

**Section 5310 Vehicle and Communication
Grant Application Packet
Fiscal Year 2024**



**Prepared by:
WV Department of Transportation
DIVISION OF MULTIMODAL
TRANSPORTATION FACILITIES –
TRANSIT DIVISION
Building 5, Room A-663
1900 Kanawha Boulevard, East
Charleston, WV 25305-0432
Phone: 304-414-5338
FAX: 304-558-0174
TDD: 1-800-742-6991**

KEY CALENDAR DATES FOR FY 2024 SECTION 5310 GRANT

These 2024 dates are a guide in planning and submitting a Section 5310 application. Applicants should adhere to the dates as outlined to ensure proper completion and timely submission of their applications.

March Applications available at the Division of Multimodal Transportation Facilities – Transit website:
<https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx>

April 17 Application needs to be submitted to Local Planning and Development Council or Metropolitan Planning Organization to ensure organization has a minimum of 30 days to review and approve.

May 17 **Final day to submit completed application to the West Virginia Division of Multimodal Transportation Facilities - Transit. Applications must be stamped received by Transit by 4 p.m. EST.**

June Division reviews applications, determines eligibility of applicants. Eligible projects are selected for inclusion in the State Consolidated Application to the Federal Transit Administration.

Applicants notified of status of their respective applications.

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SECTION I: GENERAL INFORMATION

Title 49 U.S.C. 5310 (CFDA Number 20.513) amended by MAP-21, authorizes a formula grant assistance program for the enhanced mobility of seniors and individuals with disabilities. The Federal Transit Administration (FTA), and the West Virginia Division of Multimodal Transportation Facilities - Transit (Public Transit), refer to this program as “the Section 5310 Program.” FTA, on behalf of the U.S. Secretary of Transportation, apportions the funds appropriated annually to the States based on an administrative formula that considers the number of seniors and individuals with disabilities in each state.

The goal of the Section 5310 Program is to enhance mobility for seniors and individuals with disabilities throughout the country. To this goal, FTA provides financial assistance for transportation services planned, designed and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas - urbanized, small urban, and rural. The program requires coordination with other federally assisted programs and services in order to make the most efficient use of Federal resources.

Eligible applicants include (1) private non-profit organizations, if public transportation service provided by State and local governmental authorities is unavailable, insufficient, or inappropriate; (2) governmental authorities that certify to the Governor that no non-profit organizations are readily available in an area to provide the special services; and (3) governmental authorities approved by the State to coordinate services for seniors and individuals with disabilities. (4) Private, for-profit operators of public transportation which meets the FTA definition of shared-ride surface transportation services.

Section 5310 funds are available for the purchase of equipment such as handicapped accessible vans and communication equipment used in the transportation of seniors and individuals with disabilities. Transportation services can be provided to the general public after the needs of seniors and individuals with disabilities are met. Section 5310 funds are available on an 80 percent federal, 20 percent local matching basis.

Applying agencies must demonstrate that they have the resources to provide operating expenses for the life of the equipment and the managerial capabilities to carry out the project. The Section 5310 Program is jointly administered by the FTA and West Virginia Department of Multimodal Transportation Facilities - Transit.

The 2024 Section 5310 Program Application Packet has been prepared to provide agencies requesting funding with information and guidance on the Section 5310 Program. Included is information on how to comply with program rules and regulations, preventative maintenance requirements and reporting requirements.

FTA regulations require Public Transit to prepare and submit a statewide Section 5310 Application on behalf of all recommended agencies in the state. Accordingly, Public Transit is responsible for notifying potential applicants and eligible local entities of funding availability; developing project selection criteria; preparing the application packet; determining applicant’s eligibility; and selecting projects for inclusion in the Statewide Application.

Upon FTA approval of the Statewide Application, Public Transit procures all vehicles and equipment. Public Transit is required to ensure that all approved agencies comply with Federal requirements. When eligible applicants are approved by FTA, Federal funds will provide for 80 percent of the project cost. Applicant organizations must provide the remaining 20 percent in cash from non-Federal sources, or if applicable, allowable federal sources.

With limited funds available, it is anticipated that competition for the Section 5310 funds will be competitive. **It is imperative that each applicant adhere to the established guidelines and the calendar provided in this packet.** Public Transit is unable to guarantee that every request for funds will be met.

ELIGIBLE APPLICANTS

Any private non-profit organization that wishes to provide transportation services for seniors and individuals with disabilities is eligible to apply for funds. Private, non-profit, or for-profit organizations eligible for this program 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 non-profits 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.

Non-Profit 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 non-profit and for which the designated state agency has received documentation certifying the status of the non-profit organization.

Section 5310 funds may also go to governmental authorities that certify to the Governor that no non-profit corporations or associations are readily available in an area to provide the special services to coordinate services for seniors and individuals with disabilities. Local governmental authorities eligible to apply for Section 5310 funds are coordinators of services for seniors and individuals with disabilities designated by the State to coordinate human service activities in a particular area.

Governmental authorities certifying that there are no non-profit 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 non-profit organization. Approval to apply for a Section 5310 vehicle would have to be given prior to the grant application cycle.

Governmental authorities (FTA Section 5307 or 5311 recipients) requesting designation from the State as the coordinator of services for seniors and individuals with disabilities must apply for approval to submit a Section 5310 application prior to the start of the annual grant application cycle. NOTE: Section 5307 and 5311 recipients must coordinate with private non-profit providers of services under Section 5310.

Governmental authorities requesting approval to submit a Section 5310 application, must submit an operation plan addressing the following:

- The designation of a facilitator or coordinator of the plan at the local level. A MPO or a local planning and development council could serve in this capacity or the governmental authority can suggest a facilitator that all parties have agreed to.
- Address the affects the proposed plan will have on American With Disability Acts (ADA) requirements of the governmental authority.
- Indicate the level of coordination – Does the plan include central dispatching, pooled maintenance, etc.
- Indicate the agency(ies) responsible for the operation of the vehicle.
- Will all vehicles carry the same system name or will individual identities be maintained?
- List of transportation 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.
- Is the coordination effort only for FTA funded projects? How will other transportation funding sources be considered in the plan?
- List of funding sources.
- How is the vehicle to be maintained?
- A copy of a written agreement reached by all parties addressing the following:
 - ◆ Ongoing coordination process to assess the level of service and how to meet any unmet needs of seniors and individuals with disabilities.
 - ◆ The ongoing involvement of private providers.
 - ◆ Early planning notification to all transit providers including affording an opportunity for a public hearing.
 - ◆ Explanation of proposed service, in what geographic areas, providing transportation services to what seniors and individuals with disabilities.

- ◆ Will the vehicle be limited to a particular client group and/or a geographic area?

A governmental authority approved for funding must agree to:

- Purchase of the vehicle being requested by Public Transit.
- Upon receipt of the vehicle, sign the State's non-negotiable standard Section 5310 Project Grant Agreement.
- Be responsible for the successful completion of the project.
- Abide by the Section 5310 reporting requirements.
- Dispose of any Section 5310 vehicle in accordance with the WVDPT's procedures.

A governmental authority is subject to all of the State of West Virginia Section 5310 requirements. The Director of Public Transit reserves the right to waive or change any requirements or policies relating to public bodies that would best serve the interests of the State and/or the program.

PRIVATE, FOR-PROFIT OPERATORS: Private operators of public transportation are eligible subrecipients providing they meet the FTA's definition of "public transportation" and this includes companies that provide "shared-ride surface transportation services". A private taxi company that provides shared-ride taxi service to the general public on a regular basis is an eligible subrecipient providing the company is classified as offering "shared-ride" services by its regulatory body, the WV Public Service Commission (WVPSC). The West Virginia Division of Multimodal Transportation Facilities – Transit has determined that taxi companies, under these specific criteria set forth by Federal Transit Administration rules and regulations, can participate in its Section 5310 grant program, recognizing that taxi companies provide transportation to Section 5310 program participants during hours not readily served by nearly all other eligible recipients. Taxi companies that provide only exclusive-ride service per WVPSC statutes are not eligible subrecipients. However, exclusive-ride taxi companies may enter into a lease agreement with an eligible subrecipient such as a local government or non-profit organization as long as the agreement between the subrecipient and the taxi company is sufficient to establish satisfactory continuing control. Acceptable means of establishing satisfactory continuing control is defined as contract provisions that require the accessible taxi to be used to provide transportation for seniors and individuals with disabilities, and that the vehicle may not be removed from service or disposed of prior to the end of its useful life without the express written consent of Public Transit to the subrecipient leasing the vehicle. Any private operator of public transportation must also have been a participant in the Public Transit's most recent Coordinated Public Transit-Human Services Plan Update to be eligible.

Exceptions

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

COORDINATION AND LOCALLY DEVELOPED PUBLIC TRANSIT- HUMAN SERVICES TRANSPORTATION PLANS

Lack of transportation can be a major obstacle for individuals with disabilities, older adults, children and youth, and other populations that need various social and health services. Interagency partnerships are essential to coordinate travel needs to help increase the quality of life for these populations, as well as, for the agencies to provide their services effectively and efficiently. A major goal of coordination is to provide more rides for targeted populations using the same or fewer assets.

Federal transit law requires locally developed coordinated public transit human services transportation plans as a condition for funding under the Section 5310 Enhanced Mobility of Seniors and Individuals With Disabilities Program.

By identifying both the transportation needs and issues of a particular area and the transportation services to meet these needs, locally developed coordinated plans can help reduce or eliminate many transportation problems such as duplication of services and underutilization of resources and actually help extend or expand service to meet unmet transportation needs.

In compliance with 49 U.S.C. 5310(d)(2)(B), Public Transit must certify that: (1) projects it has selected or will select for assistance under the Section 5310 Program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and non-profit transportation and human services providers and participation by the public.

Coordination plans with plan updates have been prepared for the State's 11 planning and development regions and metropolitan planning areas.

Plan updates are prepared approximately every four years. Section 5310 applicants should participate in any coordination meetings, development of plans or on-going plan updates. Additionally, each agency should coordinate its services to the maximum extent feasible.

ELIGIBLE PASSENGERS

Section 5310 vehicles are for transporting seniors and individuals with disabilities.

Seniors include, at a minimum, all persons 65 years of age or older. Grantees may use a definition that extends eligibility for service to younger (e.g., 62 and older, 60 and over) persons.

Individual With a Disability means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility. 49 U.S.C. 5302(a)(5)

A disability substantially limits one or more of the major life activities of such an individual. It also includes a record of such impairment or being regarded as having such an impairment. An individual who is not currently using illegal drugs but who is addicted to drugs, has a history of addiction, or who is regarded as being addicted has an impairment under the ADA. In order for an individual's drug addiction to be considered a disability under the ADA, it would have to pose a substantial limitation on one or more major life activities. A person whose addiction to drugs poses a substantial limitation on one or more major life activities is a person with a disability and is eligible to receive transportation through the section 5310 program, including to a drug treatment center. Recipients are reminded that all section 5310 activities must be part of a locally developed, coordinated plan. An individual with a disability does not include an individual who is currently engaging in the illegal use of drugs.

General Public After the needs of seniors and individuals with disabilities are met, the vehicle may be used for transporting the general public. Public Transit encourages the transporting of additional persons so that the vehicle is fully utilized. This action helps foster coordination efforts.

ELIGIBLE EQUIPMENT UNDER SECTION 5310 PROGRAM

The Section 5310 Program provides 80 percent of the equipment cost to purchase narrow body cutaway vans with lifts, narrow body cutaway vans, cutaway vans with lifts, 12-passenger vans, minivans, low floor minivans with fold out ramps, four-wheeled drive utility vehicles and communication equipment, subject to availability by the State's vehicle vendors. The ADA requires that all agencies operating demand responsive service provide equivalent service to individuals with disabilities. To provide equivalent service, generally, 50 percent of an agency's fleet should be ADA accessible vehicles.

Vehicles with lifts/ramps meeting ADA specifications will be procured for agencies unable to meet this requirement.

Agencies who have equipment to provide equivalent service can request a plain 12-passenger van, minivan or four-wheeled drive utility vehicle. Each agency's needs will be evaluated on an individual basis by Public Transit.

AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS

Agencies providing transportation services to individuals with disabilities, including individuals who use wheelchairs, must ensure that the service offered is equivalent to the level and quality of service offered to individuals without disabilities. Equivalent service takes into consideration response time, fares, hours and days of operation, restrictions on trip purpose, geographic service area and constraints on capacity or service availability.

Agencies providing transportation services must ensure that they meet the following service provisions as required by the ADA.

1. Maintain lifts/ramps and other accessibility equipment in operative condition. To achieve this, lifts/ramps must be cycled and tie downs checked daily.
2. Require drivers to use accessibility features and provide assistance to passengers in the use of the equipment.
3. Deploy lifts/ramps at any designated stops.
4. Provide service to persons using respirators or portable oxygen or other mobility aids.
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”. If the wheelchair lift/ramp and vehicle can accommodate a mobility device that does not meet the definition, agencies should still provide the service.
6. Allow adequate time for vehicle boarding/disembarking.
7. Transport service animals. (Passengers are not required to provide any type of certification.)
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.
9. Display blue accessibility symbol on all accessible vehicles.
10. Make information available in an accessible format upon request and have adequate telephone capacity, both voice and TDD.
11. Allow standees use of lifts or ramps upon request.

Applying agencies must take the above ADA regulations into consideration when deciding the type of equipment needed, as well as, the proposed service to be provided.

Approved agencies are required to develop ADA Policies and Procedures including complaint processes, and requests for reasonable modification for passengers and employees.

VEHICLE USAGE

Agencies funded under the Section 5310 Program are required to provide transportation services to seniors and individuals with disabilities originally designated in their application and within the geographical area described in their Section 5310 Application for the duration of their vehicle’s useful life.

Meal Delivery for Homebound Individuals

Agencies receiving assistance under Section 5310 may coordinate and assist in regularly providing meal delivery service for homebound individuals, if the delivery service does not conflict with or reduce services to seniors and individuals with disabilities as proposed in original Section 5310 Application.

In-Home Services

Providing in-home services with a Section 5310 vehicle could result in a reduction of service to and interfere with transportation services for seniors and individuals with disabilities. Therefore, the Public Transit discourages the use of vehicles for this activity.

Incidental Usage

“Incidental use” is the use of equipment or facilities purchased under the Section 5310 Program during those periods when the equipment is not used for specific grant related purposes and not for chartered trips. This type of use is allowed, but should be kept to a minimum and **must not interfere** with any transportation services for seniors and individuals with disabilities.

Out-of-State Usage

Agencies receiving assistance under the Section 5310 Program are to use the vehicle to provide transportation services to seniors and individuals with disabilities within the geographical area described in the agency’s Section 5310 Application.

Out-of-state trips are strictly forbidden under the WV Section 5310 Program. Note: Agencies located in border counties, a 50-mile radius is allowed for “incidental” trips. Agencies may also submit exemption requests to this rule to Public Transit which will make determinations on a case-by-case basis.

Federal Motor Carrier Safety Administration Requirements

Agencies providing transportation services across state lines could be required to be licensed by the Federal Motor Carrier Safety Administration, as well as, meet other requirements. It is the responsibility of the agency to determine if these requirements apply to your transportation program. Two exceptions to the applicability of Federal Motor Carrier Licensing are:

1. Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States; and
2. The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation, provided the vehicle is

not being operated beyond a 75-air mile radius (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location, and provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating such vehicles are required to comply with §§390.15, 390.19, and 390.21(a) and (b)(2). For more information on these requirements, an agency can contact the Federal Motor Carrier Safety Administration's Charleston Office at (304) 347-5935 or visit its website at www.fmcsa.dot.gov.

Low Usage

Competition for Section 5310 funds dictates that the vehicles be placed with agencies that actively use them. Low vehicle mileage is taken into consideration regarding any agency's Section 5310 Application. It is the goal of Public Transit that agencies will accrue at least 10,000 miles per year and ideally up to and beyond 100,000 miles after four years of operation. Public Transit reserves the right to remove a vehicle from any agency that does not meet these thresholds but also recognizes extenuating circumstances, such as disruptions and usage constraints from events like the COVID pandemic of 2020 and 2021 may occur. Public Transit will evaluate each situation on an individual basis.

LEASING SECTION 5310 VEHICLE TO ANOTHER AGENCY

Vehicles acquired under Section 5310 may be used only in the following ways:

1. By the private non-profit organization as described in its application.
2. By several private non-profit organizations in coordinated service for a variety of seniors and individuals with disabilities. It is understood that, at a minimum, the service, which was proposed by the private non-profit organization in its grant application, will be provided and that the originally designated clientele will be served.
3. By a private-for-profit operator, by lease or other contractual agreement with the private non-profit organization that provides transportation to Section 5310 passengers. FTA will permit vehicles acquired by non-profit agencies to be leased to private-for-profit companies where such arrangements provide for more efficient and effective service for seniors and individuals with disabilities.
4. By a public body when the private non-profit organization elects to lease a vehicle to the public body rather than provide the service itself because the public body may be a more efficient provider.

However, control over service, clientele, and vehicle remains with the private non-profit organization.

Under all lease arrangements, ownership and effective policy control of vehicle usage must remain with the grant recipient. **Before entering into any contractual arrangements, prior approval is required from the Public Transit.**

5. By a private, for-profit operator that meets the FTA's definition of a "public transportation" provider which includes, but not limited to, being recognized by the WVPSC as providing "shared-ride surface transportation services"

SERVICE CONTRACTS

There are no restrictions regarding a grant recipient contracting with a public body or private-for-profit operator for maintenance, repair, garaging, or assistance in routing and scheduling.

SECTION 5310 PROJECT GRANT AGREEMENT

Once an agency is approved for funding and upon receipt of equipment, the agency is required to enter into an Agreement with the State of West Virginia that states the terms and conditions under which the equipment is to be operated. The Agreement ensures grant compliance. Some of the significant requirements are:

1. The agency is responsible for operating and using the equipment as proposed in its Section 5310 Application.
2. The agency is required to maintain financial, maintenance and operating records on the equipment. Also, the agency is required to report monthly on vehicle usage for the useful life of the vehicle.

AGENCY FISCAL AND MANAGERIAL CAPABILITIES

Each recipient must demonstrate on an ongoing basis its fiscal and managerial capability to implement and carry out the project, which includes but is not limited to:

1. Demonstrating the financial and technical capacity to carry out the program including the safety and security aspects of the project.
2. Providing administrative and management support of the project implementation including sufficient administrative oversight to ensure that vehicles are being properly maintained and operated in a safe manner.
3. Ensuring that personnel are adequately trained in the safe operation of the equipment.
4. Accounting for project property and maintaining property inventory cards that contain all required information.
5. Demonstrating and retaining satisfactory continuing control over the use of project property.

6. Preparing and submitting online required reports in a timely manner ensuring accuracy of the information.
7. Ensuring compliance with all FTA, federal requirements, and/or Public Transit requirements that are applicable to the project.
8. Ensuring local match funds are available and that operating funds are available for the life of the project.
9. Updating and retaining required reports and records for availability during audits or oversight reviews.
10. Documenting that equipment is in good working order and is being maintained in accordance with the manufacturer's recommendations.
11. Ensuring periodic reviews by project supervisor or agency management that maintenance procedures are being followed.
12. Ensuring 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.
13. Develop and implement sound financial procedures ensuring that the agency has an adequate financial system.
14. Keeping expenditures within the latest approved budget in accordance with project guidelines and eligible expense, if applicable.

PROJECT SELECTION

Once an agency has submitted its application to Public Transit, it is reviewed for completeness. The application is then evaluated based on need, vehicle utilization, coordination efforts, fiscal and managerial capabilities and the proposed operating plan. Past recipients reporting performance is taken into consideration in any funding request.

If an application has missing documentation, the agency is given an opportunity to submit the omitted documents.

This does not include missing coordination documentation (sign-offs, objections resolved, resolved PSC complaints) or a positive Local Intergovernmental Review. **No application is considered for funding without a positive Local Intergovernmental Review or proper sign-off and coordination documentation.**

Any applications received after the grant application deadline are considered for funding only after all other on-time requests have been met.

The application scores are then ranked from highest to lowest and the agencies receiving the highest evaluations are included in the State's consolidated application submitted to FTA.

Due to sharp price increases in equipment cost, some agencies may be placed on a tentative funding list awaiting the actual equipment prices.

Equipment prices will determine whether or not an agency can be funded. An agency's placement on the tentative funding list is determined by the agency's evaluation on its Section 5310 Application.

PSC COMPLAINT

An agency that has a complaint filed against it or pending before the WV Public Service Commission cannot be considered for funding unless the issue is resolved prior to the May 17, 2024, deadline. Motor vehicles designated by the WV Bureau of Senior Services for use and operation by local county aging programs are exempt from PSC regulations.

SECTION 5310 GRANT APPLICATION PROCESS

Section 5310 grant application process involves two stages – the pre-grant approval stage and the grant implementation stage.

Pre-Grant Approval Stage

- A. Review of the enclosed material to ensure the Section 5310 Program will assist in meeting the agency's transportation needs.
- B. Analysis of the organization's current equipment and the determination of the appropriate equipment to be requested in the organization's grant application.
- C. Contact by the organization with the various local and State governmental agencies necessary to fulfill all planning and State application requirements.
- D. Forward completed application to the agency's MPO or Local Planning and Development Council for review based on proposed service funding, suitability and need.
- E. Agency must have – and submit a copy – of its an adopted/approved Title VI Plan that is updated and reflects current policies and procedures with its application. Information on how to file a complaint is required on the agency's website.
- F. Agency must have American with Disabilities (ADA) Complaint Procedures including request for reasonable accommodations, etc. Information on how to file a complaint or to request a reasonable accommodation is required on the agency's website.
- G. Submission of organization's completed application to Public Transit. No application is considered for funding without a positive Local Intergovernmental Review and proper sign-off and coordination documentation.

Grant Implementation Stage

- A. Submission of State recommended applications to the Federal Transit Administration for grant approval.
- B. Grant approval received by Public Transit from the Federal Transit Administration.
- C. Vehicle bid out by the Public Transit, ordered and agency notified when vehicle is available for use.
- D. Approved agencies notified to come to Charleston to pick up new vehicle. Agency provides required proof of insurance and signs Project Grant Agreement agreeing to provide transportation services as described in its original Section 5310 Application.
- E. Approved agency provides transportation services.
- F. Agency maintains, on site, required records relating to: preventative maintenance schedule for vehicle, lift, ramp and tiedowns that meet manufacturer's requirements (as applicable); completed Daily Vehicle Inspection Report Forms, completed Comprehensive Maintenance Record Forms with invoice backup per vehicle, current proof of insurance reflecting the Public Transit as co-insured, and the agency's written safety plan documenting procedures to be followed in the event of a vehicle accident, breakdown or other emergency.
- G. Agency reports monthly to the Public Transit on the vehicle's usage for its useful life.

TITLE AND OWNERSHIP OF VEHICLE

Title to and ownership of any vehicle during its useful life shall be in the name of the agency. The original title shall be maintained in the Public Transit's files until it has reached its useful life and is turned over to the agency.

USEFUL LIFE

Useful life of the vehicle will end at 100,000 miles or four years from time the agency receives the vehicle, whichever comes first.

SELLING OF VEHICLE THAT WAS LISTED IN SECTION 5310 APPLICATION AS BEING REPLACED

If an agency states in its Section 5310 Application that it is replacing equipment, the agency is required to furnish written documentation (such as a copy of the bill of sale, signed over title, etc.), verifying that the equipment was replaced. This documentation must be received by Public Transit within sixty (60) days of receiving the new equipment.

An agency must sell the replaced equipment. It is not acceptable for the equipment to be transferred to another program under the agency.

RESTRICTIONS

1. No modifications are to be made on any equipment purchased with Section 5310 funds without prior approval from Public Transit.
2. Under no circumstances is any equipment purchased with Section 5310 funds to be used as collateral in order to obtain a loan.

INSURANCE REQUIREMENTS

Agencies are required to maintain an amount of insurance that will adequately cover the actual value of the project equipment should it be damaged or destroyed.

Agencies are to list the Public Transit as co-insured on any policy relating to said equipment. This action is necessary in order to protect the Federal interest in the equipment. The agency shall provide Public Transit with a proof of insurance, reflecting that the State is co-insured, upon each renewal of the policy.

MONTHLY REPORTS

Agencies are required to input a Section 5310 Monthly Reporting Form on every active Section 5310 vehicle in its fleet.

The Section 5310 Monthly Reporting Form is required to be inputted in the Public Transit's 5310 Online Vehicle Tracking System on or before the 15th day of each month reflecting the past month's figures.

As an example, May's report entry is due on or before June 15th.

Agencies are required to input a Section 5310 Monthly Reporting Form until the vehicle has reached its useful life.

Public Transit will notify agencies when the useful life has been met on its vehicle. The notification will state that the vehicle has been turned over to the agency and that monthly reporting entries are no longer necessary.

LATE MONTHLY REPORTS

Agencies are expected to provide timely monthly usage reports on their active Section 5310 vehicles. Failure to do so on a frequent basis will be taken into consideration by Public Transit when delinquent agencies are applying for a new vehicle.

DRIVER TRAINING

The Americans With Disabilities Act requires that all drivers be trained in the safe and proper ways to transport disabled persons. **Public Transit recommend that all drivers** be trained – at a minimum and be certified - in PASS (Passenger Service and Safety Certification).

The (PASS) Driver Certification Program ensures that community transportation drivers have current expertise in passenger assistance techniques and sensitivity skills appropriate for serving individuals with disabilities.

Funded agencies must maintain certified drivers. All new hires should be PASS certified within 60 days of employment. Other safety driving training programs are highly encouraged as Section 5310 vehicles should be operated only by persons who have safety driving training.

Other safety training programs include defensive driving courses.

VALID DRIVER'S LICENSE

Each agency is responsible for ensuring that all drivers have valid and appropriate driver's license as required by the West Virginia Division of Motor Vehicles.

Commercial Driver License (CDL)

A Commercial Driver License (CDL) is required when a vehicle is designed to transport 16 or more persons (including the driver). The Section 5310 program typically does not award funding for vehicles this size.

Class D License Program

The West Virginia Division of Motor Vehicles requires a Class D License if an individual meets the following:

Any person eighteen (18) years and older with at least one year driving experience who operates motor vehicles which transport persons or property for compensation. This effects individuals whose primary job, duty or function would be the operation of a motor vehicle.

Class D vehicles must have a gross vehicle weight rating (GVWR) of less than 26,001 pounds, a passenger capacity of 15 or less passengers, including the driver, and cannot transport hazardous materials that require the vehicle to be placarded.

NOTE: Anyone who operates motor vehicles which transport persons or property on a volunteer basis are **NOT** required to obtain the Class D License, nor are individuals who operate emergency vehicles, such as ambulances, rescue equipment, law enforcement and firefighters.

Those persons for which the operation of a motor vehicle is incidental to their job duties or functions would not be required to obtain a Class D License. Anyone with questions concerning the Class D License should contact the Division of Motor Vehicles at 1-800-642-9066.

PROPERLY MAINTAINED VEHICLE

Each agency shall be responsible for maintaining all equipment in the best working condition possible, allowing for normal wear and tear. The agency shall establish a preventative maintenance program that at least meets the manufacturer's minimum requirements.

The preventative maintenance plan shall include the maintenance of lifts, ramps and securement systems. The preventative maintenance program shall be utilized and maintained by the agency, in a file, on site, available for review by personnel from Public Transit or the Federal Transit Administration during periodic onsite reviews.

DAILY VEHICLE INSPECTION REPORT

Drivers are required to perform a daily inspection of their vehicle which includes the cycling of the wheelchair lift, ramp and checking securement systems. Inspections are to be performed utilizing the Daily Vehicle Inspection Report Form. Vehicles should meet an acceptable level of both interior and exterior cleanliness. Completed forms shall be maintained by the agency, in a file, on site, available for review by personnel from Public Transit or the Federal Transit Administration during periodic on site reviews. During on site reviews, documentation will be checked to see how soon issues noted on the Daily Vehicle Inspection Report Form are resolved or repaired.

COMPREHENSIVE MAINTENANCE RECORDS

A Comprehensive Maintenance Record Form is required to be maintained for each piece of equipment.

All preventative maintenance, repairs, etc. shall be recorded on the Comprehensive Maintenance Record Form thereby providing a complete history of the equipment's maintenance and repairs.

The Comprehensive Maintenance Record Form shall include preventative maintenance and repairs of lifts, ramps and securement systems including no charge items. Copies of invoices for preventative maintenance and repairs shall be maintained with the form.

Completed forms shall be maintained by the agency, in a file, on site, available for review by personnel from Public Transit or the Federal Transit Administration during periodic on site reviews.

WRITTEN EMERGENCY PROCEDURES

Each agency shall develop and implement written emergency procedures for use by vehicle operators in the event of a vehicle accident, breakdown or other emergency situation. The Division recommends the Safety Planning Information Directed to Emergency Response (SPIDER) kit be used. SPIDER is available on www.transportation.wv.gov/publictransit/safety. An agency's emergency procedures will be reviewed during on site reviews.

REPORT OF ACCIDENT/INCIDENT

Each agency is to immediately report to Public Transit when equipment is involved in an accident or an incident.

The verbal report shall be followed by a written report that can be included on the Section 5310 Monthly Reporting Form entry. Records are to be maintained in the agency's files regarding all accidents or incidents for review by personnel from Public Transit or the Federal Transit Administration during periodic on site reviews.

INDEMNIFICATION

The recipient agency shall indemnify, and hold harmless the State of West Virginia, Public Transit and its agents, servants and employees from any and all claims, suits, proceedings, losses, expenses, damages and liabilities, including, but not limited to attorney's fees and court costs caused directly or indirectly by, or arising out of, agency's use of the equipment purchased with Section 5310 funds. The State of West Virginia shall not be liable for any loss or damage to any cargo or other property, real or personal, left stored, loaded or transported in or upon the equipment funded with Section 5310 funds, at any time or any place, including, without limitation, while located at any garage or other premises operated by the recipient agency and under any circumstances whatsoever, whether or not due to negligence of Public Transit, and the recipient agency shall waive all claims against Public Transit by reason thereof and shall indemnify, defend and hold the State of West Virginia or Public Transit harmless from and against any and all claims, suits, actions or proceedings based upon or arising out of such loss or damage.

CERTIFICATIONS

In this application packet, an agency is signing various certifications. Agencies receiving equipment under the Section 5310 Program are required to abide by the signed certifications. Any complaints received by an approved agency regarding the above shall be reported to Public Transit.

A detailed list of certifications and their respective guidelines begin on Page 27. The applicant must provide signature where requested.

OTHER FEDERAL REQUIREMENTS

TITLE VI

Grantees must ensure that no person shall, on the grounds of race, color or national origin, be excluded from participating, or denied the benefits of, or be subject to discrimination under any program, or activity receiving federal financial assistance. Public Transit administers the Section 5310 Program without regard to race, color and national origin. To find out more information on the Transit's Title VI responsibilities or to file a Title VI complaint, please contact:

<http://www.transportation.wv.gov/publictransit/Pages/CivilRights.aspx>

In addition to complying with the requirements itself, Public Transit must ensure that recipients of Section 5310 vehicles meet Title VI 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;
- describe the procedures that members of the public should follow to file a discrimination complaint against the agency.

The complete requirements are available under Appendix IV, Page 81 of this application packet. **Public Transit must have an agency's most updated Title VI plan.**

To assist agencies meet their requirements, Public Transit will provide Title VI stickers that are always to be posted in Section 5310 vehicles. If the sticker becomes damaged or is lost, please contact Public Transit for a replacement.

Besides posting this information on the vehicles, agencies should include this information on their agency's web site and in brochures.

For example: *(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 us at (insert Contact phone number).* Remember to keep the contact information updated.

Public Transit must report Title VI complaints to FTA. Therefore, Public Transit requires that any Title VI complaints be reported within 24 hours.

EQUAL EMPLOYMENT OPPORTUNITY

Grantees may not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, or status as a parent. Grantees can demonstrate compliance with these requirements in several ways:

1. Have its Board adopt an EEO policy statement.
2. Post the EEO statement in conspicuous and accessible places.
3. Include an EEO statement on employment applications and newspaper classified ads.
4. Provide sensitivity training to employees.

Title I of the ADA prohibits discrimination in employment and requires grantees to make reasonable accommodations for qualified employees and applicants.

AUDITS

Agency is required to report any audit findings that involve Section 5310 funded equipment immediately to Public Transit.

ON-SITE MONITORING REVIEWS/ACCESS TO RECORDS

To ensure compliance with the various program requirements, Public Transit or its representative(s) and/or the FTA will periodically conduct on-site reviews. These reviews will also confirm the existence, condition and proper maintenance of funded equipment.

At a minimum, during these reviews the agency will be required to produce its preventive maintenance schedule (including maintenance schedules for lifts, ramps and tiedowns); completed daily vehicle inspection reports (also known as the “pre-trip” inspection); completed comprehensive maintenance record forms with invoice backup; current proof of insurance reflecting the State of West Virginia as co-insured; and the agency’s written safety plan documenting procedures to be followed in the event of a vehicle accident, breakdown or other emergency situation. The actual equipment will be inspected to verify usage reported, as well as, its condition. Agencies will also be reviewed for the appropriate Title VI and ADA Plans, postings of notices and complaint procedures; and other program requirements.

In addition to these inspections, upon request by Public Transit, agencies on a periodic basis may be required to submit their comprehensive vehicle maintenance records for desk review.

Failure to take corrective action of any deficiencies found during a review will result in an agency’s suspension from the Section 5310 Program until the agency can adequately demonstrate that procedures have been put into place to prevent further failures and that the agency is in compliance with all program requirements.

PROJECT COMPLETION

Public Transit will notify an agency in writing when a vehicle has reached its useful life. At that time, the agency will receive the original title for the vehicle signed over to it. The agency will be responsible for paying any Division of Motor Vehicles (DMV) use tax on the fair market value, as determined by the Division of Motor Vehicles, of the vehicle at the time the title is transferred. An agency can continue to use the vehicle as needed. When the vehicle is disposed of, the agency retains all of the proceeds from its sale.

Agencies are reminded that with the passage of the Americans With Disabilities Act (ADA) any agency providing transportation services, when viewed in its entirety, must provide a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities. This is a requirement for any transit provider regardless of its funding sources.

Should circumstances arise (major mechanical problems, wrecked, etc.) where a vehicle purchased with Section 5310 funds needs to be disposed of prior to meeting its useful life, permission must first be obtained from the Director of Public Transit.

TECHNICAL ASSISTANCE AND TRAINING

Maintenance Training

Occasionally, Public Transit offers maintenance training. When this is offered, this is a good opportunity for 5310 drivers to learn how to do preventative maintenance on wheelchair lifts/ramps or tie downs and to discuss any problems they are having with their vehicles with Public Transit staff and manufacturer representatives. Agencies are highly encouraged to attend this training.

Other Training Opportunities

From time to time, Public Transit offers additional training courses such as dispatching, emergency evacuation, wheelchair securement, customer services, and other areas aimed at improving the services that we provide to our customers. Announcement of training opportunities are made on the Public Transit's website or through mailings. If you have any training needs, you are encouraged to contact Public Transit.

Other Training Resources

Public Transit maintains a list of resources available for training on its web site at www.transportation.wv.gov/publictransit under the Rural Transit Assistance Program. This material is available for loan for a three-week period. You can request this material by calling (304) 558-0428.

LATE APPLICATION SUBMISSION

Applications **received after May 17, 2024 will be considered** for funding only after all other agencies on time requests have been met. Public Transit **WILL NOT** be responsible for late, lost or misdirected mail.

APPLICATION CHECKLIST

_____ Title Page (FEIN, Unique Entity ID and SAM.gov required. Attach SAM.gov screen shot)

_____ Assurances and Verification (Signed in blue ink)

_____ Authorizing Resolution (Signed in blue ink and notarized)

_____ Certificate of Existence (see page 26; IRS Tax Exemption letter is not acceptable)

_____ Positive Local Intergovernmental Review (**Mandatory at time of submission**)

_____ Certifications (Signed in blue ink)

_____ Questions 1 – 61

_____ Summary of Project Costs

_____ Operating Budget of Vehicle Requested

_____ **Notarized** Proof of Necessary Local Matching and Operating Funds

_____ Appendix V – Title VI Nondiscrimination and Limited English Proficiency

Submit agency's most current Title VI plan

New applicants need to complete Appendix IV

SECTION II

GRANT APPLICATION PACKET

APPLICATION FORMAT

This West Virginia Division of Multimodal Transportation Facilities - Transit is now accepting applications for its Fiscal Year 2024 Section 5310 funding cycle for vehicles and communication equipment. This application needs to be completed in full before submission. Applicants will be notified of necessary revisions. Incomplete applications will not be considered for funding.

Agencies should contact their Regional Planning and Development Council (RPDC) or Metropolitan Planning Organization (MPO) to notify of their intent to file a Section 5310 application. Once the application is completed, agencies need to request a Local Intergovernmental Review from the RPDC or MPO. Planning organizations need approximately 30 days to review your application.

Applications will not be accepted without a positive Local Intergovernmental Review and completed sign-off documentation. The Local Intergovernmental Review must be submitted with your application on or before May 17, 2024.

It is the responsibility of the applicant to ensure the intergovernmental review is provided with its proposed project.

Contact Tony O'Leary, 5310 Program Coordinator for questions concerning this application packet at (304) 414-5338 or by email at Tony.M.Oleary@wv.gov

The Application Calendar is provided at the front of this packet.

On or before 4:00 p.m., **May 17, 2024**, please submit one (1) original hard copy of your agency's application to Public Transit, at the following address:

West Virginia Department of Transportation
Division of Multimodal Transportation Facilities – Public Transit
Building 5, Room A-663
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0432
Phone: (304) 558-0428
Website: www.transportation.wv.gov/publictransit

TITLE PAGE

Applicant (agency's legal name): _____

Applicant Address: _____

Contact Person (Name, title, phone number and email address of project contact person):

Person(s) completing application and their title and contact information if other than designated Contact Person:

Name	Title	Email	Phone
------	-------	-------	-------

Name	Title	Email	Phone
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Unique Entity ID Number: _____ **FEIN:** _____

SAM.gov Registration Date _____

Screen shot of SAM.gov registration page attached? ___Yes ___No

ASSURANCES AND VERIFICATION

The applicant hereby assures and certifies that:

A. It possesses the legal authority and eligibility to apply to West Virginia Department of Multimodal Transportation Facilities - Public Transit, for a Federal grant under the Section 5310 Program to acquire funds to acquire vehicle and communication equipment and has the ability to execute the proposed project according to program rules and guidelines.

B. Its governing body has duly adopted a resolution or passed an official act through a motion, or similar action at its meeting – with a quorum present – to authorize the filing of the application, including all understandings and assurances contained therein, and directed and authorized the person identified as the official representative of the applicant to provide additional information as may be required. This resolution was adopted in accordance within the applicant's by-laws and/or statutes of the State of West Virginia.

C: The resolution which duly authorizes the submission of this application is attached to this application. **The Resolution must include notary stamp with signature.** Insert Resolution after this page.

Printed name: _____

Signature: _____

Title: _____

Date: _____

Is Resolution and copy of the meeting minutes authorizing the Resolution attached?

CERTIFICATE OF EXISTENCE

Submit a copy of the applicant's Certificate of Existence as provided by the West Virginia Secretary of State Office. A tax-exempt statement from the IRS is not acceptable.

The Certificate of Existence should be inserted directly following the "Assurances and Verification" page. This verification of an agency's Non-Profit status replaces previous years' request to submit an agency's Articles of Incorporation.

To request a copy of your agency's Certificate of Existence – at no charge – contact Missy Anthony, Call Center Coordinator at the West Virginia Secretary of State office, at (304) 356-2632 or manthony@wvsos.com

NOTE: The Certificate of Existence must have an issuance date beginning no earlier than January 1, 2024. Certificates of Existence submitted with a date prior to January 1, 2024, will not be accepted.

LOCAL INTERGOVERNMENTAL REVIEW ALL APPLICANTS

Once the application is completed, immediately submit a copy to the appropriate Regional Planning and Development Council or Metropolitan Planning Organization to request a local intergovernmental review for your application. **Public Transit and the Federal Transit Administration will not accept any applications that do not have a positive local intergovernmental review.**

See page 80 for addresses of the state's planning organizations.

It is the applicant's responsibility to ensure that a local intergovernmental review is forwarded to the Public Transit.

It is the applicant's responsibility to ensure that it allows the local planning organizations adequate time to review the application. Allow at least 30 days for a review an application.

CERTIFICATIONS

Read and sign the following certifications using a **blue pen**.

CERTIFICATIONS

I, _____, hereby certify that the _____;
Name Name of Applicant

1. CERTIFICATION OF PROVISION OF NECESSARY LOCAL MATCHING FUNDS

shall provide the total amount of local match from non-Federal sources, or if applicable, allowable Federal sources required for the purchase of vehicle(s) or communication equipment within fifteen (15) days of receipt of written notification from the Division of Public Transit of the actual amount needed.

It is my understanding that failure to comply with this stipulation will result in the Division of Public Transit's cancellation of the purchase order that is required in order to obtain my agency's vehicle(s) or communication equipment. I further understand that this cancellation will cause my agency to be delayed in the receipt of any vehicle(s) or communication equipment for approximately one (1) year.

2. MAINTENANCE CERTIFICATION

The Federal Transit Administration (FTA), realizing the potential problems of operability, safety, and reliability of the vehicle(s) or communication equipment, if it is not properly maintained, has instituted a requirement that all Section 5310 grantees must certify that a vehicle(s) or communication equipment purchased under the program will be maintained in accordance with the detailed maintenance and inspection schedules provided by the manufacturer. Also, see the Section 5310 Project Guide. Failure of a private non-profit agency to maintain vehicle(s) or communication equipment in accordance with their certification will preclude additional FTA assistance to that agency. I certify that I understand the FTA maintenance and inspection requirements and that the agency will comply.

3. CIVIL RIGHTS REQUIREMENTS

Agree that the applicant will comply with the following requirements:

Nondiscrimination. In accordance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, et seq., Age Discrimination Act of 1975, as amended, 42 U.S.C. §6101, et. seq., Americans With Disabilities Act of 1990, as amended, 42 U.S.C. § 12101, et. seq., and Federal transit law at 49 U.S.C. § 5332, as amended, the agency agrees that it will not discriminate against anyone on the basis of race, color, national origin, age or disability. In addition, the agency, as a condition of receiving Federal financial assistance from the Federal Transit Administration (FTA), Section 5310 Program, agrees to comply with any other applicable Federal statutes that may be signed into law or regulations that may be promulgated. This includes that the agency will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI regulation, 49 C.F.R. Part 21.9.

Equal Employment Opportunity. Agree that the applicant will comply with the following equal employment opportunity requirements:

Race, Color, Religion, National Origin, Sex, Disability, Age, Sexual Orientation, Gender Identity or Status as a Parent. In accordance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq., and Federal transit laws at 49 U.S.C. § 5332, the Vendor agrees to comply with all applicable equal employment opportunity requirements of the U.S. Department of Labor (US DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order Number 11246, "Equal Employment Opportunity", as amended by Executive Order Number 11475, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Vendor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, color, religion, national origin, sex, disability, age, sexual orientation, gender identity or status as a parent. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms or compensation; and selection for training, including apprenticeship. In addition, the agency agrees to comply with any implementing requirements FTA may issue.

4. ENERGY CONSERVATION

Applicant agrees to comply with, and obtain the compliance of its subcontractors, with mandatory standards and policies relating to energy efficiency contained in applicable State Energy Conservation Plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. §§ 6321 et seq.

5. CERTIFICATION OF SPECIAL EFFORTS TO PROVIDE TRANSPORTATION THAT DISABLED PERSONS CAN USE

The applicant hereby certifies that special efforts are being made in its service area to provide transportation that disabled persons, including wheelchair users and semi-ambulatory persons can use. The transportation resulting from these special efforts is reasonable in comparison to the transportation provided to the general public and meets a significant fraction of the actual transportation needs of such persons within a reasonable time.

6. LITIGATION CERTIFICATION

As the authorized representative for the applicant, I hereby certify that to the best of my knowledge there is no litigation pending or threatened which might affect the performance of this Project.

7. FISCAL AND MANAGERIAL CAPABILITY CERTIFICATION

As the authorized representative for the applicant, I hereby certify that, based on my experience with the applicant and a review of the applicant's records that the applicant has the requisite fiscal and managerial capability to carry out this Project.

8. APPLICATION OF FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS

The agency hereby certifies that it will comply with changing federal, state and local requirements, the Applicant shall note that federal, state and local requirements may change and the changed requirements will apply to this Project as required.

Federal Regulation Changes - Applicant shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the current FTA Master Agreement between the WV Department of Transportation, Division of Multimodal Transportation Facilities - Transit and FTA, as they may be amended or promulgated from time to time during the term of this Project. The Applicant's failure to so comply shall constitute a material breach of this Project.

9. ACCESS TO RECORDS

The agency hereby certifies that it shall permit the Public Transit, the Comptroller General of the United States and the Secretary of the United States Department of Transportation, or their authorized representatives, to inspect all vehicles, facilities and equipment used by the Agency as part of the Project to verify compliance with the requirements of the Section 5310 Program. All records of the transportation services rendered by the Agency, including maintenance records, records verifying usage of the vehicle, and all relevant Project records shall also be available for inspection. The Agency shall also permit the above named persons or agencies to audit the records and accounts of the Agency pertaining to the Project.

10. COORDINATION

As the authorized representative for the applicant, I hereby certify that to the best of my knowledge the agency has coordinated, to the maximum extent feasible, with other transportation providers and users, regardless of their funding source.

11. SCHOOL BUS OPERATIONS

As required by 49 U.S.C. 5323 (f) and FTA regulations, "School Bus Operations," at 49 C.F.R. 605.14, the Applicant agrees that it will 1. Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by an exception provided by 49 U.S.C. 5323(f), and implementing regulations, and 2. Comply with the requirements of 49 C.F.R. Part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. Chapter 53 or Title 23 U.S.C. awarded by FTA for transportation projects.

The Applicant understands that the requirements of 49 C.F.R. Part 605 will apply to any school transportation it provides, the definitions of 49 C.F.R. Part 605 apply to this school transportation agreement, and a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

12. NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTIES

The applicant acknowledges and agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Project, absent the express written consent by the Federal Government, the Federal Government is not a party to this Project and shall not be subject to any obligations or liabilities to the WV Public Transit, Applicant, or any other party (whether or not a party to the Project) pertaining to any matter resulting from the underlying Project.

13. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS

As the authorized representative for the applicant, I certify the applicant acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying Project, the Applicant certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Project or the Federal Transit Administration (FTA) assisted Project for which the Project work is being performed. In addition to other penalties that may be applicable, the Applicant further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Applicant to the extent the Federal Government deems appropriate.

14. SENSITIVE SECURITY INFORMATION

The applicant agrees that it must protect, and take measures to ensure that its sub agreement at each tier protect, "sensitive security information" made available during the administration of any agreement or any sub agreement to ensure compliance with the Homeland Security Act, as amended, specifically 49 U.S.C. Section 40119(b), and U.S. DOT regulations, "Protection of Sensitive Security Information," 49 C.F.R. Part 15, and with 49 U.S.C. Section 114(s) and U.S. Department of Homeland Security, Transportation Security Administration regulations, "Protection of Sensitive Security Information," 49 C.F.R. Part 1520.

15. ACCESSIBILITY

The applicant agrees that products and services provided shall be in accordance with the 42 U.S.C. Sections 12101, et seq. and DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 C.F.R. Part 37; and Joint ATBCB/DOT regulations, "American with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 C.F.R. Part 1192 and 49 C.F.R. Part 38.

16. TRAFFICKING IN PERSONS

The applicant agrees to comply with, and assures the compliance of each sub recipient with, the requirements of the subsection 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended, 22 U.S.C. § 7104(g), and the provisions of the Trafficking in Persons subsection of the current FTA Master Agreement.

Agency agrees that it and its employees that participate in any Section 5310 Award, may not:

1. Engage in severe forms of trafficking in persons during the period of time that the Section 5310 Award is in effect.
2. Procure a commercial sex act during the period of time that the Section 5310 Project Grant Agreement is in effect, or
3. Use forced labor in the performance of the Section 5310 Award or sub-agreements thereunder.

Agency agrees to inform the Public Transit of any information it receives from any source alleging a violation of a prohibition listed above. Public Transit will then inform FTA immediately of any information it receives.

17. ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

To the extent applicable and except to the extent that FTA determines otherwise in writing, applicant agrees 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 provision of U.S. DOT Notice, "DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) Persons," 70 Fed. Reg. 74087, December 14, 2005.

18. ENVIRONMENTAL JUSTICE

The applicant agrees to facilitate compliance with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994, 42 U.S.C. § 4321 note, as well as, facilitating compliance with that Executive Order, U.S. DOT Order 5610.2, "Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 62 Fed. Reg. 18377, April 15, 1997, and the most recent edition of FTA Circular 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," August 15, 2012, to the extent consistent with applicable federal laws, regulations, requirements, and guidance.

19. CHARTER SERVICE

The applicant may not engage in Charter Service, except as permitted under federal transit laws, specifically 49 U.S.C. § 5323(d) and (r), FTA regulations, "Charter Service," 49 C.F.R. Part 604, any other Federal Charter Service regulations, or federal guidance.

The only possible exception that would allow a 5310 recipient to provide charter services is if for "program purposes" 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 or individuals with disabilities). The agency's 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 FTA's Charter Rule.

20. SEAT BELT USAGE

Pursuant to Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 2001, 1997, 23 U.S.C. § 402 note, agency is required to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally-operated vehicles and include this provision in third party contracts, third party subcontracts, and sub-agreements entered into under this Project.

21. DISTRACTED DRIVING, INCLUDING TEXT MESSAGING WHILE DRIVING

Pursuant to Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009, 23 U.S.C. § 402 note and DOT Order 3902.10, "Text Messaging While Driving," December 30, 2009. The agency agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, any vehicle an agency owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the award, or when performing any work for or on behalf of the award.

The agency agrees to conduct workplace safety initiatives in a manner commensurate with its size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

22. AUDITS

The applicant agrees to report any audit findings that involve Section 5310 funded equipment immediately to the Division of Public Transit.

I declare that the foregoing certifications are true and correct.

Signature of Official and Date

Title

CERTIFICATION OF EQUIVALENT SERVICE

The _____
(Applicant)

certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

- (1) Response time;
- (2) Fares;
- (3) Geographic service area;
- (4) Hours and days of service;
- (5) Restrictions on trip purpose;
- (6) Availability of information and reservation capability; and
- (7) Constraints on capacity or service availability.

In accordance with 49 C.F.R. 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under Sections 5310 or 5311 of the Federal Transit Act, as amended, must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving Federal Transit Act funds shall also file the certification with the appropriate state program office. Such public entities receiving Federal Transit Act funds under any other Section of the Federal Transit Act must file the certification with the appropriate Federal Transit Administration regional office. This certification is valid for no longer than one year from its date of filing.

Name & Title of Authorized Official

Signature

Date

**Assurance Concerning Nondiscrimination on the
Basis of Disability in Federally-Assisted Programs
and Activities Receiving or Benefiting from
Federal Financial Assistance**

**Implementing the Rehabilitation Act of 1973, as amended, and
the Americans With Disabilities Act of 1990**

(Federal Transit Administration)

_____ (the "Recipient") AGREES THAT,
(Applicant)

as a condition to the approval or extension of any Federal financial assistance from the Federal Transit Administration (FTA) to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research or to participate in or obtain any benefit from any program administered by the FTA, no otherwise qualified person with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance administered by the FTA or any entity within the United States Department of Transportation (DOT).

Specifically, the Recipient gives assurance that it will conduct any program or operate any facility so assisted in compliance with all applicable requirements imposed by DOT regulations implementing the Rehabilitation Act of 1973, as amended, and the Americans With Disabilities Act of 1990 (any subsequent amendments thereto) set forth at 49 C.F.R. Parts 27, 37, and 38, as well as all applicable regulations and directives issued pursuant thereto by other Federal departments or agencies.

Date

Legal Name of Applicant

BY: _____
Signature of Authorized Official

TITLE VI REPORT

List any active lawsuits or complaints naming the applicant which allege discrimination on the basis of race, color, or natural origin with respect to service or other transit benefits. The list should include: date the lawsuit or complaint was filed; a summary of the allegation; and the status of the lawsuit or complaint; including whether the parties to a lawsuit have entered into a consent decrees. **If none, please state.**

A description of all pending applications for financial assistance and all financial assistance currently provided by other federal agencies. **If none, please state.**

A summary of all civil rights compliance review activities conducted in the last three years. The summary should include: the purpose or reasons for the review; the name of the agency or organization that performed the review; a summary of the findings and recommendations of the review; and a report on the status and/or disposition of such findings and recommendations. **If none, please state.**

DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The _____ (applicant) certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

If the _____ (applicant) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.

The primary participant (applicant for an FTA grant or cooperative agreement, or potential contractor for a major third party contract), certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. sections 3801 et seq. Are applicable thereto.

Signature and Title of Authorized Official

SECTION III

GRANT APPLICATION

Complete the following application using the forms provided.

AGENCY NAME: _____

SECTION A: DELINEATION OF VEHICLE NEEDS

1. Please check the description that best fits your plan for the proposed vehicle(s).

- A. _____ Purchase of Section 5310 vehicle with previously acquired Section 5310 vehicle being retained as a spare which expands agency's fleet

- B. _____ Purchase of Section 5310 vehicle with previously acquired Section 5310 vehicle being sold

- C. _____ Purchase of Section 5310 vehicle to expand fleet

- D. _____ Purchase of Section 5310 vehicle with non-Section 5310 vehicle being sold

- E. _____ Purchase of Section 5310 vehicle with non-Section 5310 vehicle being retained as a spare which expands agency's fleet

All vehicle(s) to be **replaced** should be at least four years in service at the time of application submission.

NOTE: Public Transit will allow one spare vehicle for agencies that have a fleet size of 1-5 and two spare vehicles for agencies that have a fleet size of 6-12.

Describe in detail:

How existing transportation services are unavailable, insufficient or inappropriate for your clients:

How the requested vehicle will overcome these shortcomings:

Steps the applicant will take to ensure that this project does not duplicate any existing service:

SERVICE AREA

2. The "transportation service area of the Project is intended to include the geographic area over which the Project is operated and the area whose population is served by the Project, including adjacent areas affected by the Project." Please answer these questions using:

[2022 American Community Survey Five-Year Estimates](#).

Description of Service Area: (State exactly where requested vehicle is going to be utilized. From what location (center) will the vehicle be dispatched into what areas?)

3. Total population of service area: _____

Source of information: _____

4. Total disabled population of service area: _____

5. Senior population of service area: _____

6. Number of total clients within the following groups:

_____ Black _____ Asian or Pacific Islands _____ Hispanic _____ American Indian or Alaskan Native

7. Is your agency a minority organization? Yes _____ No _____

8. Does your agency provide assistance to minority communities?

Yes _____

No _____

Describe your assistance:

9. Are any other local transit systems and/or authorities (excluding Boards of Education or Greyhound) operating within the area delineated in Question #2?

Yes _____

No _____

10. Are taxi companies operating within the area delineated in Question #2?

Yes _____

No _____

11. Are other private non-profit organizations currently providing transportation services within the area delineated in Question #2?

Yes _____

No _____

12. Check the statement which best describes the type of transportation services within the area delineated in Question #2?

_____ a. Seniors and individuals with disabilities within your service area will depend almost entirely upon your agency for their transportation in addition to that required for them to utilize and/or participate in the services and activities of the agency.

_____ b. Seniors and individuals with disabilities within your service area will be provided transportation by your agency only to the extent necessary for them to utilize and/or participate in the service activities of your agency.

13. Type of clients served:

% Non Disabled Senior _____ % Physically Disabled Senior _____
% Mentally Disabled Senior _____ % Physically Disabled Non Senior _____
% Mentally Disabled Non Senior _____ % Other _____

14. Number of both senior and non-senior disabled individuals to be served weekly by the vehicle(s) you have requested? _____

15. Number of senior individuals to be served weekly by the vehicle(s) you have requested? (Do not count an individual twice - an individual is either disabled or senior, not both.) _____

16. Total number of persons served weekly by all of the vehicles in your current fleet? _____

17. Check the days of the week and indicate the hours of operation of your agency's transportation program.

___ Mon _____ ___ Th _____ ___ Su _____
___ Tu _____ ___ Fri _____
___ Wed _____ ___ Sat _____

SECTION B VEHICLE UTILIZATION

18. How many hours per day will the vehicle(s) requested be in operation?

Vehicle #1 _____ Vehicle #2 _____ Vehicle #3 _____

19. How many vehicles does your organization currently own and/or lease?

Own _____ Lease _____

20. How many vehicles are currently used for the transportation of seniors and/or persons with disabilities? _____

21. How many spares does your agency have? _____

22. Have satisfactory procedures been established to provide "back-up" transportation when regular vehicles are out of service?

Yes _____ No _____

Describe these procedures:

23. Indicate by percentages what type of transportation will be provided with the **vehicle being requested**.

_____ % Adult Day Care	_____ % Mental Health
_____ % Education	_____ % Nutrition
_____ % Employment	_____ % Shopping/Personal
_____ % Medical	_____ % Social/Recreation
_____ % Other _____	

24. How many runs (one way trips) will be made daily with the vehicle being requested to bring clients into your agency's site? _____

25. How many runs (one way trips) will be made daily with the vehicle being requested to take clients home from your agency's site? _____

26. Anticipated daily mileage for vehicle being requested? _____

27. List the serial number(s) and mechanical condition of the vehicle(s) that will be replaced.

	Serial Number(s)	Make/Model Year	Mileage	Mechanical Condition
Vehicle #1	_____	_____	_____	_____
Vehicle #2	_____	_____	_____	_____

28. Average yearly mileage of current fleet? _____

29. Average age of **current fleet**? _____

The Americans With Disabilities Act of 1990 requires that persons with disabilities receive the same level of service from a transportation provider as a non-disabled person.

30. If you do not have lift-equipped vehicles in your inventory, do you have a written agreement with another provider in your service area to provide a lift-equipped vehicle when needed?

Yes _____ No _____

If yes, give name, contact person, address and telephone number of agency:

CURRENT VEHICLE INVENTORY

If your agency provides regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability or low income then an inventory of all vehicles that are used by your agency to provide transportation services is required to be submitted to the Public Transit (*regardless of original funding source*).

Public Transit is required by the Federal Transit Administration to gather total vehicle inventory for inclusion in a Statewide Transit Asset Management Plan (TAM). The TAM Plan must be completed for Public Transit to be eligible to receive Section 5310 funds.

As an example, 5310 providers who provide open service to all seniors in a town, **must be included in the plan**. If your agency only provides rides to seniors who are registered with the senior center or mental health center then it is deemed closed door and does not need to be included in the TAM Plan. This same standard must be applied to all 5310 grantees (mental health, sheltered workshop, etc.) to determine if your agency is closed or open to your segment of the general population.

The above example is to determine whether your agency is an open or closed transportation provider. If your agency is receiving contracted services funding from the Public Transit or NEMT, then you are an open transportation provider.

1. Page 45 is a certification that is to be signed in blue and returned as part of your application packet. Public Transit must provide justification to FTA if a 5310 recipient is not included in the plan. **All agencies must complete certification.**
2. Complete the Current Vehicle Inventory Chart on page 46. **List all the agency's vehicles that are used to provide transportation services** regardless of original funding source. All columns must be completed. Condition Code Definitions are provided. Attach additional sheets if necessary. If multiple counties are served, add county vehicle is utilized.

3. If you are an open transportation provider, for vehicles purchased/donated using other funding sources, a copy of the title of the vehicle is also required to be submitted (this will provide entry of the correct serial number into the TAM Plan.)

Transit Asset Management Plan Certification

The _____ hereby certifies that our agency:
Agency

_____ provides regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability or low income and will provide all required inventory information as requested.

or

_____ only provides rides to clients who are registered with our agency and is deemed closed door providing no transportation services to other segments of the general public.

Signature of Authorized Official

Title

Date

CONDITION CODE DEFINITIONS:

Rank	Category	Description
5	Excellent	Brand new, no major problems exist, only routine preventive maintenance
4	Good	Elements are in good working order, requiring only nominal or infrequent minor repairs (greater than 6 months between minor repairs)
3	Fair	Requires frequent minor repairs (less than 6 months between repairs) or infrequent major repairs (more than 6 months between major repairs).
2	Poor	Requires frequent major repairs (less than 6 months between major repairs).
1	Bad	In poor condition that continued use presents potential problems.

31. What procedures do persons with disabilities (persons who use wheelchairs, have visual impairments, hearing impairments, communication disabilities, etc.) use to access your agency's transportation service? Are these procedures different than for a non-disabled person?

32. Has your agency ever received a request for transportation services from a person who uses a wheelchair, has a visual impairment, hearing impairment, communication disability, etc.? If yes, specifically, how did you provide this service?

**SECTION C
COORDINATION EFFORTS**

33. Does your agency currently participate in a cooperative/coordinated effort in your area?

Yes _____ No _____

If yes, please describe the arrangement and specify the type of trips shared; number of clients served; and any other cooperative activities, such as; joint training; joint purchasing; joint grant writing, etc.

If no, please explain:

34. Will the vehicle requested be used to provide transportation services for Welfare to Work Programs?

Yes _____ No _____

If yes, please describe services to be provided.

COORDINATION WITH OTHER FEDERAL PROGRAMS

The U.S. Department of Transportation (U.S. DOT) signed an interagency agreement with the U.S. Department of Health and Human Services (DHHS) in 1996 to improve the coordination of programs funded by the two departments. States are to encourage their Section 5310 recipients to participate in coordinated systems at the local level, along with recipients of funds from the programs of DHHS. The State must sign an assurance that the consolidated program of projects submitted for funding provides for maximum feasible coordination of transportation services assisted under Section 5310 with transportation services assisted by other Federal sources.

Also, the Older Americans Act now has provisions that affect community transportation services. There is strengthened language describing expectations for coordination of senior-oriented and public transportation services under the "Title III-B" supportive services and senior centers program.

35. Describe the processes that the applicant undertakes to ensure that the proposed transportation services are or will be coordinated to the maximum extent possible with other federally funded agencies and private transportation providers in the proposed service area?

Refer to the West Virginia Transportation Providers Directory (<https://transportation.wv.gov/publictransit/Pages/default.aspx>) and specifically address how the applying agency has coordinated with providers in the agency's service area.

Locally Developed Coordinated Public Transit-Human Services Transportation Plan

All projects funded by Section 5310 program must be part of a “locally developed coordinated public transit-human services transportation plan.” This plan was required to be developed through a process that included representatives of public, private, and non-profit transportation service providers, human services transportation providers and the general public.

All known transportation agencies were notified that any agency planning on applying for funding under the Section 5310 Program had to participate in the plan development and attend the development meetings.

The state's Regional Planning and Development Councils facilitated the development of the Coordinated Public Transit-Human Services Transportation Plans for each region and continue to update the plans periodically. These meetings most recently occurred during the summer of 2023.

36. Did someone from the applying agency attend focus group meetings facilitated by RLS & Associates and the Public Transit?

Yes _____ No _____

Name of person(s) attending: _____

Location(s) of meeting: _____

37. Was the applying agency requested to complete a survey in regards to the plan?

Yes _____ No _____

38. Did this agency complete the survey? Yes _____ No _____
39. Is this agency involved in any new coordination activities as a result of these efforts?
Yes _____ No _____

If yes, please describe:

SECTION D FISCAL AND MANAGERIAL CAPABILITIES

40. Indicate the statement which describes the availability of local funds to defray your operating expenditures. The funds required by this organization to operate your existing and proposed new vehicles **over the next five years** are:
- a. _____ A certainty because of the stability of the income source.
 - b. _____ Reasonably secure but because several of the sources are subject to variation, the operational expenses are not guaranteed.
 - c. _____ Fairly uncertain because all funding sources are not reliable or guaranteed.

SECTION E OPERATING PLAN

41. Maintenance Program

Does this agency have a vehicle maintenance plan which at least meets the minimum recommendations of the vehicle manufacturer?

Yes _____ No _____

42. Is there a daily pre-trip vehicle inspection program in place?

Yes _____ No _____

Please describe:

43. Are deficiencies noted in pre-trip inspections repaired in a timely manner and properly reviewed by management?

Yes _____ No _____

44. If the agency utilizes vehicles which have tie-down mechanisms for wheelchairs/ramps, how often are these checked to insure proper operation?

45. If the agency utilizes vehicles that are lift/ramp equipped, how often is it being cycled even when it is not used?

Daily _____ Weekly _____ Monthly _____ Never _____

46. Maintenance Facilities (Check **the one** that best describes your program)

a. _____ Agency has its own maintenance facilities and personnel that can handle any repairs required on the vehicles.

b. _____ Agency has facilities and personnel that can handle routine maintenance and tune-ups. Major repairs would be contracted out on an as needed basis.

c. _____ Agency has a maintenance contract which provides the required maintenance for all of your agency's vehicles.

d. _____ Agency will contract out, on an as needed basis, for required maintenance.

47. Storage: Where will the vehicle being applied for be stored?
(Check **only one**.)

- a. _____ The vehicle will be stored at an indoor facility located at:
_____.
- b. _____ The vehicle will be stored at an outside but secured area located at: _____.
- c. _____ The vehicle will be stored at the home of the driver.
- d. _____ No special storage provisions have been made at this time.
- e. _____ Other (Please explain) _____.

48. Driver Selection (check all that apply)

When selecting drivers, does agency:

- a. _____ Check their driving record? (valid, appropriate vehicle operator's license, eligible for insurance coverage?)
- b. _____ Require a physical examination?
- c. _____ Require driving experience with vehicles similar to those operated for your agency or satisfactory completion of a training program prior to actual passenger transportation?
- d. _____ Require a pre-employment drug/alcohol test?

49. Driver Training: Describe agency's **driver orientation program**:

50. List the types and amount of driver training agency has provided within the last two years:

51. Describe any safety training your agency has provided within the last two years (evacuation procedures, safety plans):

52. What type of safety materials does agency provide to its drivers?

53. Does agency have an on-going driver safety program? Yes No

54. The Americans With Disabilities Act requires training of all drivers. Please list all drivers from your organization who have had safety training and are still driving.

<u>Name of Driver(s)</u>	<u>Still Employed</u>	
	<u>Yes</u>	<u>No</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets if necessary. Attach copies of training certificates.

55. Please list all drivers from who **have not** had training.

56. Have drivers received Operation Lifesaver Training (**Railroad Crossing Awareness Training**)?

_____ Yes _____ No

57. Has agency prepared a transportation safety plan or yearly update using the **S.P.I.D.E.R.** materials?

_____ Yes _____ No

58. Does agency have a communication system?

_____ Yes _____ No

If yes, please check type:

Mobile Radios _____ CB _____ Pager _____ Cellular Phone _____

Other _____ (specify) _____

Explain dispatch procedures used with communication equipment.

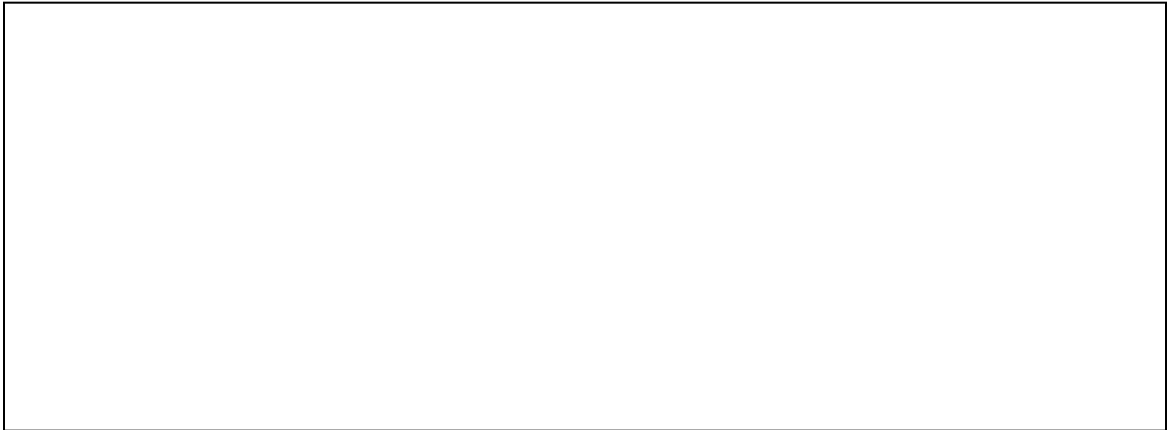
59. If agency does not have a communication system, please check the appropriate choice below:

a. _____ One person will be assigned as dispatcher and he/she will handle van schedules and assign drivers. The dispatcher will also be responsible for assigning replacements for drivers failing to report to work.

b. _____ The dispatcher will be a part time job assigned to one of our staff members.

c. _____ No one has been assigned, the job will be handled on an as needed basis.

60. Provide reasons why this application should be funded?



61. If your agency is selected for funding, list below the agency's name and phone number as it should appear on the side of the approved vehicle. Should an agency not want its name or phone number on the side of an approved vehicle, please state so below. Note: The Section 5310 logo is mandatory on all vehicles.



SUMMARY OF PROJECT COSTS

NOTE: Total project costs are estimates.

	AMOUNT
A. Total Estimated Vehicle Cost (See Page 70 for vehicles)	\$ _____
B. 6% DMV Sale tax (see Page 69 if applicable)	\$ _____
C. Total Estimated Cost (A + B)	\$ _____
D. Federal Grant Request (80% of C)	\$ _____
E. Local Contribution (20% of D)	\$ _____

Sources and amounts of 20% local share for the equipment being requested:

SOURCE	AMOUNT
_____	_____
_____	_____
_____	_____

Local match may be derived from any Non-U.S. Department of Transportation Federal Program, State Programs, Local Contributions or Grants.

Attach documentation of vehicle match funds immediately behind this page. Proof may consist of, but not be limited to: written statements from county commissions, state agencies, city managers, mayors, town councils, organizations, accounting firms and financial institutions.

NOTE: Agency must confirm on agency letter with notarization that it has the funds to meet the local match financial requirements listed above and when such funds are available.

OPERATING BUDGET OF VEHICLE REQUESTED

	ANNUAL COST
A. Salaries and Fringe Benefits	\$ _____
B. Overhead (Rent and other)	\$ _____
C. Fuel, Lubricants and Tires	\$ _____
D. Maintenance	\$ _____
E. Insurance	\$ _____
F. Contract Service	\$ _____
G. Administrative and Reporting Costs	\$ _____
H. Other	\$ _____
TOTAL ESTIMATED ANNUAL COST	\$ _____

Sources and amounts of proposed annual operating budget for the requested vehicle(s).

SOURCE	AMOUNT

NOTE: Attach notarized documentation of local operating support immediately behind this page.

SECTION IV

COMMUNICATION EQUIPMENT APPLICATION

CHECKLIST FOR COMMUNICATION EQUIPMENT

- _____ Title Page
- _____ Authorizing Resolution (**signed in blue ink**)
- _____ Verification Certification (**Signed in blue ink**)
- _____ Certificate of Existence (IRS Tax Exemption letter is not acceptable.)
- _____ Positive Local Intergovernmental Review (**Mandatory at time of submission**)
(**must approve communication equipment purchase**)
- _____ Certifications (**Signed in blue ink**)
- _____ Application for Communication Equipment (Questions 1 - 17)
Include Equipment Specifications
- _____ Appendix V – Title VI Nondiscrimination and Limited English Proficiency
(**Must Utilize Provided Format**)
- _____ **Notarized** Proof of Necessary Local Matching Funds

APPLICATION FOR COMMUNICATION EQUIPMENT INSTRUCTIONS

When applying for communication equipment (two-way radio), an agency is required to provide the information shown on the previous checklist. This information is to be provided based on the instructions given in the application packet. Also, an agency applying for communication equipment is required to provide the following additional items:

1. Projected cost of equipment.
2. Equipment specifications - **The applying agency is required to obtain from a communication equipment vendor and submit.**
3. Proof that the equipment will not interfere with current communication facilities in agency's service area (i.e. - interference to television, radio station, or ambulance radio equipment.)

An agency is required to follow the same time frame as applicants applying for vehicles. Applications for funds to purchase communication equipment are due on or before **May 17, 2024.**

Citizen's band radios, cellular phones and AM and/or FM radios
ARE NOT ELIGIBLE FOR FUNDING

APPLICATION FOR COMMUNICATION EQUIPMENT

Agency Name: _____

1. Service Area: _____

2. Service Area (**check only one**)

a. _____ Predominantly Urban

b. _____ Predominantly Rural

c. _____ Mixed

3. Service Area (**check only one**)

a. _____ Countywide

b. _____ Localized

4. Number of agencies (including your own) providing transportation to seniors and individuals with disabilities in your service area:

a. _____ 1-2

b. _____ 3-5

c. _____ 6 or more

5. Number of taxi companies in your service area:

a. _____ 0

b. _____ 1

c. _____ 2 or more

6. Is there a public transit system in your service area?

a. _____ Yes

b. _____ No

7. Most recent funding under a Section 5310 grant:

- a. _____ 2020
- b. _____ 2019
- c. _____ 2018 or earlier

8. Dispatching (check only one)

- a. _____ One person will be assigned as dispatcher and will handle vehicle scheduling and driver assignments.
- b. _____ Dispatcher will be a part-time job assigned to one or more staff members.
- c. _____ No dispatcher will be assigned. The job will be handled on an as-needed basis.

9. Number of Vehicles in Agency Fleet _____

10. Number of Radios Requested _____

11. Explain why communication equipment (radios) is needed by agency.
(If more room is needed, use another page.)

12. What is the estimated cost of the communication equipment requested? Include all costs (i.e. radios, base stations, towers, license fees, repeater service, hookups, etc.). Agencies should determine what their operating cost such as monthly access fees, etc. will be.

13. SUMMARY OF PROJECT COSTS

TOTAL PROJECT COSTS MAY BE MORE OR LESS THAN THE PROJECT ESTIMATES

- A. Total Estimated Radio Equipment Costs (from Question #12) \$ _____
- B. Contingencies (5% of A) _____
- C. Total Estimated Cost (A + B) _____
- D. Federal Grant Request (80% of C) _____
- E. Local Contribution (20% of C) _____

14. Sources and amounts of 20% local share for the radio equipment being requested:

SOURCE	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL: \$ _____	

Local match maybe derived from any non U.S. Department of Transportation Federal Program, State Programs, Local Contributions or Grants.

- 15. Attach notarized proof of local match and operating funds. Proof may consist of, but not be limited to: written statements from county commissions, state agencies, city managers, mayors, town councils, organizations, accounting firms and financial institutions. **All proof must be notarized and show the date when these funds will be available.**
- 16. Attach communication equipment specifications prepared by a communication equipment vendor.
- 17. Attach statement from communication equipment vendor verifying that your requested equipment will not interfere with current communication facilities in agency's service area (i.e. interference to television, radio station, or ambulance radio equipment.)

COMMUNICATION EQUIPMENT MAINTENANCE CERTIFICATION

The _____ agrees to
Agency

maintain and operate in good working condition any communication equipment
purchased with Section 5310 funds.

Date

Authorizing Signature

SECTION V

APPENDICES

APPENDIX I

GLOSSARY OF TERMS

ADMINISTRATION COSTS - The State's costs incurred in the implementation and monitoring of the Section 5310 project, which are directly related to the grant.

CAPITAL EQUIPMENT OR FACILITIES - Vehicles, equipment and facilities which have a multi-year usable life. For the purpose of this program only transportation related capital equipment is eligible for funding.

CROSS-COUNTRY - Land, not owned or maintained by the State or local governments, but used as access to private residences. Roadbed may also be creek bed, farm field access, etc.

DEMAND-RESPONSIVE - Service which is tailored to meet the specific transportation needs of travelers, usually through route deviations based on requests for the service. Dial-A-Ride is a common form of demand-responsive transportation.

DIAL-A-RIDE - Dial-A-Ride is a term that has been applied to a variety of shared-ride services operated by the private sector. These services utilize vans, small buses, or other vehicles larger than a taxi cab, but in many respects they resemble a shared-ride taxi service in that they provide door-to-door service. However, most Dial-A-Ride services do not pick up in response to hailing in the street.

DISABLED INDIVIDUAL - Any individual who due to a physical or mental impairment is substantially limited in one or more of the major life activities; has a record of such an impairment; or is regarded as having such an impairment.

DUAL LANE SURFACED HIGHWAY - Hard surfaced (concrete/68) roadways maintained by and listed within the State Highway Department's Primary or Secondary System.

FIXED ROUTE/FIXED SCHEDULE - Vehicles operating on a definite route and schedule.

FTA - Federal Transit Administration

INCIDENTAL USE - Incidental use means use of equipment or facilities purchased under the Section 5310 Program during periods when the equipment is not used for specific grant related purposes. This type of use is allowed, but should be kept to a minimum, and **must not interfere** with any transportation service to seniors and individuals with disabilities.

LOCAL FUNDS OR SHARE - Refers to the match for the Section 5310 Federal dollars.

LOCAL INTERGOVERNMENTAL REVIEW - A process whereby all levels of government are notified of proposed projects involving Federal funds. It is intended to assure that conflicting projects or projects not in the best interest of the community are identified early in the planning phase. This review can be done by the regional planning and development council or metropolitan planning organization.

MODIFIED FIXED ROUTE/DEMAND RESPONSIVE - Vehicles that operate on a fixed route, but will detour from the route to pick up or drop off passengers. After the passenger is served, the vehicle will return to the fixed route.

NON-PROFIT ORGANIZATION - Non-profit organization means 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. 501(a) or Section 101.

OFFICIALLY ADOPTED TRANSPORTATION PLAN - That plan and portions of the plan which has been adopted by the policy body of the Metropolitan Planning Organization in the applicant's service area. In urbanized areas the short range portion of the transportation plan is known as the Transportation Improvement Program. In non-urbanized areas it is known as the Transportation Development Program. All Section 5310 projects must be part of an official transportation plan.

OPERATING ASSISTANCE - Financial assistance for transit operation (not capital expenditures) which originates at the local level.

OPERATING EXPENSES - Any costs incurred while running the project, such as salaries, fuel, maintenance, insurance, training, etc.

PARATRANSIT - Paratransit services are "those forms of intra-urban passenger transportation which are available to the public, are distinct from conventional transit (scheduled bus and rail), and can operate over the highway and street system." They include conventional taxi services, shared-ride taxi services, dynamically routed and scheduled bus and van services, jitneys, car pools, van pools and bus pools.

PASSENGERS - The number of one-way passenger trips, a round trip taken by the same individual should be counted as two passengers.

PRIVATE - Private means non-public, to wit: bodies which are not municipalities or other political subdivision of States; are not public agencies or instrumentalities of one or more States, municipalities or political subdivision of States; are not Indian tribes (except private non-profits that were 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.

ROUTE - A fixed path traversed by a transit vehicle in accordance with a predetermined schedule.

RUN - One transit vehicle trip in one direction from the beginning of a route to the end of it. When a transit vehicle makes a round trip on one route, it has completed two runs.

SECTION 5311 PROGRAM - A federal transportation program that provides operating and capital assistance to agencies that provide public transportation services in the small urban and rural areas of the State. The Division of Public Transit is the State administering agency.

SECTION 5311 RECIPIENT - Those agencies that receive Section 5311 funds.

SENIOR - Any person 65 years of age or older

SERVICE AREA - Geographic area over which the project is operating and the area whose population is served by the project including adjacent areas affected by it.

SPARE - Reserve vehicle to be used only when regular van(s) cannot be operated, (i.e., breakdown, emergency, etc.).

STORAGE COST - Fees charged for storing the vehicles until they can be presented to the agencies who receive them.

SUBSCRIPTION BUS - A transit service operating on specified schedules on fixed routes (although such routes can be modified), but not available to the general public.

UNPAVED ROADS - Roadways not surfaced by artificial means (concrete/blacktop) but whose surface is maintained by the State Highway Department.

UNPAVED-UNSURFACED ROADS - Roadways open to the general public but not surfaced or serviced by the State Highway Department.

URBAN TRANSIT AUTHORITIES - Those transit authorities operating in the urbanized areas of Charleston, Huntington, Martinsburg, Morgantown, Parkersburg, Weirton, and Wheeling.

APPENDIX II

Important Changes For FY 2024 Application

Due to recent changes in West Virginia Code and the West Virginia Division of Motor Vehicles policy at the time of this application release, the following items are now in effect for any vehicle awarded through the Section 5310 program

1. Section 5310 vehicles are no longer issued Transit Agency license plates. The West Virginia Division of Motor Vehicles will issue a standard West Virginia plate to the vehicle.
2. Any agency that is not recognized by the WVDMV as a senior citizens agency or a government agency is subject to paying the state's six percent sales tax to the WVDMV. Agencies recognized by the West Virginia Bureau of Senior Services are considered a senior citizens agency.

Agency's not meeting the WVDMV's criteria for exemption from this policy will be required to pay the sales tax cost. Estimated sales tax figures listed with each vehicle listed in the Vehicle Catalog section.

3. Public Transit no longer offers reimbursement for Passenger Service and Safety Certification (PASS) training fees. Agencies are still required to provide training to all drivers who transport disabled persons. Funded agencies must maintain in personnel files that drivers have received certified training.

Vehicle Catalog

NOTES:

1. All vehicles will be white and carry the eight-point star logo of the Section 5310 Program. All vehicles will have two blue stripes and the agency's name and phone number in red. This information can be deleted at an agency's request. Picture of the logo design is below
2. ADA requires that all wheelchair spaces be forward facing. See seating diagrams on pages following the description of the vehicle
3. All listed unit costs are **Only Estimates!**





TRANSIT VAN WITH REAR LIFT

SEATING CAPACITY:

One wheelchair space: Van seats 9 plus the driver if wheelchair space is not in use. Van seats 1 in wheelchair, 7 others plus the driver if the wheelchair space is used.

Two wheelchair spaces: Van seats 8 plus the driver if the wheelchair spaces are not in use. Van seats 2 in wheelchairs, 3 others plus the driver if the wheelchair spaces are used.

With no lift: Van seats 13 plus the driver.

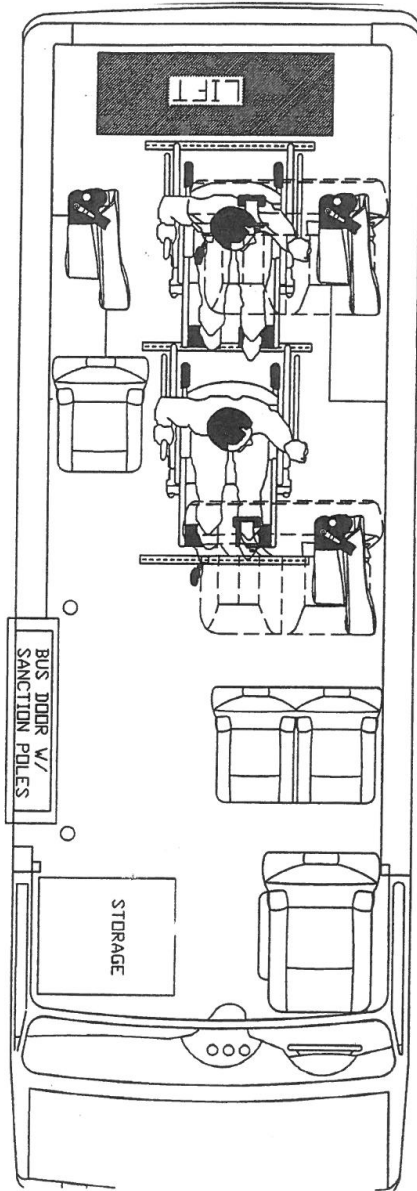
Description: 3.5 liter, V-6 engine, 72" minimum headroom, electronically operated curbside entrance door, low height entrance step, automatic transmission, power steering, power brakes, rust proofing, front and rear air conditioning and heat, backup camera system, and forward facing fold down single or double seats at wheelchair positions. Aisle width 11" minimum. Angel Trax Security camera system.

Estimated Unit Cost with one wheelchair space (includes striping): \$92,000

Estimated Unit Cost with two wheelchair spaces (includes striping): \$91,000

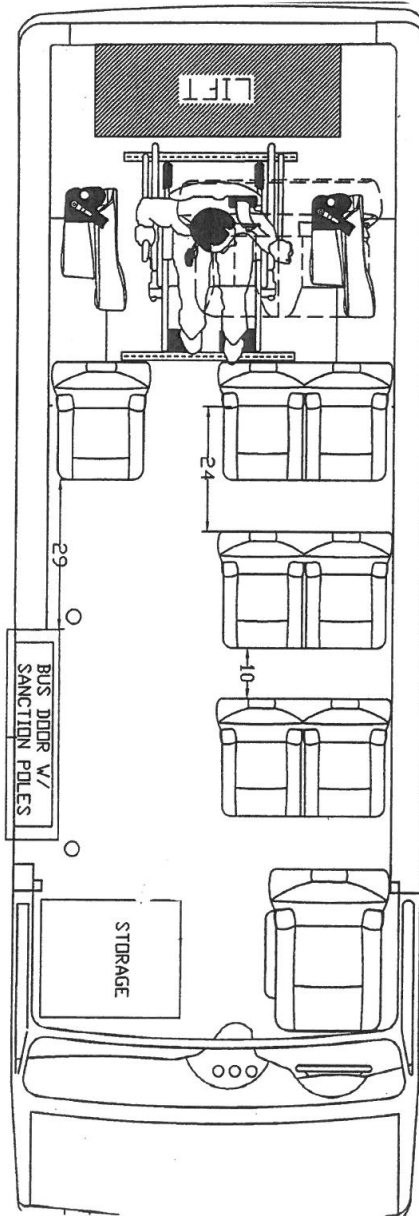
***Estimated cost on state sales tax for agencies not exempt by West Virginia Division of Motor Vehicle: \$5,510**

REAR LIFT VAN
SEATING CAPACITY
WITH
TWO WHEELCHAIR SPACES



Q-3

REAR LIFT VAN
SEATING CAPACITY
WITH
ONE WHEELCHAIR SPACE



Q-4



CUTAWAY VAN WITH NO WHEELCHAIR SPACES

SEATING CAPACITY:

With no lift: Cutaway Van seats 13 plus the driver.

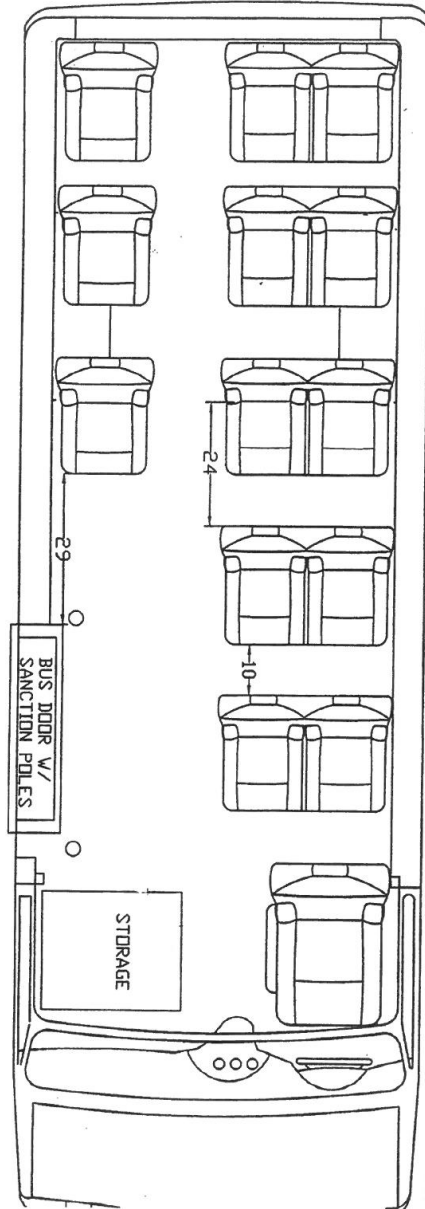
Description: 3.5 liter, V-6 engine, 72" minimum headroom, electronically operated curbside entrance door, low height entrance step, automatic transmission, power steering, power brakes, rust proofing, front and rear air conditioning and heat, backup camera system, and forward facing fold down single or double seats at wheelchair positions. Aisle width 11" minimum. Angel Trax Security camera system.

Estimated Unit Cost (includes striping): \$83,000

(Only available to agencies that have equipment to provide equivalent service, as required by ADA, to disabled passengers)

***Estimated cost on state sales tax for agencies not exempt by West Virginia Division of Motor Vehicle: \$5,000**

CONVERTED VAN
WITH
NO WHEELCHAIR SPACES



Q-5



CUTAWAY VAN WITH WHEELCHAIR LIFT ON CURBSIDE

SEATING CAPACITY:

Two wheelchair spaces: Cutaway Van seats 12 plus the driver if the wheelchair spaces are not in use. Cutaway Van seats 2 wheelchairs, 12 others plus the driver if the wheelchair spaces are used.

Description: V-10 engine, 120" maximum headroom, 81" maximum width, electronically operated front entrance door, low height front entrance step, automatic transmission, power steering, power brakes, rust proofing, Mor-Ryde suspension system, backup camera system, and front and rear air conditioning/heater. Aisle width 14" minimum. Angel Trax Security camera system.

Estimated Unit Cost (includes striping): \$145,000

***Estimated cost on state sales tax for agencies not exempt by West Virginia Division of Motor Vehicle: \$8,700**



RAMP ON CURBSIDE OF MINI-VAN

SEATING CAPACITY:

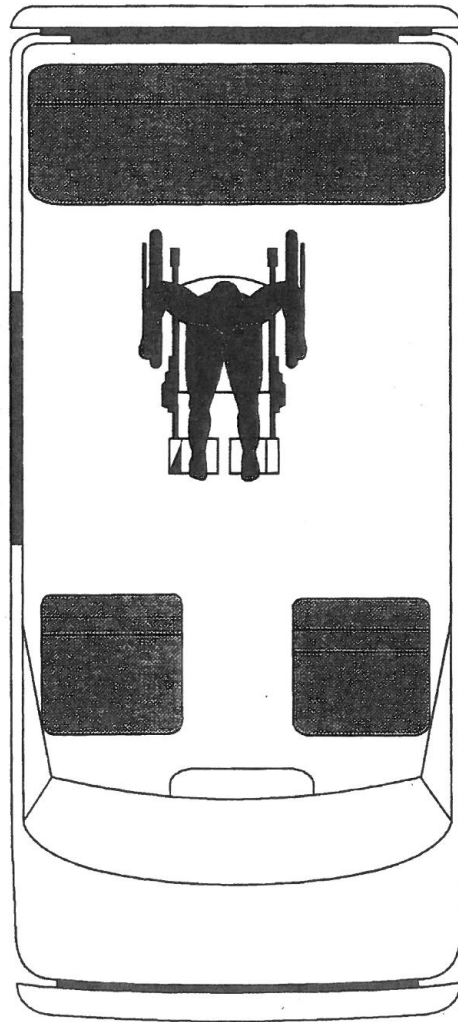
One wheelchair space: Minivan seats 5 plus the driver if wheelchair space is not in use and flip down seat is used. Minivan seats 1 wheelchair, 3 others plus the driver if the wheelchair space is used.

Description: 3.5L, V-6 gasoline engine, manual ramp, automatic transmission, power steering, power brakes, rust proofing, rearview backup camera system and front and rear air conditioning/heat.

Estimated Unit Cost (includes striping): \$70,000*

***Estimated cost on state sales tax for agencies not exempt by West Virginia Division of Motor Vehicle: \$4,200**

**MINI VAN
SEATING CAPACITY
WITH ONE
WHEELCHAIR SPACE**



**SECOND WHEELCHAIR
AT PASSENGER SEAT
NEXT TO DRIVER**

**TWO SEATER FLIP
DOWN SEAT BEHIND
DRIVER**

Q-17

PLAIN VANS AND MID-SIZED 4-WHEEL/ALL-WHEEL DRIVE UTILITY VEHICLES

Only available to agencies that have equipment to provide equivalent service, as required by ADA, to disabled passengers

12 Passenger

Description: V-8 engine, automatic transmission, power steering, power brakes, rearview backup camera system and front/rear air conditioning/heat.

Estimated Unit Cost (includes striping): \$55,000

7 Passenger Mini-van

Description: V-6 engine, automatic transmission, power steering, power brakes, rearview backup camera system and front/rear air conditioning/heat.

Estimated Unit Cost (includes striping): \$45,000

Mid-size 4-Wheel/All-Wheel Drive Sport Utility Vehicle

Description: V-6 engine, automatic transmission, power steering, power brakes, rearview backup camera system and front/rear air conditioning/heat.

Estimated Unit Cost for 5 passenger SUV (includes striping): \$45,000

Note: Applications for this type vehicle requires written justification in the application which details a demonstratable need due to specific conditions that exists in the applicant's service area.

APPENDIX III
REGIONAL PLANNING AND DEVELOPMENT COUNCILS
AND
METROPOLITAN PLANNING ORGANIZATIONS
ADDRESSES

**REGIONAL PLANNING AND DEVELOPMENT COUNCILS AND
METROPOLITAN PLANNING ORGANIZATIONS**

REGION I

Region I Planning and Development Council

Consisting of: McDowell, Mercer, Monroe, Raleigh, Summers
and Wyoming Counties

Executive Director: Jason Roberts
1439 East Main Street, Suite 5
Princeton, West Virginia 24740
PH: (304) 431-7225
FAX: (304) 431-7235
Email: jasonroberts@regiononepdc.org

MPO – Fayette/Raleigh Metropolitan Planning Organization

Consisting of: Fayette and Raleigh Counties

REGION II

Region II Planning and Development Council

Consisting of: Cabell, Lincoln, Logan, Mason, Mingo and Wayne Counties

Executive Director: Chris Chiles
214 Fourth Street
P. O. Box 939
Huntington, West Virginia 25712-0939
PH: (304) 523-7434
FAX: (304) 529-7229
Email: cchiles@region2pdc.org

Contact: Kathy Elliott, Senior Project Administrator/Deputy Director
Email: kelliott@region2.pdc.org

MPO - KYOVA Interstate Planning Commission

Consisting of: Huntington, WV, Ashland, KY and Ironton, OH (Cabell and
Wayne Counties, WV, Boyd and Greenup Counties, KY and
Lawrence County, OH)

Contact: Chris Chiles, Executive Director
Same address and phone information
Email: cchiles@region2pdc.org

REGION III

MPO - Regional Intergovernmental Council

Consisting of: Charleston Metropolitan Area (Kanawha and Putnam Counties)

Region III – BCKP Regional Intergovernmental Council

Consisting of: Boone, Clay, Kanawha, and Putnam Counties

**Executive Director: Tyler Ferrell
315 "D" Street
South Charleston, West Virginia 25303
PH: (304) 744-4258
FAX: (304) 744-2534
Email: mail@wvregion3.org**

REGION IV

MPO – Fayette/Raleigh Metropolitan Planning Organization

Consisting of: Fayette and Raleigh Counties

Region IV Planning and Development Council

**Consisting of: Fayette, Greenbrier, Nicholas, Pocahontas
and Webster Counties**

**Executive Director: John Tuggle
885 Broad Street, Suite 100
Summersville, West Virginia 26651
PH: (304) 872-4970
FAX: (304) 872-1012
Email: jtuggle@reg4wv.org**

REGION V

Mid-Ohio Valley Regional Council

**Consisting of: Calhoun, Jackson, Pleasants, Ritchie,
Roane, Tyler, Wirt and Wood Counties**

**Executive Director: Caroline Stewart
709 Market Street
Parkersburg, West Virginia 26101 - or -
PH: (304) 422-4993
FAX: (304) 422-4998
Email: mailcaroline.stewart@movrc.org**

MPO - Wood Washington Wirt Interstate Planning Commission

Consisting of: Parkersburg, WV, Marietta and Belpre, OH (Wood County, WV and Washington County, OH)

Contact: Randy Durst, Transportation Planning Director
Same address and phone number (Ext. 125)
Email: randy.durst@movrc.org

REGION VI

Region VI Planning and Development Council

Consisting of: Doddridge, Harrison, Marion, Monongalia, Preston and Taylor Counties

Executive Director: Sheena Hunt
34 Mountain Park Drive
White Hall, West Virginia 26554
PH: (304) 366-5693
FAX: (304) 367-0804
Email: sheenahunt@regionvi.com

MPO - Morgantown/Monongalia Metropolitan Planning Organization

Consisting of: Morgantown/Monongalia County

Executive Director: Bill Austin, AICP
243 High Street, Room 110
Morgantown, West Virginia 26505
PH: (304) 291-9571
FAX: (304) 291-9573
Email: baustin@labyrinth.net

REGION VII

Region VII Planning and Development Council

Consisting of: Barbour, Braxton, Gilmer, Lewis, Randolph, Tucker and Upshur Counties

Executive Director: Shane Whitehair
99 Edmiston Way, Suite 225
Buckhannon, West Virginia 26201
PH: (304) 472-6564
FAX: (304) 472-6590
Email: swhitehair@regionvii.com

REGION VIII

Region VIII Planning and Development Council

Consisting of: Grant, Hampshire, Hardy, Mineral and Pendleton Counties

Executive Director: Melissa Earle
131 Providence Lane
Petersburg, West Virginia 26847
PH: (304) 257-2448; (304) 257-1221
FAX: (304) 257-4958
Email: mearle@regioneight.org

REGION IX

Eastern Panhandle Regional Planning and Development Council

Consisting of: Berkeley, Jefferson and Morgan Counties

Executive Director: Rachel Snavely
226 Pilot Way, Suite E
Martinsburg, West Virginia 25405
PH: (304) 263-1743
FAX: (304) 263-7156
Email: rsnavely@region9wv.com

MPO – Hagerstown/Eastern Panhandle Metropolitan Planning Organization

Consisting of: Washington (MD), Franklin (PA), Berkeley and Jefferson (WV) Counties

Executive Director: Matthew T. Mullenax
33 West Washington Street
4th Floor, Suite 402
Hagerstown, MD 21740
PH: (240) 313-2080
FAX: (240) 313-2084
Email: mmullenax@hepmpo.net

REGION X

Bel-O-Mar Regional Council and Interstate Planning Commission

Consisting of: Marshall, Ohio and Wetzel (WV) Counties
and Belmont (OH) County

Executive Director: Scott Hicks
105 Bridge Street Plaza
P.O. Box 2086
Wheeling, West Virginia 26003
PH: (304) 242-1800
FAX: (304) 242-2437
Email: hicks@belomar.org

Contact: Rakesh Sharma, MPO Transportation Study Director
rsharma@belomar.org

REGION XI

MPO - Brooke-Hancock-Jefferson Metropolitan Planning Commission

Consisting of: Brooke and Hancock Counties, WV
and Jefferson County, (OH)

Executive Director: Michael Paprocki
124 North Fourth Street, Second Floor
Steubenville, Ohio 43952
PH: (740) 282-3685, Ext. 209
FAX: (740) 282-1821
Email: mikepap@bhjmpc.org

Contact: Dave Snelting, MPO Transportation Study Director
Email: dsnelting@bhjmpc.org
PH: (740) 282-3685, Ext. 205

and

Brooke-Hancock Regional Planning and Development Council

Consisting of: Brooke and Hancock Counties (WV)

Executive Director: Michael Paprocki
P. O. Box 82
Weirton, WV 26062
PH: (304) 797-9666
FAX: (740) 282-1821
Email: mikepap@bhjmpc.org

APPENDIX IV

**TITLE VI NONDISCRIMINATION
AND
LIMITED ENGLISH PROFICIENCY
REQUIREMENTS**

Agency must have – and submit with this application – an approved Title VI Plan that reflects its current policies and procedures.

If your agency has not completed the required Title VI Plan, complete the appendix below and submit with application.

Title VI Program

[Insert agency name here]

Adopted Date

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TITLE VI PROGRAM QUESTIONNAIRE

*The Federal Transit Administration (FTA) requires all recipients of FTA assistance to develop a Title VI program. This is a new requirement. In the past, the WVDPT's program covered the State and its grantees. Now, each grantee must have its own program. To help you develop a Title VI program, the WVDPT has developed this questionnaire, after which reviewed and accepted by the WVDPT, will become your Title VI program. **Prior to submitting with 5310 Application, you will be required to submit the completed questionnaire to your Board or council for approval and then provide evidence of the approval (copy of Board or council minutes approving and adopting plan) to the WVDPT.***

NOTICE TO THE PUBLIC

FTA requires that each grantee notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI program. The notice must include:

- *A statement that the agency operates programs without regard to race, color, and national origin*
- *A description of the procedures that members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations*
- *A description of the procedures that members of the public should follow in order to file a discrimination complaint against the grantee*

The notice can be a separate document, such as a posted sign, a statement that is in another document, or a stand-alone document, such as a Title VI brochure.

Attachment A *presents two notices developed by WVDPT, a longer "stand-alone" statement and a shorter statement that can be included in documents, such as a service brochure or as a placard in the van. The WVDPT will supply copies of the notices that should be placed in your vehicles.*

An agency should post the longer Title VI notice on its website and in the reception area or public meeting spaces of its offices.

We recommend that you post the longer notice in your office in an inexpensive frame.

1. Please provide a copy of **your** Title VI notice(s).
2. Where are the notices posted?
3. Have you posted a Title VI notice on your website and in the reception area or the public meeting spaces of your office? If posted on website, please provide website address.

COMPLAINT INSTRUCTIONS AND FORM

FTA requires each grantee to have instructions for the public to follow and a form for the public to use for filing a Title VI complaint. The WVDPT has developed for you the form and procedures for filing a Title VI complaint. **Attachment B** presents the sample form and procedures.

4. Please attach a copy of **your** agency's complaint form and procedures.

TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS

FTA requires that the Title VI program include a list of transit-related Title VI complaints, investigations, and lawsuits. WVDPT obtains this information with grant applications. Please note that EEO and ADA complaints are not Title VI complaints so do not list them. If you are part of a city, county, or human service agency, only list Title VI complaints, investigations, or lawsuits related to transportation services.

5. Have you had any Title VI complaints, investigations, or lawsuits related to your transportation services? If yes, please complete the following table.

Type	Date	Summary	Status	Action(s) Taken
Complaints				
Investigations				
Lawsuits				

PUBLIC PARTICIPATION ELEMENT

FTA requires that the Title VI program include a public participation plan that includes an outreach plan to engage minority and limited English proficient (LEP) populations. The plan may include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others. Applicants to WVDPT for FTA assistance are required to comply with several requirements that help meet this Title VI requirement. These requirements include the published notice of intent to apply to WVDPT for FTA assistance and participation in the public transit-human services transportation coordinated plan development. Other public participation methods include open Board/ council meetings, council meetings of cities and counties that provide local funding, advisory committees, public involvement efforts for transportation services, passenger surveys, marketing efforts, such as booths at fairs, and presentations to service and other organizations.

6. Are Board/council meetings open to the public?
7. How do you publicize the dates, times, and locations of Board/council meetings?
8. Where are Board/council meetings held?
9. Is the location accessible to persons with disabilities?
10. Is the location served by your agency's transportation services during the hours Board/council meetings are held? If yes, please describe. If not, do you offer transportation to the meetings upon request?
11. What other efforts do you undertake to ensure that transportation riders or clients can attend Board/council meetings?
12. Do you rely on any counties or cities for funding? If yes, please describe how interested parties can comment on your budget and services at city and town council meetings.
13. Discuss any other outreach efforts, including transportation advisory committees, procedures for soliciting comments for service changes, passenger surveys, public involvement for transportation services, presentations, etc.

LIMITED ENGLISH PROFICIENCY (LEP) ELEMENT

FTA requires that the Title VI program include a plan for providing language assistance to LEP persons. An LEP person is someone who speaks English less than very well. To document what languages are spoken by LEP persons and to help determine what language assistance efforts you should undertake, FTA requires that you analyze the following four factors:

- *the number and proportion of LEP persons served or encountered in your service area*
- *the frequency with which LEP individuals come into contact with your transportation service*
- *the nature and importance of your transportation service*
- *the language assistance resources potentially available to assist LEP persons*

By completing this questionnaire, you will have completed the required four-factor analysis.

The primary source data on LEP populations is the U.S. Census. We have provided a table for you to fill with Census data. To look up the current Census data:

- Go to [US Census Fact Finder](#)
- Search each county or city in your service area
- Select American Community Survey “Education, Marital Status, Relationships, Fertility,
- Scroll down to “language spoken at home”

Please add columns, if needed.

Table 1 Current Census Numbers for LEP Persons Residing within the Service Area					
Population 5 Years and Over by Language Spoken at Home and Ability to Speak English	City/County 1	City/County 2	City/County 3	Total	Percentage of Population 5 Years and Older
Population 5 Years and Over					
Speak English less than “very well”					
Spanish					
Speak English less than “very well”					
Other Indo-European					
Speak English less than “very well”					
Asian and Pacific Island					
Speak English less than “very well”					
All Other					
Speak English less than “very well”					

Survey your staff, including van drivers, reservationists/dispatchers, customer service agents, and office personnel, to determine the frequency of contact with LEP persons, what languages are spoken by these persons, and the foreign languages they speak and/or understand. Attachment C presents a sample survey form. After conducting the survey, please complete the following table.

If conducting the survey and completing the table does not make sense for you, please discuss the frequency of contact with LEP persons and the languages spoken by these persons in the space provided below.

Table 2 Frequency of Contact with LEP Persons	
Frequency	Language Spoken by LEP Persons
Daily	
Weekly	
Monthly	
Less frequently than monthly	

14. If you have not completed Table 2, discuss the frequency of contact with LEP persons and the languages spoken by these persons. (Section 5310 applicants only)

Conduct a telephone survey of organizations, such as municipalities, tribes, police departments, school systems, major employers, human service agencies, and churches, to find out if they encounter people with language assistance needs, what languages these people speak, and what language assistance efforts they are undertaking. Attachment D presents a sample survey form.

15. What outside organizations did you survey?
16. Do any of these organizations encounter people with language assistance needs? If yes, what languages do these people speak?
17. Provide a description of your service (type, days and hours) and list the major activity centers served (communities, employers, Rail Runner stations, park and ride lots, government and human service agencies, medical facilities, shopping centers, and recreational facilities).
18. Discuss trip purpose from passenger surveys or transportation development plans, if conducted.
19. Does staff speak foreign languages? If so, what languages? Do you use staff to translate?

20. Have you translated documents into Spanish or another language? If yes, please list the documents and the languages they are translated into.
21. Do you use Google Translate for your web site? If yes, what languages?
22. What other language assistance efforts are you undertaking?
23. Have you made arrangements with other organizations to provide language assistance efforts? If yes, what organizations and what services?
24. How are LEP persons notified of language assistance services?
25. Discuss outreach programs, such as travel training, school presentations, and community presentations and if these efforts potentially reach LEP persons.
26. Describe how language assistance efforts are monitored, evaluated, and updated.
27. Describe how employees are trained in language assistance efforts.

PLANNING AND ADVISORY BOARDS

FTA requires that the Title VI program present the racial make-up of all transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, and a description of the efforts to encourage the participation of minorities on such committees.

28. List all your transit-related advisory boards and committees and the purpose of each.
29. How are members selected?
30. What is the racial makeup of each board and committee?
31. What efforts are undertaken to encourage participation of minorities on these committees?

**Attachment A
Title VI Notice to the Public**

Long Title VI Notice

Your Rights Under Title VI

[Agency] operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the 1964 Civil Rights Act. Any person who believes that she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with our agency.

Any such complaint must be in writing and filed with this agency within 180 days following the date of the alleged discriminatory occurrence. For information on our nondiscrimination obligations or how to file a complaint, please contact (Agency's name) by any of the methods listed below.

Agency Name and Address

Phone

Fax

Email

If this information is needed in another language, please contact us.

Short Title VI Notice

[Agency] 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 us at [phone].

**Attachment B
Title VI Complaint Form and Procedures**

**SAMPLE
(Agency Name) TITLE VI COMPLAINT FORM**

"No person in the United States shall, on the grounds 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."

If you feel that you have been discriminated against in the provision of transportation services, please provide the following information to assist us in processing your complaint. Should you require any assistance in completing this form or need information in alternate formats, please let us know.

Please mail or return this form to
Director
Agency Name
Address
Including Email and Fax number

PLEASE PRINT if you are not completing the on-line version of this form.

1. Complainant's Name:		
a. Address:		
b. City:	State:	Zip Code:
c. Telephone (Home <input type="checkbox"/> or Cell <input type="checkbox"/> Please include area code ()	Telephone Number (Work) ()	
d. E-Mail Address:		
Do you prefer to be contacted via this e-mail address? <input type="checkbox"/> Yes <input type="checkbox"/> No		
2. Accessible Format of Form Needed? <input type="checkbox"/> Large Print <input type="checkbox"/> Audio Tape <input type="checkbox"/> TDD <input type="checkbox"/> Other (please specify):		
3. Are you filing this complaint on your own behalf? <input type="checkbox"/> Yes If YES, please go to Question 7 <input type="checkbox"/> No If no, please go to question 4		
4. If you answered NO to question 3 above, please provide your name and address.		
a. Name of Person Filing Complaint:		
b. Address:		
c. City:	State:	Zip Code:
d. Telephone (Home <input type="checkbox"/> or Cell <input type="checkbox"/> Please include area code ()	Telephone Number (Work) ()	
e. E-Mail Address:		
Do you prefer to be contacted via this e-mail address? <input type="checkbox"/> Yes <input type="checkbox"/> No		
5. What is your relationship to the person for whom you are filing the complaint?		
6. Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. <input type="checkbox"/> Yes, I have permission. <input type="checkbox"/> No, I do not have permission.		
7. I believe that the discrimination I experienced was based on (check all that apply) <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin (Classes protected by Title VI) <input type="checkbox"/> Other (please specify)		

Attachment B
Title VI Complaint Form and Procedures

SAMPLE
(Your agency's name)
Title VI Procedures

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the grounds 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."

Any person who believes that he/she has been aggrieved by an unlawful discriminatory practice on the basis of race, color or national origin by (insert your agency's name) may file a complaint by completing and submitting (your agency's name) the Title VI Complaint form.

How do you file a complaint?

You may download the (your agency's name) Title VI Complaint Form at (give web address), or request a copy by writing or phoning (list your agency's full name, address and phone number).

You may file a signed, dated and written complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- Your name, address and telephone number. (See Question 1 of the Complaint Form)
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. (See Questions 7, 8, 9, and 10 of the Complaint Form)
- The names of any persons, if known, whom the director could contact for clarity of your allegations. (See Question 11 of the Complaint Form)

Please submit your complaint form to address listed below:

Director
Your agency's name and address

How will your complaint be handled?

(Your agency's name) investigates complaints received no more than 180 days after the alleged incident. (Your agency's name) will process complaints that are complete. Once a completed complaint is received, (Your agency's name) will review it to determine if (your agency's name) has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by (your agency's name).

Attachment B
Title VI Complaint Form and Procedures

(Your agency's name) will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, (your agency's name) may contact the complainant. Unless a longer period is specified by (your agency's name), the complainant will have ten (10) days from the date of the letter to send requested information to the (your agency's name) investigator assigned to the case.

If (your agency's name) investigator is not contacted by the complainant or does not receive the additional information within the required timeline, (your agency's name) may administratively close the case. A case may be administratively closed also if the complainant no longer wishes to pursue their case.

After an investigation is complete, (your agency's name) will issue a letter to the complainant summarizing the results of the investigation, stating the findings and advising of any corrective action to be taken as a result of the investigation. If a complainant disagrees with (your agency's name) determination, he/she may request reconsideration by submitting a request in writing to (your agency's name) director (or the appropriate title) within seven (7) days after the date of (your agency's name) letter, stating with specificity the basis for the reconsideration. The director (or the appropriate title) will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 days. In cases where reconsideration is granted, the director (or the appropriate title) will issue a determination letter to the complainant upon completion of the reconsideration review.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, then contact (your agency's name) at (phone number).

STAFF LEP SURVEY

[Agency] is studying the language assistance needs of its riders so that we can better communicate with them and increase ridership. Please complete the following survey and return it to X by X.

How often do you come into contact with passengers who do not speak English or have trouble understanding you when you speak English to them? (Circle one)

Daily Weekly Monthly Less frequently than monthly

What languages do these passengers speak? Please list.

What other foreign languages do you understand or speak?

Would you be willing to serve as a translator when needed?

OUTSIDE ORGANIZATION LEP SURVEY

Organization:

What language assistance needs are encountered?

What languages are spoken by persons with language assistance needs?

What language assistance efforts are you undertaking to assist persons with language assistance needs?

When necessary, can we use these services?

Would you like information on transportation services?