

PROGRAM MANAGEMENT PLAN
FOR SECTION 5310:
ENHANCED MOBILITY OF SENIORS AND
INDIVIDUALS WITH DISABILITIES

Reviewed December, 2024

FORT WAYNE PUBLIC TRANSPORTATION CORPORATION



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PROGRAM MANAGEMENT PLAN FOR SECTION 5310: ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES

ITEM A. PROGRAM GOALS AND OBJECTIVES

Fort Wayne Public Transportation Corporation (“Citilink”) is the Indiana governor’s designated direct recipient for the Fort Wayne Urbanized Area (UZA) for Federal financial assistance through the Section 5310 program ([49 U.S.C. 5310](#), for more details, see [FTA Circular 9010.1H](#), referred to as “the Circular” in this document).

The program aims to improve mobility for seniors and individuals with disabilities throughout the Greater Fort Wayne area by removing barriers to transportation services and maintaining or expanding the mobility options available. Citilink may use the funding apportioned toward achievement of these goals, or pass the funding to a private human services transportation provider or contractor. These are considered subrecipients of the funding. Citilink will provide financial and technical assistance to prospective subrecipients for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities.

The plan has the following objectives:

- Ensure the plan meets MAP-21, FAST Act, and IIJA federal requirements and meets the intent of the Section 5310 funding program.
- Establish a framework by which proposed projects requesting Section 5310 funding can be solicited and selected through a fair and equitable process, recognizing that FTA encourages “maximum use” of vehicles funded under the program, meaning that vehicles are to be used first for program-related needs as stated in FTA’s grant agreements.
- Facilitate the flow and appropriate level of Section 5310 funding based on the implementation policies discussed in the [2024-2028 Coordinated Human Services and Public Transportation Plan](#) (hereafter referred to as the Coordinated Plan) for Allen County as published by the Northeastern Indiana Regional Coordinating Council (NIRCC).
- Encourage coordination among services supported by the Section 5310 Program and among the community transportation service providers in the region.
- Ensure that all components of the Plan/Programs have benefited from a comprehensive public involvement effort that includes public, private, and non-profit transportation providers, human services providers, and other stakeholders representing persons with disabilities, seniors, and the general public.

These objectives are subject to stakeholder and public review through the Transit Planning Committee (TPC) and Transportation Advisory Committee (TAC) coordinated by NIRCC. This committee meets quarterly or as needed and works with Citilink staff to coordinate the 5310 Program. Its members include transit service operators and managers, as well as users and

advocates for riders with disabilities. Citilink’s Board of Directors has final authority on policy or priority changes in this plan.

ITEM B. ROLES AND RESPONSIBILITIES

Citilink staff are responsible for the following elements of program administration:

- Document procedures for carrying out the program in a Program Management Plan (PMP), which this document represents
- Exercise oversight to ensure that only eligible activities receive Federal assistance and that subrecipients meet Federal requirements
- Ensure that there is fair and equitable distribution of program funds, keeping in mind FTA’s “maximum use” recommendation.
- Certify that all projects are included in a locally developed, coordinated public transit-human services transportation plan developed with public involvement.
- Certify that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other Federal departments and agencies
- Ensure that a least 55 percent of the area’s apportionment is used for traditional Section 5310 capital projects carried out by an eligible recipient or subrecipient

The Northeastern Indiana Regional Coordinating Council (NIRCC) is responsible for:

- Reviewing requested Citilink’s projects and requested funding levels for project categories for prospective subrecipients.
- Per the Circular, a competitive selection process is not required every year or at all. Soliciting applications from agencies in the Fort Wayne Urbanized Area (UZA) for Section 5310 funding when a competitive selection process is to be used.
- In cooperation with Citilink’s management staff, recommending approved distribution of Fort Wayne UZA formula funds by Citilink for either (or both) Citilink and subrecipient projects.
- Certifying that grants allocated are distributed fairly and equitably resulting from NIRCC’s and Citilink’s review process.
- Ensuring that the UZA as a whole meets funding requirements, including 55% minimum requirement for “Traditional 5310 Projects,” and 45% maximum for Non-Traditional projects with no more than 10% maximum for program administration.

- Certifying that all projects are derived from a locally developed, coordinated public transit-human services transportation plan developed through a process that consists of representatives of public, private, and non-profit transportation and human services providers with participation by the public.
- Assist Citilink in ensuring projects selected for federal assistance are incorporated into both the Transportation Improvement Program (TIP) and the State Transportation Improvement Program (STIP).

Citilink's Board of Directors holds the ultimate authority for the 5310 program and is responsible for the following:

- Receiving the recommendation from Citilink's management on how Section 5310 program funds shall be apportioned within the UZA.
- Authorizing subaward agreements from Citilink to its subrecipients.

ITEM C. COORDINATION

Citilink staff and NIRCC work jointly to coordinate and implement the 5310 program. The TPC/TAC committee meetings provide a regular forum to discuss how to better coordinate and assess specific needs that may be better served through coordinated efforts. Citilink also coordinates closely with its only current subrecipient, Community Transportation Network (CTN), on how funds should be distributed and used.

ITEM D. ELIGIBLE SUBRECIPIENTS

Annually, FTA apportions about \$440,000 in Section 5310 funding to the Fort Wayne UZA. Agencies considered eligible under federal guidelines for the Section 5310 program can receive 5310 funding passed from Citilink (see *the Circular, III-3,4*). Citilink's eligibility requirements generally follow those of the Federal government, such as no subrecipient who has been federally-debarred may participate, however they are more restrictive due to the limited amount of funding available and capacity of Citilink's administration. CTN has been the Fort Wayne UZA's only subrecipient of 5310 funding in recent years.

Limited program administration revenue entices Citilink to carefully manage the number of subrecipients due to the administrative burden of providing financial and technical assistance and overseeing subrecipient compliance with extensive Federal regulations. Citilink typically programs the maximum allowable (10% of the annual apportionment) to cover program administration costs, in the range of \$44,000 annually.

New agencies applying for funding will be required to attend 50% of the TPC/TAC meetings annually, and ongoing members receiving funding will be required to attend 75% of meetings

annually. Citilink cautions that, due to the added administrative burden, adding subrecipients beyond CTN is unlikely.

The TPC/TAC meets on the second Monday of February, May, August, and December. Meetings are held virtually, or in person at NIRCC’s Conference Room at Citizens Square.

ITEM E. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

This program provides funds for capital and operating assistance to support all eligible activities under Section 5310. FTA requires a state/local match to access federal funds. Capital projects are matched 80 percent federal with a 20 percent state or local match while operating assistance is matched with at least a 50 percent state or local share. See the Circular for more information about sources of local funding that are eligible for matching.

ITEM F. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

Per the Circular, a competitive selection process is not required every year or at all. However, when funds are available to be passed to the private sector, NIRCC and Citilink will assist entities with applications. Projects applied for through Section 5310 will be selected through a review and selection process led by Citilink in coordination with NIRCC, presented to the TPC/TAC, and approved by the Citilink Board of Directors.

Application Review and Evaluation

When a competitive selection process is used, NIRCC and Citilink review and evaluate all applications utilizing the following criteria. To comply with the “traditional projects” requirement, replacement of existing vehicles in service, along with FTA’s “maximum use” recommendation, are the highest priorities for awarding at least 55% of the annual apportionment.

1. Vehicles requested for replacement must meet the following replacement criteria (either by years and/or miles):

| | |
|------------------------------------|---------------------------|
| CAR-MINIVAN-MAXIVAN-VAN CONVERSION | 4 YEARS OR 100,000 MILES |
| BUSES-CUTAWAY* | 5 YEARS OR 150,000 MILES |
| BUSES-MEDIUM DUTY* | 7 YEARS OR 200,000 MILES |
| BUSES-MEDIUM/HEAVY DUTY* | 10 YEARS OR 350,000 MILES |

*all replacements are based on Altoona testing.

2. The applicant's financial commitment must provide the appropriate local share, and the applicant must be able to demonstrate that operating funds are sufficient to support continued operations over the vehicle's life.
3. The degree to which the organization meets the transportation needs of the broadest number of seniors and individuals with disabilities within the Fort Wayne UZA.

4. The applicant's experience with the type of transportation project listed in the application and use of federal financial assistance.
5. Endorsements provided by local government units, transit operators, and social service agencies, as well as participation with the TPC/TAC.

No more than 45% of funds can be used for “non-traditional” projects which includes operating assistance. Citilink will use 10% of funding for program administration costs, leaving 35% available. Project selection will prioritize operating assistance that maintains existing services that exceed the requirements of the ADA, such as service beyond the ADA (defined as ¾ mile beyond fixed route or deviated fixed route service), considering the “maximum use” recommendation from FTA. Existing services will be prioritized before service expansion projects or other uses (see the Circular, IV-5.) These items are all within the scope of the Coordinated Plan.

Citilink and NIRCC coordinate to ensure equity of distribution of benefits of Sec. 5310 funding by implementing Title VI civil rights plans attributable to each organization. NIRCC and Citilink ensure that awarded projects are included in the Coordinated Plan, and have documented that the plan was developed and approved in cooperation with stakeholders, including individuals with disabilities and senior citizens utilizing transportation services.

ITEM G. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

Once Citilink’s Board of Directors awards projects, they are amended into the annual program of projects, which is derived from the prioritized needs and strategies in the Coordinated Plan. The steps to develop the annual program of projects are:

1. Citilink executes grant agreements with organizations selected for projects and reports the sub-award to the federal government in compliance with the Federal Funding Accountability and Transparency Act (FFATA). This occurs by January each year.
2. Citilink forwards projects and approved funding levels to NIRCC for inclusion in the Transportation Improvement Program (TIP). This occurs by February each year.
3. Projects are reviewed by NIRCC’s Urban Transportation Advisory Board (UTAB). Once approved, they are forwarded to INDOT to be included in the state program (STIP). This occurs by March each year.
4. INDOT submits the STIP to the FTA. This occurs by June each year.
5. FTA and Citilink coordinate on the obligation of grant funding. This occurs by September each year.

ITEM H. ADMINISTRATION, PLANNING, TECHNICAL ASSISTANCE

Citilink's role in administering this program is funded in part by Sec. 5310 program administration funding (no more than 10% of the annual apportionment). Citilink offers planning and technical assistance to subrecipients of the Section 5310 program. Examples of this assistance include:

- In coordination with NIRCC, Citilink's Transit Asset Management Plan can be provided to potential subrecipients as a model for planning capital vehicle replacements.
- Reviewing and providing guidance on vehicle procurement policies and procedures to ensure compliance with federal regulations.
- Annual review of subrecipient preventive maintenance programs, including review of vehicle records and conducting vehicle inspections.
- Assistance with preparing and coordinating the Federal Transit Administration's Triennial Review, a compliance review that occurs every three years.

ITEM I. TRANSFER OF FUNDS

This section applies to states. Citilink does not have a policy regarding the transfer of Section 5310 funds to Section 5307 or 5311 programs. If this becomes necessary in the future, Citilink will develop a policy and revise the management plan.

ITEM J. PRIVATE SECTOR PARTICIPATION

Per the Circular, III-5, private operators of public transportation are eligible subrecipients; CTN is an example of participation from the private sector. When funding is available for distribution to the private sector, NIRCC and Citilink can assist providers with submitting applications. Also eligible are private taxi companies and Transportation Network Companies (TNCs) such as Uber or Lyft that provide shared-ride on-demand service to the general public on a regular basis.

ITEM K. CIVIL RIGHTS

Citilink complies Federal civil rights requirements and monitors subrecipient compliance through periodic reports and audits. Contracts with subrecipients include a provision that the subrecipient shall, in the performance of the contract, be in compliance with applicable federal, state and local statutes, ordinances and regulations.

Title VI

Citilink complies with, and assures compliance of third party contractors and subrecipients with all following requirements under Title VI of the Civil Rights Act of 1964:

1. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*), provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance;
2. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act,” 49 CFR part 21;
3. FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients.” This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out DOT Title VI regulations (49 CFR part 21), and DOT Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons;
4. U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005). This guidance clarifies the responsibilities or recipients of federal financial assistance from DOT and assists them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights act of 1964 and executive Order 13166;
5. FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients.” This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out U.S. DOT Order 5610.2 to Address Environmental Order 12898 on Environmental Justice that describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles in existing programs, policies, and activities;
6. U.S. DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations. DOT Order 5610.2 describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles (as embodied in Executive Order 12898 on Environmental Justice) into existing programs, policies, and activities.

Equal Employment Opportunity (EEO)

It is the policy of Citilink to provide equal employment opportunity for all persons and to prohibit discrimination on the basis of race, color, sex, age, handicap, religion, national origin, marital status, or sexual orientation. This policy applies to all employment conditions, including recruitment, hiring, salaries, promotions, transfers and terminations.

Citilink complies, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with all equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e), and with 49 U.S.C. 5332 and any implementing regulations DOT may issue.

Disadvantaged Business Enterprise (DBE)

To the extent required by federal law, regulation, or directive, Citilink agrees to take the following measures to facilitate participation by DBEs. Citilink agrees and assures that it will comply with DOT regulation, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 CFR part 26. Among other provisions, this regulation requires certain recipients of DOT federal financial assistance, namely state and local transportation agencies, to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts.

ITEM L. SECTION 504 AND ADA REPORTING

Citilink complies with Section 504 and Americans with Disabilities Act (ADA) regulations and monitors subrecipient compliance through periodic reports and audits. Contracts with subrecipients include a provision that the subrecipient shall, in the performance of the contract, be in compliance with applicable federal, state and local statutes, ordinances and regulations.

1. Per Americans with Disabilities Act of 1990 (ADA) requirements, each applicant must certify that the demand-response service offered to individuals with disabilities, including persons 65 years of age or older, and users of wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities.
2. Titles II and III of the American with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service.

ITEM M. PROGRAM MEASURES

Citilink collects data on the program measures listed below from all subrecipients of Section 5310 funding. As a direct recipient, Citilink will ensure that the information below is reported for all subrecipients of Section 5310 funding.

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 as a result of traditional Section 5310 projects implemented in the current reporting year.
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 as a result of traditional Section 5310 projects implemented in the current reporting year.

Non-Traditional Section 5310 Projects

1. Service Improvements: 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. Physical Improvements: 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 as a result of other Section 5310 projects implemented in the current reporting year.
3. Ridership: Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

ITEM N. PROGRAM MANAGEMENT

Citilink is responsible for ensuring that all applicable regulations and requirements are followed. Each sub-recipient follows the requirements through a written agreement with Citilink that states the terms and conditions of assistance by which the project will be undertaken and completed. This written agreement covers the subrecipient's project and will include the items below:

Procurement

Citilink complies with the guidance in FTA Circular 4220.1F and the procurement requirements of 49 CFR part 18 when procuring property, supplies, equipment, or services related to this program. All subrecipients of Citilink must also adhere to these same federal guidelines and requirements, including competitive vehicle procurements.

Financial Management

Citilink maintains a financial management system of budgeting, recording and reporting in accordance with Federal and State laws and generally accepted accounting principles. Funds are appropriately accounted for and expended based on the established accounting procedures. Citilink retains financial records, supporting documentation and other records pertinent to a grant for a period of five years.

Property Management

Citilink will hold title to or oversee procurement and management of vehicles purchased with 5310 funds. The subrecipient will be required to provide insurance that meets Citilink's standards, including the following coverages: Physical Damage; Vehicle Liability; and Worker's Compensation.

Citilink follows FTA useful life and replacement standards, and Federal and State laws and procedures regarding disposing of equipment.

Vehicle Use

Subrecipients are allowed to use vehicles only for the intended purpose under the original agreement. Incidental use for meal delivery is allowed as long as it does not interfere with passenger transportation service. Although priority service is given to the intended program clients, vehicles must be available to the general public if capacity allows.

Vehicle Maintenance

Citilink requires all subrecipients that receive vehicles through Citilink to participate in a preventative maintenance program. As part of the preventative maintenance program, subrecipients are required to complete and document inspections at intervals which comply with FTA regulations per vehicle type. Daily physical checks are to be conducted by the driver prior to the beginning of service. Subrecipient vehicles and records are subject to random FTA safety inspections by Citilink maintenance staff.

Monitoring

Citilink monitors subrecipient projects to ensure that transportation services are being implemented effectively and are in compliance with all applicable policies and procedures and Federal and State laws. Subrecipients are required to submit to monthly reports on ridership, vehicle maintenance, and accidents, and quarterly reports detailing revenues and expenses and non-financial operating data.

Citilink is required to comply with the obligations contained in its Master Agreement with the U.S. Department of Transportation, Federal Transit Administration, which is renewed annually. Subrecipients are required to meet Citilink's obligations under the Master Agreement. Citilink will assist subrecipients in identifying any such requirements and assist in compliance.

As part of the grant contract, the sub-recipient shall permit Citilink, Federal Transit Administration or any of their authorized representatives, full access to any records and supporting documents relevant to the program. Citilink maintains the right to inspect all project equipment and property.

Citilink shall conduct periodic desk reviews and/or on-site reviews of the subrecipient as part of its monitoring efforts.

Accounting Systems

Citilink utilizes Sage accounting software to manage the financial records of the transit system.

Audit and Closeout

In compliance with Federal and State regulations, Citilink will conduct periodic reviews, including desk reviews and/or on-site visits, to assess compliance and proper use and maintenance of FTA funded operating assistance, mobility management, and/or equipment. The subrecipients are responsible for following applicable rules for required audits (e.g. Single Audit).

Productivity/Cost-effectiveness/Service Standards

Citilink will use required reporting information from subrecipients to assist in monitoring the cost-effectiveness of the services subrecipients. Applications to Citilink for assistance/equipment shall include information on the service standards and projected trips to be provided. Citilink will review and compare reported productivity with estimated levels to determine the effectiveness of each program.

Subrecipient Contract Agreement

Each subrecipient is to sign an agreement that they will uphold all of the regulations put forth by the FTA and Citilink. Contract agreements are signed pertaining to the pass through of money and vehicle contracts.

ITEM O. OTHER PROVISIONS

Section 5310 subrecipients must comply with other federal regulations and include them in their subcontracts when applicable. These include: Buy America; pre-award and post-delivery audit, drug and alcohol testing, and environmental protection for construction projects not subject to a general waiver.

Buy America

The Buy America requirements apply to construction contracts and acquisition of goods or rolling stock valued at more than \$100,000. The requirements flow down from Section 5310 subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and

subcontractors are in compliance. A Buy America clause is included in all Section 5310 subrecipient agreements and third party contracts. OPT monitors for compliance.

The pre-award and post-delivery audit requirements apply to the acquisition of rolling stock. A clause is included in all subrecipient agreements and third party contracts.

Drug and Alcohol Testing

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

An FTA compliant testing program, as required by the receipt of FTA operating or capital funding (5307, 5309, 5311), may be used for Section 5310 employees; there is no need to have separate testing programs. Employees of a subrecipient of Section 5310 funds from a state or designated recipient of another FTA program (e.g., 5307 or 5311) should also be included in the designated recipient's testing program.

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*), and 49 CFR part 32, each recipient is required to maintain a drug-free workplace for all employees and to have an antidrug policy and awareness program. The recipient must agree that it will provide a drug-free workplace and comply with all requirements of 49 CFR part 32. These provisions apply only to FTA's direct recipients and do not extend to subrecipients.

The recipient is required to provide a written drug-free workplace policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and stating specific actions that will be taken for violations.

Environmental Protection

Proposed projects need to be looked at to determine their effect, if any, on the environment. Most capital projects under 5310 are "categorical exclusions" involving the acquisition of vehicles and vehicle related equipment. If a project has an environmental impact, Citilink follows all environmental regulations. There are several categories of projects:

- a. **"Categorical Exclusions."** Many projects and activities assisted with bus and bus related category funds normally do not involve significant environmental impacts. The joint FHWA/FTA environmental regulations use the term "categorical exclusions" (CEs) to environmental document [environmental assessment (EA) or environmental impact statement (EIS)]. In February 2013, FTA published new CEs tailored specifically to transit projects in an effort to provide a more straightforward and efficient environmental review process. Under the new regulations, Section 771.118 (below) is reserved exclusively for FTA

actions. In accordance with the regulations, bus and bus-related projects that are predetermined to be categorical exclusions include:

Section 771.118(c)

1. Utility and similar appurtenance action
2. Pedestrian or bicycle action
3. Environmental mitigation or stewardship activity
4. Planning and administrative activity
5. Action promoting safety, security, accessibility
6. Acquisition, transfer of real property interest
7. Acquisition, maintenance of vehicles/equipment
8. Maintenance, rehab, reconstruction of facilities
9. Assembly or construction of facilities
10. Joint development of facilities
11. Emergency recovery actions
12. Action within Existing Operational Right-of-Way
13. Action with Limited Federal Funding

Section 771.118(d)

1. Highway modernization
2. Bridge replacement or rail grade separation
3. Hardship or protective property acquisition
4. Acquisition of right-of-way
5. Reserved
6. Facility modernization

Experience has shown that many construction projects can be built and operated without causing significant impacts if they are carefully sited in areas with compatible, non-residential land use where the primary access roads are adequate to handle the additional bus traffic. FTA may approve the designation of these construction projects as categorical exclusions if the grant applicant provides documentation which clearly demonstrates that the conditions stated above are met and that no significant adverse effects will result.

- b. **Projects That May Have an Environmental Impact.** Projects that significantly affect the environment require an EIS. The following are examples of projects that normally require an EIS: (1) A new controlled access freeway; (2) A highway project of four or more lanes on a new location; (3) New construction or extension of fixed transit facilities (e.g., rapid rail, light rail, commuter rail, bus rapid transit that will not be located within an existing transportation right-of-way) and; (4) New construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility. Most of the projects in which our subrecipients have been involved are outlined at Item (3) above. For these projects, our subrecipients have prepared environmental documentation with

appropriate technical analysis to support a categorical exclusion, as applicable. So far no EIS actions have been required for the projects in our grant applications.

- c. **Projects That Require an Environmental Assessment.** The grant applicant must prepare an EA for any project that is not a CE and does not clearly require the preparation of an EIS. An EA documents the impacts of the proposed project and considers alternatives to the proposed site or design and is subject to public comment. FTA will review the EA and any public hearing comments and other comments received regarding the EA. A finding of no significant impact (FONSI), depending on the scope and magnitude of the probable environmental impacts, will be made by FTA.

FTA is not permitted to provide federal assistance to support a project requiring an EA or an EIS until FTA has completed the environmental review process and determined either that the project qualifies for a FONSI or that the final EIS supports a Federal grant for the project.

Lobbying Restrictions

Agencies applying for federal assistance exceeding \$100,000, must certify that no federal appropriated funds have been paid or will be paid, on their behalf, to influence or attempt to influence anyone pertaining to the award, continuation or modification of federal assistance. If funds other than federal appropriated funds have been used for this purpose, the agency is instructed to complete the Standard Form-LLL, "Disclosure Form to Report Lobbying."

School Bus Operations

Agencies are instructed that they must comply with this rule. They sign an annual certification with their applications that they will engage in school transportation operations only to the extent permitted by an exception provided by 49 U.S.C. 5323(f).

Suspension and Debarment

Subrecipients must certify that their agency and its principals are not currently suspended, debarred, ineligible, or voluntarily excluded from participation in federally assisted transactions or procurements. This certification will be included in subrecipient agreements.