

**WEST VIRGINIA  
SECTION 5310 SENIORS AND  
INDIVIDUALS WITH DISABILITIES PROGRAM**

**STATE  
MANAGEMENT  
PLAN**

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF PUBLIC TRANSIT**

**Building 5, Room 663  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0432  
Phone: 304-558-0428  
FAX: 304-558-0174  
TDD: 1-800-742-6991**

*Revised October, 2020*

## TABLE OF CONTENTS

	Page Number
A. Program Goals and Objectives	1
B. Roles and Responsibilities	2
C. Coordination	5
D. Eligible Subrecipients	6
E. Local Share and Local Funding Requirements	9
F. Project Selection Criteria and Method of Distributing Funds	10
G. Annual Program of Projects Development and Approval Process	13
H. State Administration, Planning and Technical Assistance	17
I. Transfer of Funds	18
J. Private Sector Participation	19
K. Civil Rights	21
L. Section 504 and ADA Reporting	22
M. Program Measures	24
N. State Program Management	25
O. Other Provisions	29
Appendix A – Application Packets	
Appendix B – Section 5310 Program Project Guide WV Title VI Program Template	
Appendix C – Passenger Service and Safety (PASS) Public Transit-Human Services Transportation Plans Training Opportunities, Transportation Providers Directory Transportation Safety (SPIDER)	
Appendix D – Section 5310 Onsite Review Form	

## **A. PROGRAM GOALS AND OBJECTIVES**

The goal of the West Virginia Department of Transportation, Division of Public Transit's Section 5310 Program is to purchase equipment for agencies serving seniors and individuals with disabilities in the most cost-effective manner, given the available resources. This equipment is to meet the special transportation needs and enhance mobility for seniors and individuals with disabilities throughout the state including small urban and rural areas except Cabell and Wayne Counties. This program requires coordination with other federally assisted programs and services to make the most efficient use of Federal resources.

Tri-State Transit Authority in Huntington, WV, is the designated Recipient for Section 5310 funding for the Transportation Management Area of Cabell and Wayne Counties in West Virginia; Lawrence County, Ohio; and Greenup and Boyd Counties in Kentucky. Agencies interested in 5310 funding in these areas should contact the KYOVA Interstate Planning Commission at 400 Third Avenue, Huntington, WV 25712 or by email [tsicking@kyovaipc.org](mailto:tsicking@kyovaipc.org) directly to request an application.

The WV Section 5310 Program provides funding of contracted services projects to purchase transportation services from agencies to enhance/expand transportation services for seniors and individuals with disabilities. As funding allows, mobility management projects can be funded when during the locally developed public transit-human services coordination plans or updates a need is determined.

The objectives of the State of West Virginia's Section 5310 Program are to:

- make sure that equipment purchased with Section 5310 funds meets the needs of the passengers and complies with all federal regulations;
- make driver training and safety an intricate part of the Section 5310 Program;
- give priority to the purchase of vehicles and communication equipment;
- provide funding for contracted services to purchase transportation services;
- and as funds allow, fund mobility management projects.

The Division of Public Transit participates in the West Virginia Department of Transportation's Public Involvement Process. All the Division's projects are listed in the STIP and put out for public comment and input. Projects in the metropolitan areas are included in the local metropolitan planning organization's TIP. All approved applicants must have participated in the development and updates of locally developed public transit-human services coordination plans.

All Section 5310 applicants are required, as part of the application process, to receive a Positive Intergovernmental Review from their local planning and development council or metropolitan planning organization. During this process, the planning agencies notify all local elected officials of the proposed projects and request their sign-off. No applicant is funded without a positive local intergovernmental review.

## **B. ROLES AND RESPONSIBILITIES**

The Division of Public Transit was created under Chapter 17, Article 16C of the West Virginia State Code. This section designates the Division as the state agency responsible for administering all federal and state programs relating to public transit. The Division is under the supervision of the Secretary of Transportation.

Therefore, the Division of Public Transit is responsible for implementing the Federal Transit Administration's Section 5310 program State's rural and small urban allocations. The Division's responsibilities include the following:

- a. Document the states procedures in a state management plan (SMP);
- b. Plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;
- c. Develop project selection criteria consistent with the coordinated planning process;
- d. Notify eligible local entities of funding availability;
- e. Solicit applications from potential subrecipients;
- f. Determine applicant and project eligibility;
- g. Certify that allocations of funds to subrecipients are made on a fair and equitable basis;
- h. Submit an annual program of projects (POP) and grant application to FTA;
- i. Ensure subrecipients comply with federal requirements;
- j. Certify that all projects are included in a locally developed, coordinated public transit-human service transportation plan developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public;
- k. Certify that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other federal departments and agencies;
- l. Ensure that at least 55 percent of the area's apportionment is used for traditional Section 5310 projects carried out by the eligible subrecipients;
- m. Responsible for purchasing all equipment and purchase of transportation services for approved subrecipients.

- n. Oversee project audit and closeout.

Tri-State Transit Authority in Huntington, WV, is the designated Recipient for Section 5310 funding for the Transportation Management Area of Cabell and Wayne Counties in West Virginia; Lawrence County, Ohio; and Greenup and Boyd Counties in Kentucky. Agencies interested in 5310 funding in these areas should contact the KYOVA Interstate Planning Commission at 400 Third Avenue, Huntington, WV 25712 or by email [tsicking@kyovaiipc.org](mailto:tsicking@kyovaiipc.org) directly to request an application.

The Executive Director of the Division of Public Transit attends all state level legislative budget hearings regarding the Department of Transportation and provides information regarding the Division of Public Transit's accomplishments and budget requests. A budget hearing is held for both the House of Delegates and the Senate.

The Division of Public Transit participates in the West Virginia Department of Transportation's Public Involvement Process. All Division projects are listed in the STIP and put out for public comment and input. Projects in the metropolitan areas are included in the local metropolitan planning organization's TIP.

Applying subrecipients for Section 5310 funding are required to:

- a. Participate in the development and updates of their locally developed public transit-human services coordination plan.
- b. Demonstrate their financial and technical capacity to carry out the program including the safety and security aspects of the project.
- c. Provide administrative and management support of the project implementation including administrative oversight to ensure that vehicles are being properly maintained and operated in a safe manner.
- d. Ensure that personnel are adequately trained in the safe operation of the equipment and all drivers are PASS Certified.
- e. Demonstrate and retain satisfactory continuing control over the use of project property.
- f. Prepare and submit required monthly statistical reports via the internet in a timely manner insuring accuracy of the information.
- g. Ensure compliance with all FTA, federal requirements, or Division of Public Transit requirements that are applicable to the project.
- h. Ensure local match funds are available and that they have operating funds available for the life of the project.
- i. Update and retain required reports and records for availability during audits or oversight reviews.

- j. Document that equipment is in good working order and is being maintained in accordance with the manufacturer's recommendations.
- k. Ensure periodic reviews by project supervisor or agency management that maintenance procedures are being followed.
- l. Ensure that ADA equipment is in good working order and documentation is maintained verifying that the lifts/ramps and tie downs are in good working order.

The Division of Public Transit procures all vehicles and purchases all transportation services. Therefore, there are no direct allocations to approved subrecipients that would require the documentation of receiving or expending 5310 Program funds.

## **C. COORDINATION**

All applying agencies are required to participate in the development and updates of the locally developed public transit-human services coordination plans. Date and locations of an agency's participation is required in the application packet and is verified by the Division of Public Transit.

The Division funds only one agency, per county, that provides transportation services for a particular client group. These local agencies meet and come to an agreement on which one will apply for a Section 5310 vehicle. The agreed upon agency becomes the permanent Section 5310 applicant for that client group. The Division will not consider any application from an area that has not met this requirement.

Section 5310 applicants for expansion vehicles are also required to contact all other transit providers in their proposed service area, regardless of funding source, through the sign-off process. The Division verifies that all known transit providers were contacted when reviewing the application.

Section 5310 applicants for the purchase of transportation services or mobility management are required to obtain letters of support from public transit providers, other transportation providers, members of the community, doctor's offices, government agencies, etc., in their proposed service area, when submitting their application.

To assist agencies in locating transportation providers, the Division provides two resources on the website. A Transportation Providers Directory and copies of all eleven (11) Planning Region's Updated Coordinated Public Transit-Human Services Transportation Plans. These documents provide listings of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own.

The Executive Director of the Division of Public Transit serves as Chair of the West Virginia Transportation Coordinating Council. The council has members from the Bureau of Medical Services; DHHR; Workforce WV; two transit authority managers (one rural and one small urban); a taxi operator; a general public representative; two senior citizen representatives; Bureau for Public Health; State ADA Coordinator; DHHR/ Division of Family Assistance; WV Mental Health Consumer's Association; public transportation consumers with disabilities advocate; WV Dept of Education; and Bureau of Senior Services. The council's mission is to coordinate transportation services, eliminate waste and overlap caused by duplicated agency efforts, and eliminate service gaps to enhance citizen's access to all available transportation resources.

The Division of Public Transit contracts to facilitate the updates of locally developed public transit-human services coordination plans across the state.

#### **D. ELIGIBLE SUBRECIPIENTS**

Any private nonprofit organization that desires to provide transportation services for seniors and individuals with disabilities are eligible to apply for funds. Private and nonprofit organizations are defined in the following manner:

**PRIVATE** - non-public, to wit: bodies, which are not municipalities or other political subdivisions of states; are not public agencies or instrumentalities of one or more states; are not Indian tribes (except private nonprofits that are formed by Indian tribes); are not public corporations, boards or commissions established under the laws of any state; or are not subject to control by public authority, state or municipal.

**NONPROFIT ORGANIZATION** - a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c), which is exempt from taxation under 26 U.S.C. Section 501 (a) or one which has been determined under state law to be nonprofit and for which the designated state agency has received documentation certifying the status of the nonprofit organization.

If funds are limited, any previous applicant that has been funded by the last two grants, must set out at least one funding cycle. Should additional funding become available, this policy may be changed at the discretion of the Executive Director of the Division of Public Transit.

Given the various funding sources available to private nonprofit hospitals and nursing homes, the state has determined that these agencies will not be considered for funding under the Section 5310 Program.

In order for a vehicle to be considered for replacement, the vehicle must have at least 90,000 miles on it at time of application. Agencies that have vehicles with low mileage that are aged (For Example: 48,000 miles on a ten (10) year old van) are notified that it is unlikely they will receive additional funding from the Section 5310 Program due to lack of usage.

Section 5310 funds may also go to **PUBLIC BODIES** that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service; and public bodies approved by the state to coordinate services for seniors and individuals with disabilities. Local public bodies eligible to apply for Section 5310 funds as coordinators of services for seniors and individuals with disabilities are those designated by the state to coordinate human service activities in a particular area.

Examples of such eligible public bodies are a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation service funded by multiple Federal or state human service programs.

All public body applicants must afford an adequate opportunity for a public hearing regarding their proposed service plan. Such hearings must be held if someone with a significant economic, social, or environmental interest in the matter requests a hearing.



Public bodies certifying that there are no nonprofit organizations readily available in an area to provide Section 5310 service must demonstrate through a survey and a written plan that all avenues have been exhausted in trying to locate a readily available nonprofit organization. Approval to apply for a Section 5310 vehicle would have to be given prior to the grant application cycle.

Public bodies requesting designation from the state as the coordinator of services for seniors and individuals with disabilities must agree to:

- a. Sign the state's non-negotiable standard Section 5310 project grant agreement.
- b. Abide by the reporting requirements and be subject to the Section 5310 late or incomplete/incorrect reporting penalty system.
- c. Dispose of the vehicle in accordance with the Division's procedures.
- d. Obtain the vehicle through the Division.
- e. Be responsible for the successful completion of the project; and
- f. Submit an operation plan addressing the following:
  1. The designation of a facilitator or coordinator of the plan at the local level. An MPO or a local planning and development council could serve in this capacity or the public body can suggest a facilitator that all parties have agreed to.
  2. Address the affects the proposed plan will have on ADA requirements of the public body.
  3. Indicate the level of coordination - Does the plan include central dispatching, pooled maintenance, etc.?
  4. Indicate the agencies responsible for the operation of the vehicle.
  5. Will all vehicles carry the same system name or will individual identities be maintained?
  6. List of providers included and not included in the plan with an explanation as to why an agency has chosen not to be part of the plan.
  7. Is the coordination effort only for FTA funded projects?
  8. How will other transportation funding sources be considered in the plan?
  9. The written agreement reached by all parties.

10. Ongoing coordination process to assess the level of service and how to meet any unmet needs of seniors and individuals with disabilities.
11. Involvement of private providers.
12. Early planning notification to all transit providers; and
13. Will the vehicle be limited to a particular client group and/or a geographic area?

Approval to apply for a Section 5310 vehicle will have to be given prior to the grant application cycle. Additionally, an application submitted by a coordinating public body will not be given a higher funding priority.

## **E. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS**

The Division of Public Transit utilizes Section 5310 funds to procure vehicles, communication equipment, transportation services and mobility management.

The federal share of these eligible activities is 80% with the 20% local share to be provided by an approved subrecipient. Examples of sources for the local share are: state and local appropriations; dedicated tax revenues; and private donations.

Local share can also be derived from federal programs that are eligible to be expended for transportation, other than DOT programs. Examples of types of programs that are potential sources include: employment, training, aging, medical, community services and rehabilitation services. Specific program information for other types of federal funding is available at [www.unitedweride.gov](http://www.unitedweride.gov).

The State of West Virginia provides no matching funds for the Section 5310 Program. All matching funds are provided by the local recipients from allowable sources.

## **F. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS**

The Division is required to certify that applicants requesting Section 5310 funds are included in a locally developed, coordinated public transit-human service transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; low income; representatives of public, private, nonprofit transportation and human service providers; and other members of the public.

The Division contracts for the update of all regional coordination plans across the state. This includes insuring that notices are sent to seniors; individuals with disabilities; low income; representatives of public, private, nonprofit transportation and human service providers; planning agencies and other members of the general public.

The notice advises that to be eligible for Section 5310 funds, applying agencies are required to participate in the development and updates of the locally developed public transit-human services coordination plans. Follow up is provided by Division personnel ensuring that agencies are aware of the meetings.

Two meetings are held for each region. Copies of sign in sheets are included in the plans from both meetings.

All regional coordination plans contain: demographic analysis; descriptions of available services; an assessment of unmet needs and gaps in services; and, goals and strategies to meet the needs and gaps in service.

All 5310 Application Packets include a request for the date and location of an agency's participation in a plan update meeting. The actual regional plan is reviewed to verify that the agency participated and is described in the plan. If the agency participated in the plan update, they are eligible for 5310 funds.

Annually all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the Section 5310 Vehicle and Communication Equipment Application availability. The application packet is also available on the Division's website

[www.https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx](https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx).

The vehicle and equipment applications are released annually. This allows the Division to have accurate pricing for the equipment offered.

The Division of Public Transit scores vehicle and communication equipment applications on the basis of need, vehicle utilization, coordination efforts, fiscal and managerial capabilities and operating plan. Past recipients reporting performance is taken into consideration in any funding request. Points are deducted from applicants for late or incomplete/incorrect monthly reports. This system is explained in the application and the Project Guide. See Appendix B.

Every three (3) years, all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the Section 5310 Purchase of Transportation Services (contracted services) Application availability. The application packet is also available on the Division's website:

[www.https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx](http://www.https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx).

Purchase of Transportation Services applications are released every three years. Applications every three years allows continuity for the transportation services provided.

The Purchase of Transportation Services (contracted services) applications are scored on the basis of need for the services in the identified service area, how well the proposed services will meet the need, commitment to access for individuals with disabilities (regardless of age), reasonable funding to implement the project, security of the matching funds, and coordination efforts with potential customers, funding sources and other transportation providers in the service area. Vehicle availability/utilization, fiscal and managerial capabilities, driver training and operating plan are also considered.

Both Vehicle/Equipment and Purchase of Transportation Services applications, from applicants who participated in the coordination plans, scores are then ranked from highest to lowest. Agencies receiving the highest scores are included in the state's consolidated application submitted to the Federal Transit Administration. Agencies are approved, based on high scores, until the state's Section 5310 allocations are utilized.

Purchase of vehicles, communication equipment and transportation services are considered as priorities for West Virginia's Section 5310 Program. As funding allows, the Section 5310 Program will provide funding of mobility management projects where during the locally developed public transit-human services coordination plans or updates a need is determined.

Agencies interested in applying for Mobility Management funds should contact the Division to see if funds are available for mobility management. The application packet is on the Division's website:

[www.https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx](http://www.https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx).

To make the various types of funding available through the Section 5310 Program known throughout the state, the Division makes presentations on the program to the state's aging directors, community mental health agencies, the Governor's Task Force on the Homeless, regional planning and development councils, metropolitan planning organizations, rehabilitation agencies and independent living centers.

The Executive Director of the Division of Public Transit serves as Chair of the West Virginia Transportation Coordinating Council. The council's mission is to coordinate transportation services, eliminate waste and overlap caused by duplicated agency efforts, and eliminate service gaps to enhance citizen's access to all available transportation resources.

Some minority populations are located in areas with little or no transportation services. These areas are strongly encouraged to apply for funding. The Division works with these agencies to ensure that they meet all program requirements.

These outreach efforts assist the Division in ensuring that there is equity in the distribution of benefits among groups within the state as required by Title VI. The annual program of projects includes a variety of agencies from a wide geographic area.

**G. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS**

Annually all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the Section 5310 Vehicle and Communication Equipment Application availability. A workshop is held where the Vehicle and Communication Equipment application packet is reviewed and the application process is explained to all workshop participants. Agencies unable to attend the workshop are mailed a copy of the application packet on the release date.

The application packet is released in March. Agencies have from March until June to complete the process. The application packet contains all the information needed to complete the application. A timetable is shown under Section D of the application packet for the agency to follow. To view a copy of the application packet see Appendix A.

The application packet was developed to be a basic fill in the blank application making it easier for agencies to apply for funding. The application packet is available in both hardcopy and electronic format. The uniformity of the applications aids in their scoring. Instructions for agencies to follow regarding all aspects of the application are included in the packet. All agencies are encouraged to call if they have questions.

Agencies are advised to do the following steps:

- ◆ Review the application packet to determine if the Section 5310 Program can assist in meeting their transportation needs.
- ◆ Review their current equipment and determine the appropriate type of equipment to request with their Section 5310 Application.
- ◆ Contact their local planning and development council or metropolitan planning commission, as well as, local and state governmental agencies necessary to fulfill all planning and state application requirements.
- ◆ Participate in the development and updates of locally developed public transit-human services coordination plans.
- ◆ Assure that all transportation providers, regardless of funding source, in their area have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed expansion of transportation services.
- ◆ Have the completed application reviewed by their local planning and development council or metropolitan planning commission on the basis of proposed service funding, suitability, and need; and

- ◆ Submit their completed application to the Division of Public Transit by the deadline.

Once an agency has submitted their application to the Division of Public Transit, it is reviewed for completeness and scored. If any documentation is missing, agencies will be given an opportunity to submit the omitted documents. Two points are deducted for each piece of missing information.

Applications received after the deadline, are considered for funding only after all other on-time requests have been met. The Division is not responsible for any late, lost or misdirected mail. Missing documentation does not include sign-offs from other transit providers or a positive Local Intergovernmental Review from the agency's local planning and development council or metropolitan planning commission which must be submitted with the application.

Applications received from applying agencies are reviewed by the Division of Public Transit to verify that the agency did participate in the development or update of the locally developed public transit-human services coordination plan.

Vehicle and Communication Equipment Applications are scored on the basis of need, vehicle utilization, coordination efforts, fiscal and managerial capabilities, and operating plan. Past recipients reporting performance is considered. Penalties for late or incomplete/incorrect reporting are shown in the application packet, as well as, in the Section 5310 Project Guide. To view a copy of the Project Guide see Appendix B.

Application scores are then ranked from highest to lowest. Agencies receiving the highest scores are included in the state's consolidated application submitted to the Federal Transit Administration. Agencies are approved, based on high scores, until both the state's Section 5310 allocations are utilized.

Every three (3) years, all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the Section 5310 Purchase of Transportation Services (contracted services) Application availability.

In September, a workshop is held for the Purchase of Transportation Services (contracted services) Application where the application packet is reviewed and the application process is explained to all workshop participants. Agencies unable to attend the workshop are mailed a copy of the application packet on the release date.

The application packet is released in September. Agencies have from September until January to complete the process. The application packet contains all the information needed to complete the application. A timetable is shown under Section D of the application packet for the agency to follow. To view a copy of the application packet see Appendix A.



The application packet was developed to be a basic fill in the blank application making it easier for agencies to apply for funding. The application packet is available in both hardcopy and electronic format. The uniformity of the applications aids in their scoring. Instructions for agencies to follow regarding all aspects of the application are included in the packet. All agencies are encouraged to call if they have questions.

Agencies are advised to do the following steps:

- ◆ Review the application packet to determine if the Section 5310 Program can assist in meeting their transportation needs.
- ◆ Contact their local planning and development council or metropolitan planning commission, as well as, local and state governmental agencies necessary to fulfill all planning and state application requirements.
- ◆ Participate in the development and updates of locally developed public transit-human services coordination plans.
- ◆ Obtain letters of support from public transit providers, other transportation providers, members of the community, doctor's offices, government agencies, etc., in there proposed service area for inclusion in application.

To assist agencies in locating transportation providers, the Division provides two resources on the website. A Transportation Providers Directory and copies of all eleven (11) Planning Region's Updated Coordinated Public Transit-Human Services Transportation Plans. These documents provide listings of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own. See Appendix C.

- ◆ Have the completed application reviewed by their local planning and development council or metropolitan planning commission regarding proposed service funding, suitability, and need; and
- ◆ Submit their completed application to the Division of Public Transit by the deadline.

Once an agency has submitted their application to the Division of Public Transit, it is reviewed for completeness and scored. If any documentation is missing, agencies will be given an opportunity to submit the omitted documents. Two points are deducted for each piece of missing information.

Applications received after the deadline, are considered for funding only after all other on-time requests have been met. The Division is not responsible for any late, lost or misdirected mail. Missing documentation does not include a positive Local Intergovernmental Review from the agency's local planning and development council or metropolitan planning commission which must be submitted with the application.

Applications received from applying agencies are reviewed by the Division of Public Transit to verify that the agency did participate in the development or update of the locally developed public transit-human services coordination plan.

The applications are scored on the basis of need for the services in the service area identified, how well the proposed services will meet the need, commitment to access for individuals with disabilities (regardless of age), reasonable funding to implement the project, security of the matching funds, and coordination efforts with potential customers, funding sources and other transportation providers in the service area. Vehicle availability/utilization, fiscal and managerial capabilities, driver training and operating plan are also considered.

Past recipients reporting performance is taken into consideration in any funding request. Points are deducted from applicants for late or incomplete/incorrect monthly reports. This system is explained in the application and the Project Guide. See Appendix B.

Applications received from applying agencies are reviewed by the Division of Public Transit to verify that the agency did participate in the development or update of the locally developed public transit-human services coordination plan.

Approved Purchase of Transportation Services (contracted services) contracts are executed for a one (1) year period, based on the State's Fiscal Year of July 1 through June 30.

As funding allows, the Section 5310 Program will provide funding of mobility management projects where during the locally developed public transit-human services coordination plans or updates a need is determined. The Division of Public Transit does have a Mobility Management Application for completion by interested applicants. See Appendix A.

## **H. STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE**

The Division expends and accounts for grant funds in accordance with West Virginia State Law which requires detailed records sufficient to permit tracing of funds to a level adequate to establishing propriety of expenditures and to permit preparation of reports.

Both allocations small urban and rural, are tracked separately to ensure that funds are spent in appropriate areas and 10 percent administration is not overspent. Required reports from subrecipients ensures that 5310 funds are used for projects that were planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities.

The Division of Public Transit utilizes state administrative funds to provide general administrative and overhead costs, staff salaries, office supplies, development of specifications for vehicles and equipment, on line inspections of vehicles as they are being built, and cost of storage required while vehicle is being finalized for pick up by approved applicant.

The Division also provides funding for the training of all drivers of Section 5310 vehicles in Passenger Service and Safety (PASS). ADA requires that all drivers be trained in the safe and proper ways to transport disabled persons. This nationally recognized program teaches the safe and proper ways of transporting people. For information see Appendix C.

The Division provides all Section 5310 agencies with a copy of the Operation Lifesaver Highway-Rail Grade Crossing Awareness/Training kit. This is a railroad safety training program. From time to time, the Division offers additional training courses such as dispatching, emergency evacuation, wheelchair securement, customer services, and other areas aimed at improving the services provided by the agencies.

Safety Planning Information Directed to Effective Response (SPIDER) was developed by the Division. The manual was developed specifically for West Virginia's transit providers to assist them with ensuring the safety and security of their operations, with an emphasis on emergency preparedness. A copy of the plan, as well as training, is provided to all interested Section 5310 recipients. SPIDER provides the agency with everything needed to develop an on-going, comprehensive safety and security program. To see a copy of SPIDER see Appendix C.

Annually, a maintenance workshop is held in locations across the state. Section 5310 recipients are invited to attend. Training is provided by vehicle manufacturers and add on equipment suppliers on the correct way to operate and maintain the equipment. This includes training by Ford, Detroit Diesel, Champion, lift manufacturers, A/C manufacturers, tie-down manufacturer's etc.

The Division of Public Transit contracts to facilitate the development and updating of locally developed public transit-human services coordination plans across the state.

## I. TRANSFER OF FUNDS

The West Virginia Department of Transportation, Division of Public Transit receives allocations for the state for both small urban and rural areas except for Cabell and Wayne Counties. The Division will follow the procedures described in the Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions Circular FTA C 9070.1G to transfer funds from one allocation to another.

The state has established a statewide program for meeting the objectives of the Section 5310 Program. When each Application Packet is available, all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are notified of application availability. The planning agencies notify all local elected officials of the proposed projects and request their sign-offs for every application submitted requesting Section 5310 funds.

Applications are received, approved and included in a consolidated program of projects utilizing available funds under both allocations – rural and small urban. All projects included in program of projects are included in the locally developed Coordinated Public Transit-Human Services Transportation Plans. Should funding be left under either rural or small urban allocations and the funding is needed in the other allocation then the Division will prepare documentation to back up the outreach efforts made and verify that all objectives of the Section 5310 Program are being met.

This documentation will be sent to the Governor's Office to request that he submit a letter to FTA stating he certifies that all objectives of the Section 5310 Program are being met in the specified area (small urban or rural). As an example, if all objectives of the Section 5310 Program are being met in small urban areas, funds designated for small urban areas may be transferred to rural areas. Funds apportioned to small urbanized and rural areas may also be transferred for use anywhere in the state.

The Governor would send the letter to:

Theresa Garcia Crews, Regional Administrator  
Federal Transit Administration  
Region III  
1760 Market Street  
Suite 500  
Philadelphia, PA 19103-4124

Upon FTA approval of the transfer, the Division of Public Transit would prepare a program of projects and submit an application to obligate the funds.

Transferred funds must be used for eligible Section 5310 projects. The Division can make a transfer to Section 5307 only after coordinating with private nonprofit providers of services under Section 5310.

## **J. PRIVATE SECTOR PARTICIPATION**

Each January, on behalf of all its subrecipients, the Division posts a notification on its website. The notice provides private transportation operators or potential new businesses an opportunity to provide input concerning the development of local transportation plans and/or programs. Comments are accepted for at least fifteen days from the date of posting.

Public and private providers of transit and paratransit services; regional, county and local governments; citizen and consumer groups or individuals, including minorities, the economically disadvantaged, persons with disabilities; and labor organizations are given a fair and timely opportunity to participate in the development of all proposed expanded transportation service.

Public, private, and paratransit operators are offered a chance to participate to the maximum extent feasible in the development of the transportation program, in the provision of any expanded special transportation services for seniors and individuals with disabilities and are afforded an opportunity to provide the same type of service that is proposed in an agency's Section 5310 application. This is accomplished through the sign-off process for expansion vehicles.

When requesting expansion vehicles, all public, private and paratransit operators in an agency's proposed service area must be sent a sign-off form by registered mail. The registered mail receipts must be included in an agency's application packet. Each provider has 30 days to respond to the request. Failure of an agency to reply to the request is considered to be a "no" objection to the proposed transportation service.

Each sign-off form requests that any organization making an objection, requesting any restriction or having an interest in providing or participating in the coordination of the proposed service, send a copy of their sign-off to the Division of Public Transit.

Once the Division receives a sign-off form, the applying agency is contacted. Their responsibilities are detailed and they are referred to the "How To Resolve Objections" Section of the application packet. The "How to Resolve Objections" material is made available to private providers at their request.

Section 5310 applications are not accepted unless all objections to the application have been resolved by the application deadline or an agency has requested that the "Special Transit Advisory Committee (STAC)" be convened.

The Division forms the STAC when a dispute or objection to a proposed project cannot be resolved at the local level. STAC is composed of members who will be representatives of the following groups: public transit, private transit, paratransit, a governmental agency representative and a consumer.

Section 5310 applicants for the purchase of transportation services or mobility management are required to obtain letters of support from public transit providers, other transportation providers, members of the community, doctor's offices, government agencies, etc., in their proposed service area, when submitting their application.

To assist agencies in locating transportation providers, the Division provides two resources on the website. A Transportation Providers Directory and copies of all eleven (11) Planning Region's Updated Coordinated Public Transit-Human Services Transportation Plans. These documents provide listings of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own.

See Appendix C.

## **K. CIVIL RIGHTS**

Agencies are made aware of their responsibilities under Title VI, EEO, DBE and Limited English Proficiency requirements through the certifications required as part of the application process. These requirements are also brought to the attention of all potential applicants at Section 5310 Workshops.

All Section 5310 Applications contain an Appendix with the Title VI Nondiscrimination and Limited English Proficiency Plan Template. The template is required to be completed and submitted with the application. All applicants are required to have an approved Title VI/Limited English Plan to be eligible for 5310 funding. The plans are good for three (3) years. Additionally, the Section 5310 project grant agreement, signed when equipment is received by approved applicants, contains clauses regarding these requirements.

Any complaints received by the Division concerning discrimination are promptly investigated. The Division works with the individual parties involved in the dispute to find a solution. The Division maintains on file a record of all complaints alleging discrimination. The file includes a statement as to the outcome/resolution of each complaint.

During onsite visits with agencies, funded by Section 5310 funds, display of Title VI notices is checked, discussions are held with agency personnel to ensure their continued compliance with applicable requirements. The major federal funding agency for any recipient has the primary responsibility of oversight for these requirements.

The Division maintains and submits, as needed, the required one-time submission regarding all of the requirements.

Some minority populations are located in areas with little or no transportation services. These areas are strongly encouraged to apply for funding. The Division works with these agencies to ensure that they meet all the program requirements.

These outreach efforts assist the Division in ensuring that there is equity in the distribution of benefits among groups within the state, as required by Title VI. The annual program of projects includes a variety of agencies from a wide geographic area.

## **L. SECTION 504 AND ADA REPORTING**

Agencies are made aware of their responsibilities under ADA and Section 504 requirements through the certifications required as part of the application process. A certification is completed stating the applicant is providing service provisions required by ADA. These requirements are also brought to the attention of all potential applicants at Section 5310 Workshops.

Each applicant is required to describe how individuals with disabilities (persons who use wheelchairs, have visual impairments, hearing impairments, communication disabilities, etc.) are able to access transportation services. They are also asked if they have ever received a request from an individual with disabilities and how it was handled.

It is stressed in the application packet, at the Section 5310 Workshops, in the Section 5310 project grant agreement, contracts and in the Project Guide that recipients must fully comply with 504 and ADA. All Section 5310 recipients operate demand-responsive routes.

As stated in ADA, the Division views the agency in its entirety and determines the number of ADA vehicles needed for an agency. Taken into consideration are how an agency's vehicles are deployed and other ADA accessible vehicles in the service area.

All applicants are required to have in their policies and procedures an ADA Reasonable Modification Policy and a complaint process for employees and passengers to address ADA complaints. Any complaints received by the Division concerning ADA and 504 service are promptly investigated. The Division works with the individual parties involved in the dispute to find a solution. Often, a Section 5310 agency is the only transit provider in the county.

The Division maintains on file a record of all complaints received concerning ADA and 504 service. The file includes a statement as to the outcome/resolution of each complaint.

The Division maintains and submits, as needed, the required one-time submission regarding all the requirements. The Division assists with ADA compliance by purchasing ADA accessible vehicles for all approved agencies and funding a driver training program that meets ADA requirements.

Recipients are required to cycle their wheelchair lifts/ramps daily to ensure that they are kept in good working order. The recipient is required to certify monthly that the lift/ramp has been cycled daily.

During onsite inspections performed by Division personnel, all lifts/ramps and tie downs are inspected to insure they are in working order. Maintenance records are inspected for documentation that the accessibility equipment is being maintained properly.

Also, ADA Reasonable Modification Policies, complaint processes for employees and passengers to address ADA complaints and the ADA service provisions checklist is reviewed.



The Division requires that all drivers of Section 5310 vehicles be trained in Passenger Service and Safety (PASS). This is a driver training course designed to teach safety and sensitivity techniques to drivers transporting seniors and individuals with disabilities. Presently, the Division fully funds the PASS Program.

Currently, Section 5310 recipients provide no fixed route services so ADA plans or reports are not required.

## M. PROGRAM MEASURES

The Division of Public Transit collects the required data for program measurement from the Section 5310 Application Packets, Section 5310 Monthly Reporting Forms (Vehicles), Monthly Section 5310 Expenditure Report Forms (Purchase of Transportation Services) and during onsite visits.

All of the Division's projects are **Traditional Section 5310 Projects**. To track the **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 and;

**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 the Division collects the following data:

For active vehicles, utilizing Section 5310 Monthly Reporting Form (measured by one-way trips), includes Passenger Type (elderly, disabled (non-wheelchair), wheelchair and other); Primary Trip Purpose (adult day care, education, employment, home, medical, mental health, nutrition, shopping/personal; social/recreation and other); Total Miles Driven; Operating Expenses (driver salary, fuel/oil, preventative maintenance, repairs, other) explanation of PM and major repairs or why a vehicle was not operated or if it was involved in an accident.

The Division also collects data regarding increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation and 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.

Data is collected from the Monthly Section 5310 Expenditure Report Forms (Purchase of Transportation Services) (measured by one-way trips), includes Passenger Type (elderly, disabled (non-wheelchair), wheelchair and other); Primary Trip Purpose (adult day care, education, employment, home, medical, mental health, nutrition, shopping/personal; social/recreation and other); Total Miles Driven; Total Service Hours; and Coordination Efforts.

Data from both reports is combined and included in the Division's Annual Program Measures Report to FTA. The report includes Subrecipient Names and Addresses; Names of Counties Served; Estimated One Way Trips; and Number of Individuals Eligible to be Served. The document is attached to the latest grant in TRAMS.

## **N. STATE PROGRAM MANAGEMENT**

All of the Division's projects are Traditional Section 5310 Projects. Therefore, the Division has no problem ensuring that no less than 55 percent of Section 5310 program funds are used for capital expenditures.

**Procurement:** The Division procures all equipment purchased under the Section 5310 Program through the State of West Virginia's Purchasing Division. Specifications are reviewed yearly to ensure that they include the latest technological developments and are in compliance with federal regulations. The Division ensures that all relevant federal clauses are included in the bid proposals.

**Financial Management:** The Division expends and accounts for grant funds in accordance with West Virginia State Law which requires detailed records sufficient to permit tracing of funds to a level adequate to establishing propriety of expenditures and to permit preparation of reports.

Both allocations small urban and rural, are tracked separately to ensure that funds are spent in appropriate areas and 10 percent administration is not overspent. Required reports from subrecipients ensures that 5310 funds are used for projects that were planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities.

All payments from FTA are requested utilizing the Electronic Clearing House Operation (ECHO) System. The Division follows the requirements established in FTA's ECHO System Operations Manual. Also, financial records with supporting documentation and any other records are retained by the Division for a period of at least three (3) years from the date of submission of the final financial status report.

**Property Management:** The Automated Vehicle Inventory System (AVIS) establishes a permanent property record for each piece of equipment purchased under a FTA grant. This system assists the Division in complying with FTA property management standards and provided equipment data for the WV Statewide Transit Asset Management (TAM) Plan.

Property records include information such as a description of the property, an equipment identification number, acquisition date, acquisition cost, FTA grant number and federal share of acquisition costs. Many other data fields are also included in the program to aid in the day-to-day management of property.

The system also provides the Division with a management tool to assist in the identification of equipment by either a specific federal grant or by an individual local agency. A series of reports can be generated based on grant requirements or other program management needs.

At the present time, an agency can replace a vehicle only when it has at least 90,000 miles on it. Agencies with low mileage and aged vehicles (For Example: 48,000 miles on a ten (10) year old van.) are notified that it is unlikely that they will receive additional funding from the program due to lack of usage.

The Division reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle.

If a subrecipient is unable to meet the 10,000 miles per year usage requirement or a subrecipient decides to cease operations, the Division will transfer their vehicle. Every attempt is made to keep the vehicle in the same service area but if not feasible, then vehicle is transferred to another approved subrecipient.

New subrecipient provides previous subrecipient with 20% of the fair market value based on straight line depreciation, signs Project Grant Agreement with the Division, operates the vehicle, reports monthly and follows all other 5310 requirements until the vehicle's useful life is met.

Notation of transfer of vehicle is made on annual report submitted to FTA.

**Vehicle Use:** Agencies receiving funding from Section 5310 may coordinate and assist in providing meal delivery service for homebound persons on a regular basis. This service can not conflict with the provision of transit services or result in a reduction of service to passengers.

The Division strongly discourages the use of Section 5310 vehicles for the provision of in home services.

After the needs of seniors and individuals with disabilities are met, the vehicle may be used for transporting the general public on a space available basis. In many counties, the Section 5310 agency is the only transportation provider and the Division strongly encourages general public use in these areas.

**Maintenance and Disposition:** Documentation of extraordinary repairs (i.e.: engine or transmission replacement; water, oil or fuel pump replacements, etc.) are used as justification for seeking a replacement vehicle prior to 100,000 miles. Documentation must be submitted with the Section 5310 Application.

The Division requires each approved agency to establish a written preventative maintenance program that at least meets the manufacturer's requirements. Guidance on establishing a preventative maintenance program may be found in the Section 5310 Project Guide. Agencies are required to maintain comprehensive maintenance records for review during onsite visits by the Division.

When the useful life of a vehicle is met (100,000 miles or four years), the Division notifies agencies that the vehicle is theirs and that reports are no longer required.

All agencies are required to carry insurance in an amount sufficient to adequately cover the actual value of the equipment. The Division is listed as co-insured on all policies to protect the federal interest. Should an agency wreck a vehicle, the insurance proceeds are used to

either fix the vehicle or if the vehicle is totaled the proceeds are used toward the purchase of another vehicle, with FTA approval, when funds permit.

**Accounting Systems:** The Division is required to follow the accounting system as prescribed by the State of West Virginia. A computerized accounting system is utilized which categorizes expenditures and revenues by grant, object code and activity. This detail of transactions permits the Division to accurately account for and traces grant revenues and expenditures to the required level and assists in the preparation of reports.

**Audit:** The Division is audited annually via a statewide audit performed by an independent CPA firm. The audit is performed pursuant to the requirements of 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. The Division resolves audit findings as they occur and notifies FTA of any problems.

**Subrecipient Audits and Project Monitoring:** Contracted services (purchase of transportation services) contracts are executed for a one (1) year period, based on the state's fiscal year of July 1 through June 30, except in the case of repeat recipients who receive an "adverse opinion" on the annual audit for the previous year. When an "adverse opinion" is received by an organization, the Division executes a six month contracted services (purchase of transportation services) contract and during that period, the agency is once again audited. The results of this audit will determine an organization's eligibility to receive continued and/or further contracted services (purchase of transportation services) assistance.

For contracted services (purchase of transportation services) recipient organizations receive funding on a monthly reimbursement basis. Reimbursements are made using the per service hour rate, per passenger trip rate or per service mile rate as stated in their 5310 Purchase of Transportation Services (Contracted Services) Application and annual contract between the subrecipient and the Division.

Each recipient under the contracted services program submits their Section 5310 Expenditure Report Form monthly to request reimbursement based on their contracted rate which can be based on the number of service miles, number of service hours or number of passenger trips. Where the matching revenues were from are also provided.

In addition to requesting their contracted services reimbursement, recipients are required to report monthly operating statistics, which include: total passenger trips; trip purposes; total service miles; and coordination efforts.

To aid recipients, the Division has developed a Section 5310 Financial Package, which consists of a series of computer worksheets for completing the Section 5310 Expenditure Report Form or the Monthly Project Expenditure Report and produces 3, 6, 9 and 12-month cumulative reports. Upon entering the yearly budget totals, the program compares budget to actual.

A state requirement of the Section 5310 program is an annual audit. Recipients are required to have an annual audit which shall be competitively procured and conducted in accordance with, at a minimum, generally accepted accounting principles (GAAP) and Governmental Accounting Standards Board (GASB) #34. If the sub-recipient expends more than \$750,000 in federal funds during the contract period, then it shall arrange for a single audit to be performed in accordance with 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. Costs of audits made in accordance with 2 CFR Part 200 are allowable charges to the contract either as a direct cost or an allocated indirect cost. The WV Division of Public Transit does not permit recipients of Section 5310 funding to deviate from their established Indirect Cost Rate Private (ICR) when utilizing the IRC reporting mechanism for cost reimbursements. Nonprofits receiving funding under the Section 5310 program are responsible for procuring their own audit through competitive bid.

All recipients are bound by contract and are accountable to the Division of Public Transit for all financial aspects of the project. Should the annual audit show that overpayments were made or there were ineligible expenses reported, the recipients, under the terms of the contract, are responsible for refunding to the Division any such costs. Upon receipt of the annual audit, the Division's Comptroller reviews it, and any internal control or compliance findings are resolved. The federal share of any questioned costs would be recovered and credited back to FTA.

**Closeout:** All grants are closed out with FTA immediately after all work activities for the program of projects are completed. A final financial status report, final budget, final milestone report and a revised program of projects are submitted to FTA.

**Project Guide:** To provide continuity in the program and as a ready reference, the Division has developed a Section 5310 Project Guide. Included in the document is general information and policies of the Section 5310 Program, an agency's responsibilities under the Section 5310 Program, maintenance requirements, disposition of vehicles and reporting forms or requirements.

**Project Monitoring:** Each month agencies are required to enter the Section 5310 Monthly Reporting Form on line. The report details how many passengers are carried, how many miles are traveled, maintenance costs, etc. Agencies must detail any reason why a vehicle is not operated during the month. This report has become the Division's major monitoring tool.

Agencies are required to explain low mileage and or low passenger counts. Miles reported on the forms are used to calculate the official mileage. This is the mileage figure used to determine if the useful life of 100,000 miles has been met. Information from this report is also used to monitor maintenance expenditures.

The Division reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle.

The Division conducts onsite reviews of approximately 20% of the Section 5310 recipients per state fiscal year. During onsite reviews, the Division documents the usage and condition of all Section 5310 vehicles and checks their maintenance records. A copy of the Division's Onsite Review Form is in Appendix D.

**Project Management:** The Division reserves the right to waive or change any requirements or policies that would best serve the interests of the state and/or the program.

## **O. OTHER PROVISIONS**

Section 5310 is exempt from Section 5333(b) of the Federal Transit Act. In 1974, the Secretary of Transportation determined that it was not "necessary or appropriate" to apply the conditions of Section 5333(b) to organization recipients under the Section 5310 Program.

Vehicles, communication systems, contracted services, mobility management and other related equipment items routinely purchased under the Section 5310 Program are considered categorical exclusions from FTA's requirements to prepare environmental documentation.

The Division follows procedures regarding Buy America Provisions, pre-award and post-delivery audits by:

After selection of a vendor, but prior to signing a contract, the vendor furnishes to the Division documentation proving that at least the required %, at the time of purchase, of the equipment components are domestic and that the equipment's final assembly will be in the United States. The Division audits the documentation verifying that the provisions are met.

The Division also ensures that the proposed equipment meets the specifications and that the manufacturer is responsible with the capability to produce equipment that meets the specifications. A self-certification is received from the manufacturer stating that equipment built by them will meet the Federal Motor Vehicle Safety Standards.

The Division may contract and provide a resident inspector at the manufacturing site during production. The inspector monitors production of equipment and ensures compliance with the specifications issuing reports on the production.

During manufacture and after delivery but before acceptance the vendor furnishes to the Division documentation proving that at least the required %, at the time of purchase, of the completed equipment components were domestic, that the equipment's final assembly was in the United States and that the vehicle did meet the Federal Motor Vehicle Safety Standards.

The Division audits this documentation to ensure compliance and receives and reviews the resident inspector's reports. After delivery, the Division performs a visual inspection and a road test verifying that the equipment was constructed and operates in accordance with the specifications.

All documentation, written reports and certifications are signed, dated and filed to be available for review by FTA.

Prior to award, the Division verifies that the manufacturer is an approved Transit Vehicle Manufacturer eligible to build FTA funded transit vehicles. The Division reports transit vehicle procurement awards within 30 days of making an award using the online Transit Vehicle Award Reporting Form.

The Division only purchases vehicles with passenger counts of 15 or less including the driver. Therefore, the Commercial Driver's License is not applicable.

As required, when contracts are bid, the Restrictions on Lobbying and the Debarment, Suspension and Other Responsibility Matters Certifications are required in the bids. All responsive bidders are checked on the <https://www.sam.gov> to verify they are not on the debarred list.

Section 5310 recipients may only provide charter services for “program purposes” which is defined in 49 CFR Part 604 as “transportation that serves the needs of either human service agencies or targeted populations (seniors and/or individuals with disabilities). Otherwise their services only qualify for the exemption contained in 49 CFR 604.2(e) if the service is designed to serve the targeted populations.

Charter service provided to a group, however, that includes individuals who are only incidentally members of the targeted populations, is not “for program purposes” and must meet the requirements of the Federal Transit Administration’s Charter Rule. As examples, the following are considered charters and fall under the FTA Charter Rule: (1) an individual chartering a vehicle to take his relatives including elderly aunts and a cousin who is a disabled veteran to a family reunion; or (2) a charter for the Boy Scouts or a school group that includes grandparents.

Agencies are made aware of their responsibilities of the Prohibition on Exclusive School Transportation utilizing a certification required as part of the application process. The requirements are also brought to the attention of potential applicants at the yearly Section 5310 Workshop. Additionally, the Section 5310 project grant agreement, signed when equipment is received by approved applicants, contains clauses concerning the requirements.

Drug & Alcohol Testing is not applicable to the drivers of 15 passenger vehicles unless they have Commercial Driver's License (CDL). With CDL’s, the drivers are covered under FHWA regulations.

Transit Asset Management (TAM) Plan: Section 5310 Application Packets contain a description of the TAM Plan requirements. Definitions are provided as to whether an agency is an open or closed transportation provider. The Division’s Transit Asset Management Plan Certification is completed by the applicant. Using the definitions, the applicant selects the appropriate definition of the transportation services their agency provides and signs the certification. As required, all open-door transportation providers are included in the state’s TAM Plan.

During onsite visits with agencies that have equipment funded by Section 5310 funds, discussions are held with agency personnel to insure their continued compliance with applicable requirements. The major federal funding agency for any recipient has the primary responsibility of oversight for these requirements.



## **Appendix A**

### **Application Packets**

<http://www.transportation.wv.gov/publictransit>

#### **5310 Grant Program**

**FY 2021 Section 5310  
Vehicle and Communication Equipment  
Application Packet**

**Or**

**FY 2021 Section 5310  
Purchase of Transportation Services  
Application Packet**

**Or**

**FY 2021 Section 5310  
Mobility Management  
Grant Application Packet**

**Appendix B**

**Project Guide**

<http://www.transportation.wv.gov/publictransit>

**5310 Grant Program**

**Section 5310 Program Project Guide**

**Or**

**Section 5310**

**WV Title VI Program Template**

## **Appendix C**

<http://www.transportation.wv.gov/publictransit>

### **Public Transit Resources**

**Passenger Service and Safety  
(PASS)**

**Or**

**Public Transit-Human Services  
Transportation Plans**

**Or**

**Training Opportunities**

**Or**

**Transportation Providers Directory**

**Or**

**Transportation Safety  
(SPIDER)**

## **Appendix D**

### **Section 5310 Onsite Review Form**

# SECTION 5310 ONSITE REVIEW

Date: \_\_\_\_\_ Reviewer(s): \_\_\_\_\_

Agency: \_\_\_\_\_

Time Spent at Location: \_\_\_\_\_

Agency Personnel participating in review:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Current primary contact: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## GENERAL INFORMATION

1. What type of clientele are you serving?
  - Individuals with Disabilities
  - Seniors
  - General Public
  - Seniors with Disabilities
  - Other \_\_\_\_\_
  
2. Have there been any changes in your service area since you applied for the vehicle(s)?
  - No
  - Yes, please explain \_\_\_\_\_
  
3. Have there been any changes in your agency's financial condition that would adversely affect the operation of the transportation program?
  - No
  - Yes, please explain \_\_\_\_\_
  
4. Are vehicles being used for the purpose that was stated in the grant application?
  - Yes
  - No, why not? \_\_\_\_\_

5. What procedures are followed so that meal delivery or other incidental services do not interfere with regular passenger service?

---

---

6. Do you have any questions or concerns with the monthly 5310 reports?

Yes  No

7. Is your agency submitting the reports online?

Yes

No Why not? \_\_\_\_\_

8. Is your agency aware that failure to operate a vehicle for at least 10,000 miles per year may result in the return of the vehicle to the program for redistribution? *(The project grant agreement stipulates that the Division reserves the right to remove a vehicle from a recipient that fails to operate it less than 10,000 miles a year.)*

Yes  No

9. Is your agency's passengers and/or the Board of Directors aware that anyone can ride on a Section 5310 vehicle if space is available? *(The project guide states that transportation services can be provided to the general public after the needs of seniors and individuals with disabilities are met.)*  Yes  No

10. Does the proof of insurance for all active equipment show the Division as co-insured?

Yes  No, why? \_\_\_\_\_

11. Does the agency's single audit show any findings relating to the Section 5310 program?

Yes  No  NA

If yes, what were the findings and have they been resolved? Please provide a copy of the section of the audit that presents the findings and the management response.

---

---

## COORDINATION

12. Describe your current coordination activities.

---

---

13. Is your agency aware of the public transit-human service coordination plans and periodic plan updates?  Yes  No

14. Did your agency participate in the plan development and/or update?

Yes

No Why not? \_\_\_\_\_

## FLEET AND MAINTENANCE

15. How many total vehicles does the agency have that transport passengers? \_\_\_\_\_
16. How many active 5310 vehicles does your agency have? \_\_\_\_\_
17. How many vehicles were in use at the time of your visit?  
5310 \_\_\_\_\_ Non-5310 \_\_\_\_\_
18. How many spares does your agency have? \_\_\_\_\_
19. Does the agency know that failure to have a documented preventive maintenance program will adversely affect future funding requests?  Yes  No
20. Does the agency have a documented preventive maintenance plan for each 5310 vehicle that at least meets the minimum requirements of the vehicle manufacturer, supplier or builder? *(The project grant agreement requires grantees to establish a preventive maintenance plan that at least meets the manufacturer's requirements.)*  
 Yes  No
21. Are preventive maintenance checks being done in accordance with the vehicle manufacturer's schedule? *(The project grant agreement requires grantees to establish a preventive maintenance plan that meets the manufacturer's requirements.)*  Yes  No
22. Is all work required by manufacturer's warranty provisions being performed?  
 Yes  No  N/A
23. Are vehicle warranties on file?  Yes  No  N/A
24. Does the agency have a maintenance file on each 5310 vehicle?  Yes  No
25. Are routine inspections and major repairs recorded? *(Complete Attachment A.)*  
 Yes  No
26. Do drivers or other staff perform daily pre-trip inspections of vehicles prior to operating each day?  Yes  No
27. Are deficiencies noted in pre-trip inspections repaired timely and properly reviewed by management?  Yes  No
28. Do vehicles meet an acceptable level of exterior cleanliness?  
 Yes  No  Unable to observe
29. Are the interiors of the vehicle clean?  Yes  No  Unable to observe
30. If applicable, did the lift/ramp and tie downs operate correctly?  
 Yes  No  Unable to observe

31. Have there been any excessive or recurring maintenance expenditures?

Yes  No

What was the problem? \_\_\_\_\_

#### SAFETY

32. Do all vehicle drivers have a valid and appropriate driver's license? *(The project grant agreement requires the recipient to ensure that all drivers have a valid and appropriate driver's license as required by the West Virginia Division of Motor Vehicles.)*  Yes  No

33. Driver training offered?  First Aid  CPR  Operation Lifesaver/RR Crossing  
 PASS  Defensive Driving  Other \_\_\_\_\_

34. Have all of your drivers received PASS training? *(The project grant agreement requires recipients to have all drivers trained and certified in PASS.)*  
 Yes  No How many need training? \_\_\_\_\_ Compare to DPT Pass Listing

35. Is your agency aware that pursuant to Executive Order No. 13043, any applicant is encouraged to adopt on-the-job seatbelt use policies and programs for your employees when operating company-owned, rented, or personally operated vehicles and include this provision in any third party contracts, third party subcontracts, and sub-agreements entered into under the Section 5310 Program?  Yes  No

36. What is the seat belt policy? \_\_\_\_\_

37. Is your agency aware that pursuant to Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving, 23 U.S.C. 402 note and DOT Order 3902.10, "Text Messaging While Driving," Section 5310 recipients are encouraged to adopt on-the-job policies and programs for its employees when operating company-owned, rented, or personally operated vehicles to reduce cell phone usage and text messaging while driving and to avoid distracted driving?

Yes  No

38. Are vehicles stored in a safe place that ensures against loss, damage, theft or flood damage?  Yes  No

39. Have written emergency procedures for use by vehicle operators in the event of a vehicle accident, breakdown or other emergency situation been developed and implemented? *(The project grant agreement requires recipients to develop and implement emergency procedures for use by vehicle operators in the event of a vehicle accident, breakdown or other emergency. Information on emergency procedures can be found in SPIDER available on the Division's website at [www.transportation.wv.gov/publictransit/safety](http://www.transportation.wv.gov/publictransit/safety))*  Yes  No

#### ADA

40. How many of the agency's vehicles are accessible? \_\_\_\_\_



41. Does the agency follow its equipment manufacturer's preventive maintenance plan for ADA accessibility equipment?  Yes  No
42. Is the preventive maintenance of the ADA accessibility equipment documented?  
 Yes  No
43. How often is the lift/ramp cycled? *(The project grant agreement requires recipients to cycle the wheelchair lift/ramp on each day of use.)* \_\_\_\_ daily \_\_\_\_ weekly
44. How often are tie downs checked? \_\_\_\_\_
45. Are tie downs stowed away after each day? *(Recommended)*  Yes  No
46. Does the agency have in their policy and procedures a complaint process for employees and passengers to address ADA complaints?  Yes  No
47. Does the agency have a process in place for employees and passengers to request ADA reasonable modifications?  Yes  No
48. Is the agency providing the following service provisions as required by ADA:

Please place (X) in appropriate box	Yes	No
1. Maintain lifts/ramps and other accessibility equipment in operative condition?	<input type="checkbox"/>	<input type="checkbox"/>
2. Require drivers to use accessibility features and provide assistance to passengers in the use of the equipment?	<input type="checkbox"/>	<input type="checkbox"/>
3. Deploy lifts at any designated stops?	<input type="checkbox"/>	<input type="checkbox"/>
4. Provide service to individuals using respirators or portable oxygen or other mobility aids?	<input type="checkbox"/>	<input type="checkbox"/>
5. Provide service to individuals who use wheelchairs to board and ride accessible vehicles. A wheelchair is defined as "a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered," even when the wheelchair cannot be secured?	<input type="checkbox"/>	<input type="checkbox"/>
6. Allow adequate time for vehicle boarding/disembarking?	<input type="checkbox"/>	<input type="checkbox"/>
7. Transport service animals? <i>(Passengers are not required to provide any type of certification.)</i>	<input type="checkbox"/>	<input type="checkbox"/>
8. Train personnel to proficiency so that they operate vehicles and equipment safely and properly and treat individuals who use the service in a respectful and courteous way?	<input type="checkbox"/>	<input type="checkbox"/>
9. Display blue accessibility symbol on all accessible vehicles?	<input type="checkbox"/>	<input type="checkbox"/>
10. Make information available in an accessible format upon request and have adequate telephone capacity, both voice and TDD?	<input type="checkbox"/>	<input type="checkbox"/>
11. Allow standees use of lifts or ramps upon request?	<input type="checkbox"/>	<input type="checkbox"/>

49. How do persons with disabilities schedule a ride? Are these procedures different from a non-disabled person?

---



---

50. Should the provider not have a lift/ramp equipped vehicle in its inventory, does the provider have a written agreement with another provider in its service area to provide the service as needed?  
 Yes  No, why not? \_\_\_\_\_
51. Who provides your back-up ADA service? \_\_\_\_\_

**FEDERAL ASSURANCES**

52. Who is responsible for ensuring that civil rights obligations are fulfilled?  
 \_\_\_\_\_
53. Have there been any civil rights complaints filed by employees or passengers with the agency?  Yes  No
54. Is the recipient aware of its non-discrimination responsibilities? (*Cannot discriminate against employees, including applicants, on the grounds of race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity or status as a parent. Must ensure that no person is excluded from participation in, denied the benefits of, or be subjected to discrimination under any federally assisted program.*)  Yes  No

In addition to complying with Title VI requirements itself, the Division must ensure that recipients of Section 5310 vehicles meet these requirements. Recipients must:

- notify clients that the agency will operate programs without regard to race, color and national origin;
- describe the procedures that members of the public should follow in order to request additional information on the agency’s nondiscrimination obligations; and
- describe the procedures that members of the public should follow to file a discrimination complaint against the agency.

Agencies are to use the Division’s Section 5310 WV Title VI Program Template on our website, if needed, to develop the noted requirements.

If completed, date Title VI Plan adopted. \_\_\_\_\_

55. What efforts are made to assure that the benefits of the program are not systematically denied to minorities or low-income persons?  
 \_\_\_\_\_
56. Is the Title VI nondiscrimination notice posted on the vehicles? (*The project grant agreement requires recipients to post the Title VI nondiscrimination notice on vehicle and at agency sites.*)  
 Yes  No, why not? \_\_\_\_\_

Besides posting this information on your vehicles, you should include this information on your agency's web site and brochures. *“(Your agency's name), operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the 1964 Civil Rights Act. To find out more about our nondiscrimination obligations, to file a complaint, or to request this information in another language, please contact (insert contact person or phone number).”* Remember to keep the contact information updated.

The Division must report Title VI complaints to FTA. Therefore, the Division requires that you report any Title VI complaints within 24 hours.

57. Is the agency aware that it cannot provide exclusive school bus service in competition with private school transportation operators?  Yes  No
58. Is the agency presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency?  Yes, please explain \_\_\_\_\_  No
59. Is your agency aware that it must agree to inform the Division of any information it receives from any source alleging a violation of a prohibition of the Trafficking Victims Protection Act of 2000?  Yes  No
60. Is your agency aware that it must provide access to services for persons with Limited English proficiency to the extent applicable and except to the extent that FTA determines otherwise in writing? (*Your agency must agree to facilitate compliance with the policies of Executive Order No. 13166, “Improving Access to Services for Persons with Limited English Proficiency”, 42 U.S.C. §2000d-1 note, and with the provisions of U. S. DOT Notice, “DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons”, 70 Fed. Reg. 74087, December 14, 2005.*)  Yes  No

Recipients must provide meaningful access to individuals who are limited English proficient (LEP). LEP includes persons who are illiterate. Each recipient must determine what steps are necessary to provide meaningful access based on four factors (LEP assessment is part of the required Title VI Plan):

1. The number and proportion of LEP persons served or encountered in the eligible service population.
  2. The frequency with which LEP individuals come into contact with the program activity or service.
  3. The nature and importance of the program, activity or service provided by the program.
  4. The resources available to the recipient and costs.
61. Does your agency provide charter service?  Yes  No

If yes, please describe: \_\_\_\_\_

---

62. Does your agency notify the Division when you provide a charter?  
 Yes  No

*(Remember, Section 5310 recipients may provide transportation service for “program purposes” only which is defined in 49 C.F.R. Part 604 as “transportation that serves the needs of either human service agencies or targeted populations” (seniors and/or individuals with disabilities). Your service only qualifies for the exemption contained in 49 C.F.R. 604.2(e) if the service is designed to serve the needs of targeted populations. Charter service provided to a group, however, that includes individuals who are only incidentally members of the targeted populations, is not “for program purposes” and must meet the requirements of the Federal Transit Administration’s Charter Rule. As examples, the following are considered charters and fall under the Federal Transit Administration Charter Rule: (1) An individual chartering a vehicle to take his relatives, including elderly aunts, and a cousin who is a disabled veteran to a family reunion; or (2) a charter for the Boy Scouts or a school group that includes grandparents.)*

63. Is your agency aware that it may have to comply with the U.S. Federal Motor Carrier Safety Administration Interstate (FMCSA) regulations?  Yes  No

*(5310 vehicles exempt since transportation performed by an agency established under a compact between States that has been approved by the Congress of the United States or a 9 to 15 passenger vehicle (including the driver) for direct compensation, provided the vehicle is not being operated beyond a 75 air-mile radius (86.3 statute miles) from the driver’s normal work-reporting location.)*

## COMMUNICATION EQUIPMENT

64. If applicable, has the communication equipment been installed and is it in good working order?  
 Yes  
 No, why? \_\_\_\_\_
65. Has the installation of the communication equipment improved the efficiency of the transportation program?  Yes  No

**PURCHASE OF TRANSPORTATION SERVICES**

**66. How has the receipt of 5310 funding for the purchase of transportation services enhanced/expanded transportation services for seniors and individuals with disabilities (regardless of age)?**

---

---

---

---

**67. How many additional passenger trips, service hours or service miles have been provided with this funding?**

---

**68. How many individuals with disabilities were served that were not seniors? \_\_\_\_\_**

**69. Have you submitted an audit to DPT nine months after the close of the fiscal year?**

Yes    No      If no, why not? \_\_\_\_\_

**SUGGESTED CHANGES TO VEHICLE SPECIFICATIONS FROM DRIVERS/AGENCY  
PERSONNEL/PASSENGERS:**


**Inspect all active Section 5310 Vehicles and communication equipment. Note any recurring problems vehicle has had.**

**Document vehicle odometer readings.**

**GENERAL COMMENTS/FOLLOW-UP ACTION:**


\_\_\_\_\_  
**Signature of Reviewer**

\_\_\_\_\_  
**Please Print Name**

\_\_\_\_\_  
**Signature of Reviewer**

\_\_\_\_\_  
**Please Print Name**

\_\_\_\_\_  
**Signature of Reviewer**

\_\_\_\_\_  
**Please Print Name**





