make efforts to comply with this policy and provide documentation of these efforts in its application.

Applicants who utilize in-house resources or other methods to deliver projects must demonstrate that they made reasonable efforts to include participation by private for-profit operators if applicable.

## 6. Civil Rights

Recipients of the Madison Urban Area's Section 5310 program funds are required to meet civil rights requirements under Title VI, as well as Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) regulations.

The MPO maintains a record of funding requests for the Section 5310 Program received from private non-profit organizations, state or local governmental authorities, and Indian tribes. The record identifies those applicants that would use grant program funds to provide assistance to predominantly minority and low-income populations. The record shall also indicate which applications were rejected and accepted for funding.

Metro Transit, as a City of Madison utility, utilizes the City of Madison Department of Civil Rights to oversee civil rights issues. Metro Transit will be the liaison between subrecipients, the City of Madison Department of Civil Rights, and the FTA.

### Title VI

The elements of a Title VI Program are determined by FTA Circular 4702.1B (Appendix A) and include, but are not limited to:

- Title VI notice to the public, including a list of locations where the notice is posted.
- Title VI complaint procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint) and Title VI complaint form.
- List of transit-related Title VI investigations, complaints, and lawsuits.
- Public participation plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission.
- Language Assistance Plan for providing language assistance to persons with limited English proficiency.
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program.

Metro Transit prepares a Title VI Program Update for submission to the FTA every three years.

Section 5310 Program subrecipients must submit their Title VI Programs to Metro Transit. Metro will develop a schedule that outlines the frequency with which subrecipients must submit their Title VI programs. A subrecipient's Title VI program must be approved by the subrecipient's appropriate governing entity or official(s) responsible for policy decisions (e.g., board of directors, mayor, tribal executive, city administrator, etc.). Subrecipients must submit a copy of the board resolution, meeting minutes, or similar documentation as evidence of approval.

Contractors and subcontractors are not required to submit a Title VI report. However, they are responsible for complying with the Title VI Program of the recipient with whom they are contracting. Recipients and subrecipients are responsible for ensuring that their contractors are complying with their Title VI Program and Title VI regulations.

Metro Transit, the MPO, and WisDOT are available to assist subrecipients with Title VI compliance. Metro Transit will provide sample notifications, forms, and program language to subrecipients upon request. The MPO will provide demographic data to assist subrecipients in conducting their analysis and subsequently developing their Title VI Program.

Metro Transit, in coordination with the City of Madison Department of Civil Rights, oversees subrecipient compliance with Title VI as follows:

- **Grant Agreements** – Through annual grant agreements, the subrecipient agrees to comply with applicable civil rights statutes and regulations, including Title VI of the Civil Rights Act, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE). As subrecipients to Metro Transit, Section 5310 Program subrecipients must comply with the FTA’s Annual List of Certifications and Assurances signed annually by Metro Transit.
- **Review of Subrecipient’s Title VI Program** – Metro Transit reviews the contents of Title VI Program materials as submitted by subrecipients, including public notification language, LEP, complaint procedures and complaint form, and public participation and outreach. Metro provides sample materials and technical assistance to subrecipients in developing a compliant Title VI Program.
- **Investigation and Monitoring of Title VI Complaints (or potential complaints and/or lawsuits)** – As part of its annual application, Metro Transit requires subrecipients to report any Title VI complaints or lawsuits. Subrecipients may contact Metro Transit at any time during the year to report Title VI complaints, potential complaints, and/or lawsuits. Metro Transit may also receive complaints regarding subrecipients or their contractors directly from the public. When a complaint is determined to be a civil rights issue, Metro Transit staff will consult with the City of Madison Department of Civil Rights office as appropriate.
- **On-Site Visits** – Metro Transit and/or City of Madison Civil Rights Department staff may conduct on-site visits as necessary to monitor subrecipient compliance. During on-site visits, staff will verify the location of the public notification language as stated in the subrecipient’s Title VI Program. During this time, staff may also discuss with the subrecipient any new or potential opportunities for public participation and public outreach that may present themselves since the previous submission of the subrecipient’s Title VI Program.

### **Disadvantaged Business Enterprise (DBE)**

The objectives of the US Department of Transportation’s (DOT’s) DBE regulations, as specified in 49 CFR Part 26, are to:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law.
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
- Help remove barriers to the participation of DBEs in DOT assisted contracts.
- Assist the development of firms that can compete successfully in the market-place outside the DBE Program.

Metro Transit has developed and administers its DBE Program Plan. The plan outlines policies and procedures established to satisfy the DBE requirements. Metro Transit's DBE Program Plan is on file with the FTA. Any plan updates with significant changes are submitted to FTA. All DBE submissions to the FTA, including the DBE Program Plan and all required reporting, are completed by Metro Transit staff.

Metro Transit staff works closely with subrecipients to address DBE requirements. In goal setting, three-year goals are established based on anticipated FTA-funded contracting opportunities by both subrecipients and Metro Transit. Contract-specific goals may also be established, and these goals may require a greater amount of subrecipient technical assistance from Metro Transit and/or the MPO. Work with subrecipients also includes the ongoing collection of data for contract monitoring and reporting on FTA-funded contracts.

Prior to awarding Section 5310 Program funds, subrecipients may be asked to identify potential contracting and procurement opportunities and Metro Transit staff works with subrecipients to identify potential DBE participation. Metro Transit staff also ensures that subrecipients use appropriate DBE contract language in their solicitations. WisDOT's Office of Business Opportunity and Equity Compliance (OBOEC) provides assistance to potential DBEs to become certified and maintains the Unified Certification Program Directory. Subrecipients must report to Metro Transit as required on DBE goal achievement on all FTA-funded contracting.

### **Equal Employment Opportunity (EEO)**

Metro Transit and Section 5310 Program subrecipients must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to, discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws.

Each Section 5310 Program contract between Metro Transit and a subrecipient for the provision of FTA funding shall contain language that requires the subrecipient to comply with FTA regulations related to EEO. In addition, private providers under contract with subrecipients are required to comply with these regulations.

If a subrecipient's transit-related staff reaches 15 or more and/or the dollar threshold for capital, operating, or planning assistance is met, Metro Transit will require the subrecipient to submit a formal Affirmative Action (AA) / EEO Plan to Metro Transit for review and approval. Metro will withhold the approval of future grants until it receives the AA / EEO Plan from the subrecipient. The Equal Employment Opportunity Act by definition explicitly exempts Indian tribes from its provisions.

### **Assurances**

Metro Transit annually signs the FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements, which binds Metro Transit to all civil rights requirements.

Through annual grant agreements, subrecipients agree to comply with all applicable civil rights statutes and regulations. These include Title VI of the Civil Rights Act, Equal Employment Opportunity, and Americans with Disabilities Act. As subrecipients to Metro Transit, Section 5310 Program subrecipients must comply with the FTA's Annual List of Certifications and Assurances as stated in their grant agreements with Metro Transit.

## 7. Maintenance

Consistent with federal requirements, each subrecipient must maintain its facilities (and substantial facility components), vehicles, and other substantial assets.

Subrecipients are required to develop maintenance plans covering their federally-funded vehicles and facilities and to provide Metro Transit with a copy of their plan(s). Subrecipients must maintain all federally-funded property in good operating order and maintain ADA accessibility features.

Subrecipients are expected to develop their own maintenance plans, although WisDOT provides extensive written guidance on developing maintenance plans as well as sample plans upon request. Once adopted, subrecipients are monitored for adherence to the plans by Metro Transit staff for compliance during on-site visits.

Metro Transit requires subrecipients to design and operate maintenance programs that include:

- Preventative maintenance practices and schedules for vehicles.
- Preventative maintenance practices for accessibility equipment.
- Preventative maintenance practices for facilities.
- A system for recording maintenance and repair activities.
- A process for authorizing and controlling maintenance activities and costs.
- Quality control for outsourced maintenance.
- A procedure for pursuing warranty recoveries.

Metro Transit must have an up-to-date maintenance plan on file from Section 5310 program subrecipients prior to applying for grants from the FTA. Subrecipients will not be required to resubmit maintenance plans with each application cycle, but are required to submit updated plans when necessary, e.g., when they have acquired new vehicles or other substantial assets not addressed in previously submitted plans or when the plan on file is out-of-date.

All transit vehicles are required to meet safety standards and undergo inspections based on program and/or vehicle capacity. WisDOT and Metro Transit require that all vehicles purchased with Section 5310 program funds be registered as human service vehicles (HSVs) or municipal vehicles, and be plated accordingly. All vehicles are considered HSVs and are subject to annual HSV inspections conducted by the Wisconsin State Patrol per Wisconsin State Statutes Section 110.05 and Wisconsin Administrative Code Trans 301. Upon request, State Patrol also will conduct initial inspections right after vehicle delivery. These inspections cover the integrity of vehicle safety and mechanical features.

Wisconsin Administrative Code Trans 301 addresses equipment and safety standards for HSVs. It adopts all federal regulations from 49 CFR 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR 571 (Federal Motor Vehicle Safety Standards), and 36 CFR 1192 (Americans with Disabilities Act [ADA] Accessibility Guidelines for Transportation Vehicles). Trans 301 also provides additional equipment standards and requirements and provides inspection and enforcement standards.

## 8. Section 5310 Program Management

### Vehicle Procurement

Although Metro Transit is the DR for the Madison Urban Area's Section 5310 Program, vehicle procurement activities are generally handled by the WisDOT Bureau of Transit through its statewide procurement process. Subrecipients will work with Metro Transit and WisDOT to arrange procurement of vehicles that meet the needs of the project. All grant agreements require subrecipients to comply with all relevant federal procurement laws and regulations and submit all third party contracts to Metro Transit for review.

WisDOT Transit procedures require staff to review all federally funded third party contracts to ensure federal contract clauses are included. WisDOT provides toolkits for assisting subrecipients with common procurements. Technical assistance for federal procurements is available from transit project managers or a WisDOT designated agent (e.g. a contractor). WisDOT maintains a subrecipient procurement assistance web page that contains links to:

- [The WisDOT procurement manual.](#)
- [FTA-compliant toolkits for micro and small purchases.](#)
- [FTA-compliant toolkit for shared-ride taxi requests for proposals.](#)
- [System for Award Management \(SAM\).](#)

WisDOT also has a toolkit for procuring architecture and engineering services according to Brooks Act requirements, and WisDOT Transit provides opportunities for training on federal procurement regulations.

### Buy America and Pre-award and Post-delivery Reviews

WisDOT's HSV procurement solicitations detail federal Buy America requirements and impose Buy America pre-award certification requirements on all vendors submitting bids. For each vehicle type a vendor bids on, it must submit a "Certification of Compliance with 49 U.S.C. 5323(j)." If a vendor is unsure whether an offered vehicle is compliant with Buy America requirements, it may submit a "Certification of Non-Compliance with 49 U.S.C. 5323(j)" with its bid; however, it must provide documentation of an FTA-approved exception before WisDOT will consider the bid.

In addition to the pre-award certification, the solicitations require bidders to provide certification and a detailed list of all major vehicle components and subassemblies and their respective calculated percentages of total manufacturer's cost made in the United States. WisDOT reviews the Buy America information submitted by bidders and provides a pre-award certification.

For each delivered FTA-funded vehicle, Metro Transit requires the vehicle recipient to complete a post-delivery Buy America compliance certification that declares it has received and reviewed appropriate Buy America documentation. Metro will not pay the vendor until it receives this certification.

WisDOT's procurement manual details Buy America requirements and provides instructions for completing pre-award and post-delivery certifications for FTA subrecipients conducting their own procurements. Metro Transit, with WisDOT's assistance, provides technical support to subrecipients needing assistance with this or other aspects of their procurements.

## **Financial Management**

Metro Transit is responsible for managing grants, contracts, and interagency agreements to ensure that expenditures comply with federal rules and regulations for all FTA grant programs. Financial management responsibilities include:

- Investigating and resolving accounting problems to ensure compliance with state and federal rules.
- Managing the documentation associated with individual grants, contracts, and interagency agreements.
- Submitting federal financial reports.
- Rectifying and closing out FTA grants when projects are completed.

Metro Transit uses the Electronic Clearing House Operation System (ECHO Web) process to request FTA grant awards so that transactions are processed in a timely manner and accounts are balanced and documented.

Metro Transit maintains records for vehicles, facilities, and other substantial assets purchased with Section 5310 Program funds. Metro Transit ensures that all equipment used by subrecipients that is purchased with federal funds through the Section 5310 Program is used for the program or project for which it was acquired. Records are updated and appropriate equipment use is assured through reporting by subrecipients and on-site reviews. See Section 9, Project Monitoring and Reporting.

## **Disposition of Assets**

In the event that a subrecipient no longer needs equipment purchased with federal funds through the Section 5310 Program and useful life remains, the equipment is transferred in accordance with Metro Transit, WisDOT, and FTA requirements and guidelines.

In the event a vehicle or other substantial asset has reached the end of its useful life, the subrecipient must receive approval from Metro Transit to dispose of the asset.

## **Accounting Systems**

Subrecipients establish a set of accounts in which all transit-related costs, revenues, and operating sources are recorded and clearly identified, easily traced, and substantially documented. Accounting practices and records must be in accordance with Generally Accepted Accounting Principles.

Metro Transit uses the same accounting system for the Section 5310 Enhanced Mobility Program that it uses for its other state and federal grant programs.

Metro uses the information contained in the quarterly reports to monitor subrecipients' fiscal and operational activities. Requests for reimbursement are approved by Metro Transit before being processed for payment.

## 9. Project Monitoring and Reporting

The goal for monitoring and reporting for Section 5310 program funds is to ensure effective use of program funds, provide useful information for the planning and prioritization of future projects, and fulfill federal requirements without placing an excessive burden on the designated recipient or subrecipients.

### **Metro Transit Reporting**

Metro Transit will submit required Section 5310 reports to the FTA by October 31 of each year, covering a 12-month period ending on September 30, as well as quarterly reports, as required by the FTA. Subrecipients are required to submit required information to Metro Transit so that Metro Transit can consolidate the information to include in the report to the FTA. Metro Transit will act as a liaison between the FTA and subrecipients during audits. Annual reports filed by Metro Transit will include:

- An updated POP (prepared by the MPO).
  - Civil rights compliance issues (such as Title VI, EEO, or DBE complaints).
  - A milestone activity report.
  - A Federal Financial Report.
  - Program measures, including both quantitative and qualitative information as available on each of the following measures:<sup>3</sup>
    - a. Traditional Section 5310 projects
      - (1) Gaps in Service Filled. Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support because of traditional Section 5310 projects implemented in the current reporting year; and
      - (2) Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310-supported vehicles and services because of traditional Section 5310 projects implemented in the current reporting year.
    - b. Other Section 5310 projects.
      - (1) Increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year;
      - (2) Additions or changes to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities because of other Section 5310 projects implemented in the current reporting year; and
      - (3) Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities because of other Section 5310 projects implemented in the current reporting year.
    - Metro should ensure that the above information is reported for all recipients and subrecipients of Section 5310 funding in projects selected by the MPO. Metro may consolidate information for all projects in the Annual Report for any open Section 5310 grants awarded.
- Gaps in service filled by Section 5310 projects  
— Ridership  
— Physical improvements (such as sidewalks, transportation facilities, or technology)

<sup>3</sup> FTA C 9070.1H pages II-2 and II-3.



In addition, Metro will fulfill National Transit Database (NTD) reporting requirements.

### **Reporting Requirements for Subrecipients**

**Quarterly Reports.** Quarterly reports are due to Metro Transit 10 business days following the end of each quarterly period – January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. The following data must be submitted to Metro Transit on a quarterly basis for each vehicle, transportation program, or other service funded through the Madison Urbanized Area’s Section 5310 program:

- A narrative describing accomplishments and/or problems and changes to milestones and budgets.
- A copy of all recorded civil rights or Title VI complaints.
- The actual or estimated number of one-way unlinked passenger trips (if applicable), and the categorical purpose of each trip (if known, optional).
- The actual or estimated statistics related to delivering mobility management, fixed-route orientation, client eligibility, or similar services; such as contacts through call centers, website visits, and training sessions.
- The number of individual clients served.
- Physical improvements completed (such as sidewalks, transportation facilities, or technology).
- Quarterly revenues and sources of revenue for the project.
- Quarterly capital and operating costs (separated).
- Quarterly actual or estimated vehicle revenue miles (required) and hours (if known).
- Fleet summary including year, mileage, make/model, and relevant features.
- Inventory of related facilities.

**Annual Reports.** Metro Transit will submit required annual Section 5310 reports to the FTA by October 31 of each year, covering a 12-month period ending on September 30. Metro Transit will be responsible for consolidating this data from quarterly reports and may request additional information from subrecipients.

**Monthly Reports.** Metro Transit (City of Madison) requires the completion of a Subrecipient Risk Assessment Worksheet for all subrecipients of each grant awarded. Subrecipients determined to be High Risk will be required to submit monthly programmatic reports and invoices. Subrecipients determined to be Medium or High Risk may be required to:

- Undergo additional site visits.
- Identify deficiencies and develop a resolution plan.
- Participate in increased interaction/communication with [MATPB-MPO](#) and/or Metro Transit staff

**National Transit Database (NTD) Reporting.** Subrecipients must provide Metro Transit with information necessary for Metro Transit to file annual NTD reports. The necessary information, which commonly includes vehicle miles and hours, passenger trips, and financial information, will vary depending on the project and subrecipients must coordinate with Metro Transit to determine what is necessary. NTD information is due to Metro Transit by March 15 annually.

Metro Transit will use these reports to monitor subrecipient fiscal and operational management and to satisfy federal reporting requirements.

Metro Transit will schedule on-site visits with subrecipients on a triennial cycle to review operations and maintenance records. In addition, to improve subrecipient monitoring procedures, Metro staff may request and review supporting documentation, including local match documentation, for one subrecipient's reimbursement request per quarter. Selection of the reimbursement request will be based on either a risk assessment or random selection.

### **Section 504 and ADA Reporting**

The annual Federal Certifications and Assurances for FTA Assistance, which is signed by all subrecipients, contains the ADA certification. Metro Transit staff verifies compliance with Section 504 and ADA requirements while reviewing annual grant applications and during annual on-site audits.

## 10. Other Provisions

### Environmental Protection

Most projects and activities funded through the Section 5310 Enhanced Mobility Program do not involve significant environmental impacts. Typically, projects are considered categorical exclusions because they are types of projects that have been “categorically” (i.e., previously) excluded in regulations from the requirements to conduct environmental reviews and prepare environmental documentation.

FTA classifies categorical exclusions (CE) into two groups:

- CE under 23 CFR 771.118(c) – routine activities and projects which have very limited or no environmental effects at all (e.g. utility and similar appurtenances within or adjacent to existing transportation right-of-way; stand-alone pedestrian and bicycle projects, including transit plaza amenities; environmental mitigation or stewardship activities; planning and administrative activities; actions promoting safety, security, and/or accessibility; acquisition or transfer of real property interest; acquisition or maintenance of vehicles and/or equipment; maintenance, rehabilitation, or reconstruction of facilities; assembly or construction of facilities that is consistent with existing local land use regulations; joint development of facilities for transit and non-transit purposes without substantially expanding the existing footprint; emergency recovery actions; actions within existing operational right-of-way; action with limited federal funding; bridge removal and related activities; preventative maintenance of culverts and channels; and, geotechnical and other similar investigations).
- CE under 23 CFR 771.118(d) – activities and projects which have limited potential for environmental effects, and adequate documentation has been collected to demonstrate that the CE would apply and that no significant environmental impacts would result (e.g. highway modernization, bridge replacement or rail grade separation, hardship or protective property acquisition, acquisition of right-of-way, facility modernization, minor facility realignment for rail safety purposes, facility modernization or expansion outside the existing right-of-way, or other activities or projects with adequate documentation to show that they should receive a CE).<sup>4</sup>

Even if a project is determined to be a CE, there may be other relevant state and federal environmental protection requirements that must be satisfied (depending on the project’s type and location).

For projects with environmental impacts that are determined not to be a CE, FTA requires the preparation of an environmental assessment (EA) for public comment and FTA review. In the unlikely event that significant environmental impacts are identified with a project, an environmental impact statement (EIS) is required.

### School Transportation

Consistent with federal laws, Section 5310 program funds may not be used for exclusive school bus service. The Federal Certifications and Assurances for FTA grants require the subrecipient to certify compliance with each annual sub-grant agreement.

Metro Transit oversees compliance with the prohibition by monitoring route schedules submitted with application materials, on websites, and/or in promotional materials with route schedules. Metro staff also looks for signs that might indicate exclusive school bus service (e.g., a school route only) during vehicle inspections.

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<sup>4</sup> [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Section\\_118\\_Guidance-November\\_2014.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Section_118_Guidance-November_2014.pdf)

## **Drug and Alcohol Testing**

Recipients or subrecipients that receive only Section 5310 program assistance are not subject to FTA's drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver's licenses (49 CFR Part 382). Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should also include any employees funded under Section 5310 projects in their testing program. See [Circular FTA C 9070.1HFTA Circular C 9070.1G](#) Chapter 8 Section 11 for more information.

## **Closeout**

Recipients should initiate project closeout with subrecipients within ninety days after all funds are expended and all work activities for the project are completed. Recipients should similarly initiate POP closeout with FTA within ninety days after all work activities for the POP are completed. A final Federal Financial Report, final budget, and final POP must be submitted electronically via the electronic grant management system at the time of closeout.

FTA expects grants awarded for a specific POP to be completed within a reasonable, specified time frame, generally not to exceed two to three years. Although this provides recipients with a great deal of flexibility in developing and subsequently revising programs of projects, it is not intended that grants be continually revised or amended in ways that will excessively prolong the life of the grant, and consequently result in a large number of active Section 5310 grants. If small amounts of funds remain in an inactive grant, the recipient should request that the funds be deobligated and the project closed out. If the deobligated funds are still within their period of availability, FTA can reobligate the funds in a new grant to the recipient along with other currently available funds. Otherwise the deobligated funds lapse and are reapportioned by FTA among states and UZAs in a subsequent year.

## **Audit**

States and designated recipients are responsible for ensuring that audits are performed pursuant to the requirements of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," resolving audit findings, and bringing problems to FTA's attention. FTA has not required States and designated recipients to ensure an annual financial audit of a subrecipient is performed when assistance is provided solely in the form of capital equipment procured directly by the state or designated recipient. Even if the amount of FTA funds the recipient passes to a particular subrecipient does not trigger the requirement for an A-133 audit, the recipient may wish to review A-133 audit reports prepared for subrecipients that are required to be audited because the total federal funds from all sources exceed the threshold (currently \$750,000).

Subrecipients are required to bring to the attention of the recipient any audit findings relevant to their use of FTA funds.

## **Restrictions on Lobbying**

Federal financial assistance may not be used to influence any member of Congress or an officer or employee of any agency in connection with the making of any federal contract, grant, or cooperative agreement. The state, subrecipients, and ~~third party~~~~third-party~~ contractors at any tier awarded FTA assistance exceeding \$100,000 must sign a certification so stating and must disclose the expenditure of nonfederal funds for such purposes (49 CFR part 20).

Other federal laws also govern lobbying activities. For example, federal funds may not be used for lobbying congressional representatives or senators indirectly, such as by contributing to a lobbying organization or

funding a grass-roots campaign to influence legislation (31 U.S.C. 1352). These laws do not prohibit general advocacy for transit. Providing information to legislators about the services a recipient provides in the community is not prohibited, nor is using nonfederal funds for lobbying, so long as the required disclosures are made.

**Staff Contacts**

Agency	Name	Phone	Email
<del>Madison Area</del> <del>Transportation</del> <del>Planning</del> <del>Board</del> <del>Greater</del> <del>Madison MPO</del> <del>(MPO) Staff</del>	Ben Lyman	(608) 243-0182	<a href="mailto:blyman@cityofmadison.com">blyman@cityofmadison.com</a>
Metro Transit	Scott Korth	(608) 266-6538	<a href="mailto:skorth@cityofmadison.com">skorth@cityofmadison.com</a>
Wisconsin Department of Transportation (WisDOT)	<del>Lori</del> <del>Jacobson</del> <del>Lorrie</del> <del>Olson</del> -or- <del>John</del> <del>Swissler</del> <del>Eric</del> <del>Anderson</del>	(608) 266- <del>1535</del> <u>1128</u>  (608) <del>264-9532</del> <u>267-</u> <u>1845</u>	<del>lori.jacobson@dot.wi.gov</del> <del>Lorrie.Olson@dot.wi.gov</del>  <a href="mailto:eric1.anderson@dot.wi.gov">eric1.anderson@dot.wi.gov</a> <a href="mailto:John.Swissler@dot.wi.gov">John.Swissler@dot.wi.gov</a>

## Appendix A – Recipient Designation Letter



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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December 9, 2013

Ms. Marisol Simon  
Regional Administrator  
Federal Transit Administration, Region V  
200 West Adams Street, Suite 320  
Chicago, IL 60606

Dear Ms. Simon:

I am pleased to notify you that pursuant to 49 U.S.C. Section 5310 I have appointed the following entities as Designated Recipients of Federal Transit Administration formula funds for the Transportation Management Areas (TMAs) listed below:

<u>Designated Recipient</u>	<u>TMA</u>
Valley Transit	Appleton, WI
Green Bay Metro	Green Bay, WI
Madison Metro	Madison, WI
Milwaukee County	Milwaukee, WI

Attached are the resolutions from each area's planning commission, identifying these entities as the Designated Recipients of 5310 funds for their respective TMA.

If you have any questions, please feel free to contact John Alley, transit section chief, Wisconsin Department of Transportation, at (608) 266-0189.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Walker".

Governor Scott Walker

Enclosures

## Appendix B – MPO Board Resolution

[\[insert adopting resolution\]](#)

## Appendix C – References

- ~~[Fact Sheet – Enhanced Mobility of Seniors and Individuals with Disabilities Section 5310](#)~~ [Enhanced Mobility of Seniors and Individuals with Disabilities Section 5310](#) (FTA)
- [Award Management Requirements Circular, C 5010.1F](#) (FTA)
- ~~[Enhanced Mobility for Seniors and Individuals with Disabilities Program Guidance, C 9070.1H](#)~~ [Circular FTA-C 9070.1G – Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions](#) (FTA)
- [Transit Procurement Procedures](#) (WisDOT), includes links to:
  - [Procurement Manual](#) (WisDOT)
  - [Best Practices Procurement Manual](#) (FTA)
  - Toolkits and other resources for procurement and contracting
- [Americans with Disabilities Act Guidance and Reference Materials](#) (US Department of Justice)
- ~~[Fiscal Year 2013 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements](#)~~ [Certifications and Assurances for FTA Grants and Cooperative Agreements](#) (FTA)
- ~~[Circular FTA 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#)~~ [Title VI Requirements and Guidelines for Federal Transit Administration Recipients, Circular FTA 4702.1B](#) (FTA)
- [SAM.gov](#) (General Services Administration)
- [Wisconsin State Statutes](#) (Legislative Reference Bureau)
- [Wisconsin Administrative Code](#) (Legislative Reference Bureau)
- Wisconsin state-wide [Elderly and Disabled Transportation Capital Assistance](#) (WisDOT)
- [Title VI of the Civil Rights Act of 1964](#) (US Department of Justice)
- [49 CFR Part 26 Sample Disadvantaged Business Enterprise Program](#) (US DOT)
- [ECHO-Web User Manual](#) (FTA)



## Appendix D – Index of Program Management Plan Requirements

Circular FTA C 9070.1HG Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions specifies that the Project Management Plan should address the following topics. The reference page numbers of the topics are shown at the right.

a. Program Goals and Objectives .....	<u>54</u>
b. Roles and Responsibilities .....	<u>76</u>
c. Coordination .....	<u>108</u>
d. Eligible Subrecipients .....	<u>43</u>
e. Local Share and Local Funding Requirements .....	<u>64</u>
f. Project Selection Criteria and Method of Distributing Funds .....	<u>119</u>
g. Annual Program of Projects Development and Approval Process .....	<u>1311</u>
h. State Administration, Planning and Technical Assistance (use of administrative costs) .....	<u>65</u>
i. Transfer of Funds (applies to State Management Plans) .....	N/A
j. Private Sector Participation .....	<u>1513</u>
k. Civil Rights .....	<u>1614</u>
l. Section 504 and ADA Reporting .....	<u>2421</u>
m. Program Measures (method for collecting and reporting data) .....	<u>2220</u>
n. Program Management .....	<u>2018</u>
o. Other Provisions .....	<u>2522</u>

## Appendix E – Acronyms and Abbreviations

DR – Direct Recipient

ECHO Web – Electronic Clearing House Operation

FTA – Federal Transit Administration

LEP – Limited English Proficiency

MAP-21 – Moving Ahead for Progress in the 21<sup>st</sup> Century

~~MATPB – Madison Area Transportation Planning Board – a Metropolitan Planning Organization~~

Metro Transit – the City of Madison – Metro Transit

MPO – ~~Madison Area Transportation Planning Board~~ – Greater Madison Metropolitan Planning Organization

PMRCP – Program Management and Recipient Coordination Plan

NTD – National Transit Database

POP – Program of Projects

SAFETEA-LU – Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy for Users

WisDOT – Wisconsin Department of Transportation

TIP – Transportation Improvement Program

TrAMS – Transit Award and Management System (online web reporting for the FTA)