



Program Management Plan for 49 USC §5317 – New Freedom

March 2008

Table of Contents

Introduction	1
49 USC §5317 Statutory Authority.....	1
§5317 Program Goals	2
Roles and Responsibilities	3
<i>Program Administration and Designated Recipients</i>	3
<i>Advisory Committees</i>	4
<i>Policy Boards</i>	4
Coordination Efforts	7
<i>State Level Coordination</i>	7
<i>Regional Planning Coordination</i>	7
<i>Project Level Coordination</i>	8
PSRC Program Constraints	9
Eligible Subrecipients	9
Eligible Direct Recipients	9
Eligible Projects.....	11
Mobility Management.....	13
Federal Share of Costs/ Local Match.....	14
<i>Exceptions to Local Match Requirements</i>	15
<i>Use of non-DOT Federal Funds</i>	15
Administration, Planning, and Technical Assistance	15
Transfer of Funds	16
Private Sector Participation.....	16
Designated Recipient Program Management	17
Civil Rights	17
Section 504 and ADA Reporting	18
Charter Rule	18
Private Sector Participation.....	18
Other Provisions.....	18
<i>Section 5333(B) Special Warranty</i>	18
<i>School Transportation Agreement</i>	19
<i>Drug Abuse and Alcohol Misuse Testing</i>	19
<i>Environmental Regulations</i>	19
<i>Vehicle Purchases</i>	20
<i>Lobbying and Code of Ethics</i>	20
<i>Reporting</i>	20
Financial Management and Project Monitoring	21
<i>WSDOT and PSRC Administrative, Accounting, and Financial Reporting</i>	21
<i>Grantee Financial Management</i>	21
<i>WSDOT Site Visits</i>	22
<i>Audits</i>	22
<i>Close Out</i>	23

<i>Procurement</i>	23
<i>Property Management</i>	24
<i>Inventory Report</i>	24
<i>Maintenance</i>	25
<i>Vehicle Use</i>	25
Disposition	25
<i>At the End of a Vehicle's Useful Life</i>	25
<i>Prior to the End of a Vehicle's Useful Life</i>	26
Project Selection Criteria and Methodology	27
Project Selection Methodology.....	27
<i>Application Cycle</i>	27
<i>Project Selection Criteria</i>	27
<i>Method Used</i>	29
<i>Annual Program of Projects and Approval Process</i>	30
<i>Creating a Prioritized Contingency List</i>	30
<i>Amending the Program of Projects</i>	31
<i>Policy Rationale</i>	31
<i>Equity of Distribution</i>	32
Estimated Available Funds	32
Regional Transportation Improvement Program (TIP).....	32
Appeals Process	33

Appendices

Appendix 1: Draft Schedule for 2008-2009 JARC and New Freedom Competitive Selection Process	34
--	-----------

Figures

Figure 1: Goals and Strategic Objectives of the <i>Coordinated Transit-Human Services Transportation Plan</i>	2
Figure 2: Seattle-Tacoma-Everett Urbanized Area Boundary	10

Tables

Table 1: Agencies Invited to Special Needs Transportation Committee Meetings	6
Table 2: Estimated JARC and New Freedom Apportionments for STE UZA	32

Document Approval and Amendments

Date	Purpose
2/22/2007	Original Executive Board approval of document

Introduction

49 USC §5317 Statutory Authority

Title 49 USC §5317(b)(1) declares that The Secretary may make grants under this section to a recipient for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (ADA) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

Further, Title 49 USC §5317(c)(1) authorizes The Secretary to apportion amounts made available in a fiscal year to carry out this section as follows:

- §5317(c)(1)(A)- 60 percent of the funds shall be apportioned among designated recipients (as defined in § 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that the number of individuals with disabilities in each such urbanized area bears to the number of individuals with disabilities in all such urbanized areas.
- §5317(c)(1)(B)- 20 percent of the funds shall be apportioned among the States in the ratio that the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in each State bears to the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in all States.
- §5317(c)(1)(C)- 20 percent of the funds shall be apportioned among the States in the ratio that the number of individuals with disabilities in other than urbanized areas in each State bears to the number of individuals with disabilities in other than urbanized areas in all States.

Title 49 USC §5317(d) stipulates that each designated recipient of New Freedom funding must distribute those funds via a competitive process to direct recipients and subrecipients. As one of two designated recipients of §5317 funding in the Seattle-Tacoma-Everett Urbanized Area (STE UZA), PSRC will be conducting the competitive selection process to distribute both JARC and New Freedom funds.

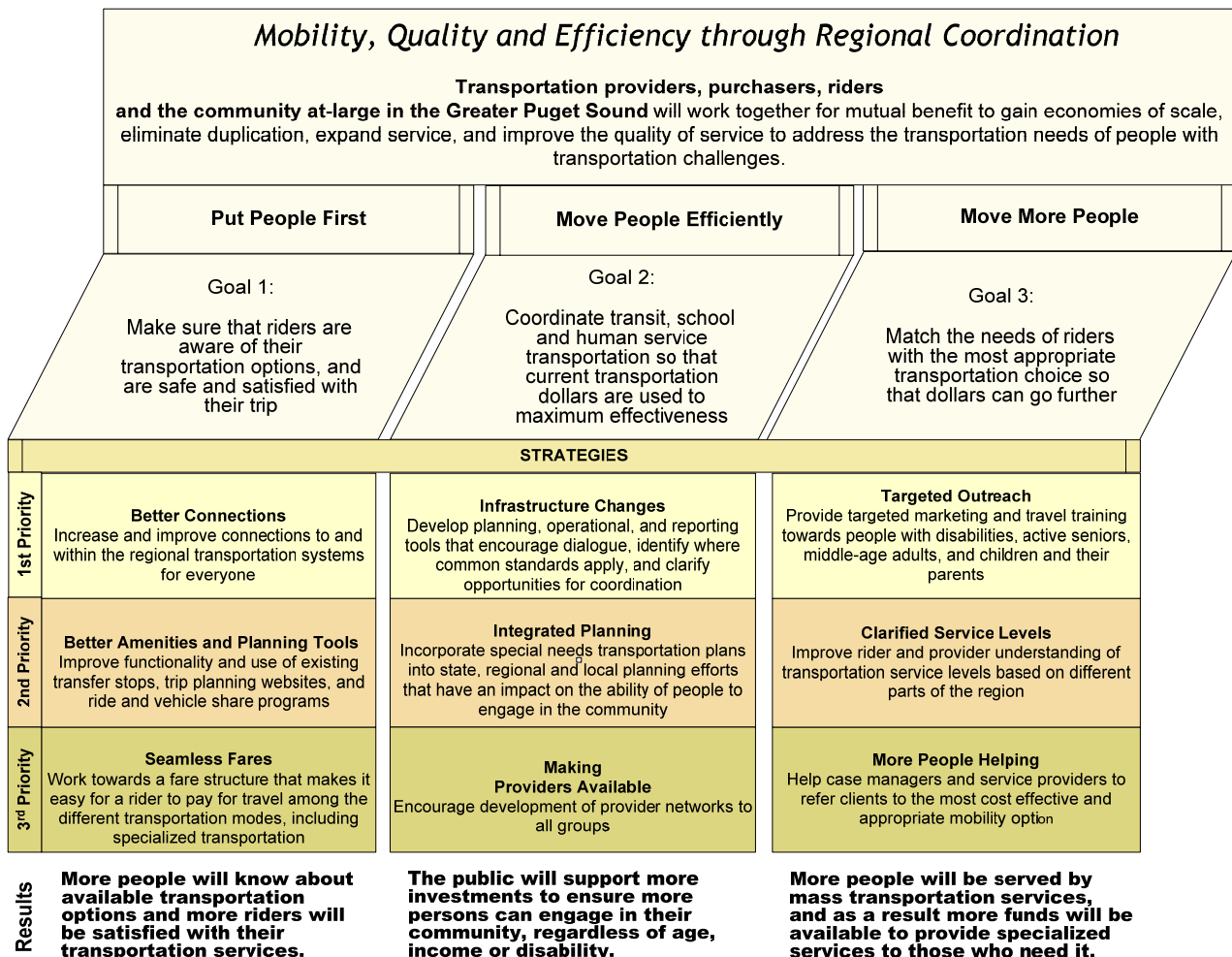
The Federal Transit Administration (FTA), who holds the responsibility for national implementation of Title 49 USC §5317, has provided further program guidance in *FTA Circular C 9045.1*. This guidance elaborates upon the intent of the program, interprets provisions, and establishes additional requirements for designated recipients, direct recipients, and subrecipients of New Freedom funding. The development of this program management plan is included among these additional requirements. Therefore, the contents of this plan must comply with *FTA Circular 9045.1*, and satisfy the FTA requirement for its development. Further references in this program management plan to Title 49 USC §5317 shall be the “§5317 program.”

§5317 Program Goals

FTA has defined the goal of the New Freedom program in *FTA Circular C 9045.1*; “to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the workforce and full participation in society. The New Freedom formula grant program seeks to expand the transportation mobility options available to persons with disabilities beyond the requirement of the Americans with Disabilities Act of 1990.” Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the transportation needs of individuals with disabilities.

In addition to supporting the general FTA objective, the §5317 program will support the goals and strategic objectives found in the PSRC-developed *Coordinated Transit-Human Services Transportation Plan*. These three adopted goals represent a regional strategy to increase personal mobility and travel options for those with special transportation needs in the central Puget Sound region, including the low-income population.

Figure 1: Goals and Strategic Objectives of the *Coordinated Transit-Human Services Transportation Plan*



Roles and Responsibilities

Program Administration and Designated Recipients

Two designated recipients have been appointed by the Governor for New Freedom funds apportioned to the Seattle-Tacoma-Everett Urbanized Area (STE UZA): the Puget Sound Regional Council and the Washington State Department of Transportation (WSDOT). The Puget Sound Regional Council will assume the primary responsibilities associated with the development of the *Coordinated Transit-Human Services Transportation Plan* and the competitive selection process, including:

➤ *Conducting an area-wide competitive selection process*

PSRC will take the lead role on all aspects of the competitive selection process, including, but not limited to:

- notifying eligible sponsors
- collaboratively developing and revising selection criteria
- determining applicant eligibility
- selecting and prioritizing projects for funding
- presenting the prioritized projects for reference in the Metropolitan Transportation Plan (MTP), as well as inclusion in the Regional Transportation Improvement Program (TIP) and state Transportation Improvement Program (sTIP)

Working closely with the Special Needs Transportation Committee, PSRC has developed a methodology for the prioritization and selection of projects to receive New Freedom funds. Please see Project Selection Criteria and Methodology section of this document for a full description of activities related to this task.

➤ *Certifying fair and equitable distribution of funds resulting from the competitive selection process.*

➤ *Certifying that each project selected for funding was derived from the Coordinated Transit-Human Services Transportation Plan.*

PSRC will assume this responsibility. This will be done by scoring projects against the selection criteria.

➤ *Certifying that the Coordinated Transit-Human Service Transportation Plan was developed through a process that included representatives of public, private, and non-profit transportation and human service providers, as well as participation by the public.*

WSDOT will supplement these responsibilities, when the nature of the PSRC prohibits PSRC from particular grant management activities on behalf of subrecipients in the STE UZA. WSDOT's primary responsibilities will involve the management of grants awarded to subrecipients who are ineligible to be designated as direct recipients under the New Freedom program. WSDOT responsibilities include:

- *Managing all aspects of grant distribution and oversight for subrecipients receiving funds under the New Freedom program.*

Subrecipient grantees will be subject to WSDOT grants management policies and procedures. For a full description of these requirements please refer to page 17. “Designated Recipient Program Management”.

- *Submitting FTA required reports*

Advisory Committees

PSRC draws upon the Special Needs Transportation Committee to assist in the development of a variety of materials, including the *Coordinated Transit-Human Services Transportation Plan* and project evaluation criteria. The Special Needs Transportation Committee currently meets monthly to discuss special needs transportation issues in the central Puget Sound region, and represents a wide variety of interests. The group is comprised of the following types of agencies:

- human service transportation providers
- education service districts
- county departments of community services
- state Medicaid brokerages
- transit agencies
- Washington State Department of Social and Health Services (DSHS)

For a full list of agencies invited to attend Special Needs Transportation Committee meetings please refer to Table 1 on the following page.

The Transportation Operators Committee (TOC) is an advisory committee that serves as a regional forum for the discussion of transit-related issues. The TOC includes representatives from transit agencies in each county, Sound Transit (the Regional Transportation Authority), and the state Department of Transportation's Ferry Planning Office, Urban Mobility Office, and Transportation and Rail Division. The TOC serves as a secondary platform for the discussion of special needs transportation funding. The TOC reviews and discuss the funding recommendations submitted by the Special Needs Transportation Committee, and in turn makes a recommendation to the Transportation Policy Board.

Policy Boards

The Transportation Policy Board (TPB) includes representatives from PSRC's member jurisdictions and regional business, labor, civic and environmental groups. This committee meets monthly to make recommendations on key transportation issues to the Executive Board. The TPB will review and discuss the funding recommendations from the Special Needs Transportation Committee and the TOC, and will then provide a recommendation to the Executive Board for funded projects.

Executive Board members are appointed by their General Assembly constituents to represent the member governments. The Board is chaired by the PSRC president, meets

monthly, and carries out delegated powers and responsibilities between meetings of the General Assembly. The Executive Board will receive a funding recommendation from the TPB and will formally approve the project list. This action will allow projects to be included in the Regional TIP and be a precondition to submitting the Program of Projects to FTA.

Table 1: Membership and Voting Structure of Special Needs Transportation Committee

Representation	Type	Counties Served	Role				Primary Agency	Alternate Agency
			Informative	Coord. Plan Voting	WSDOT CGP Voting	STE Voting		
Voting Members								
King County Metro	Transit	King	X	X	X	X	King County Metro	King County Metro
Representative from KCCTC	Local Coalition	King	X	X	X	X	King County Dept. of Community Health Services	City of Bellevue
Seattle-King County Aging and Disability Services	Agency on Aging	King	X	X	X	X	Seattle Aging and Disability Services	Seattle Aging & Disability Services
WorkForce Development Council of Seattle - King County	Work Force	King	X	X	X	X	WorkSource King County	Seattle/King County WDC
Available county seat to be chosen by King Co. Coalition	??*	King	X	X	X	X	Senior Services of King County	Neighborhood House
Pierce Transit	Transit	Pierce	X	X	X	X	Pierce Transit	Pierce Transit
Representative from PCCTC	Local Coalition	Pierce	X	X	X	X	Puget Sound Educational Service District	Pierce County Dept. of Community Svc.
Pierce County Aging and Long-Term Care	Agency on Aging	Pierce	X	X	X	X	Pierce County Aging and Long-Term Care	<i>Vacant</i>
Tacoma-Pierce Co. Workforce Development Council	Work Force	Pierce	X	X	X	X	WorkSource Pierce County	<i>Vacant</i>
Available county seat to be chosen by PCCTC	??*	Pierce	X	X	X	X	Transpro	Transpro
Community Transit	Transit	Snohomish	X	X	X	X	Community Transit	Community Transit
Representative from SNOTRAC	Local Coalition	Snohomish	X	X	X	X	Volunteers of America	Snohomish County
Snohomish County Long-Term Care and Aging	Agency on Aging	Snohomish	X	X	X	X	Snohomish County Aging / Long-Term	Snohomish County Aging / Long Term Care
Snohomish County WorkForce Development Council	Work Force	Snohomish	X	X	X	X	Snohomish County WDC	Snohomish County WDC
Available county seat to be chosen by SNOTRAC	??*	Snohomish	X	X	X	X	Senior Services of Snohomish County	Disability Resource Connection
Kitsap Transit	Transit	Kitsap	X	X	X		Kitsap Transit	<i>Vacant</i>
Representative from Kitsap Group	Local Coalition	Kitsap	X	X	X		<i>Vacant</i>	<i>Vacant</i>
Kitsap County Dept. of Aging and Long-Term Care	Area on Aging	Kitsap	X	X	X		<i>Vacant</i>	<i>Vacant</i>
Olympic WorkForce Development Council	Work Force	Kitsap	X	X	X		<i>Vacant</i>	<i>Vacant</i>
Available county seat to be chosen by Kitsap Group	??*	Kitsap	X	X	X		<i>Vacant</i>	<i>Vacant</i>
Paratransit Services	Medicaid	Regional	X	X	X	X	Paratransit Services	Paratransit Services
Hopelink	Medicaid	King	X	X	X	X	Hopelink	Hopelink
Washington State Ferries	Ferry	State	X	X	X	X	Washington State Ferries	Washington State Ferries
Sound Transit	Transit	Regional	X	X	X	X	Sound Transit	Sound Transit
Non-Voting Members								
Employment Securities Department	Employment	State	X				Employment Securities Department	N/A
ACCT	WSDOT	State	X				WSDOT	N/A
PSRC	MPO	Regional	X				PSRC	N/A
DSHS - Medicaid	Medicaid	State	X				DSHS - Medicaid	N/A
DSHS - WorkFirst	WorkFirst	State	X				DSHS - WorkFirst	N/A
DSHS - Aging	Aging	State	X				DSHS - Aging	N/A
DSHS - WorkFirst Program Coordinator	WorkFirst	State	X				DSHS - Economic Services Administration	N/A
United Way of King County	Non-Profit	King	X				United Way of King County	N/A
United Way of Pierce County	Non-Profit	Pierce	X				United Way of Pierce County	N/A
Volunteers of America Western Washington	Non-Profit	State/Other	X				Volunteers of America	N/A
Community Transportation Association of America		State/Other	X				CTAA	N/A
Northwest Educational Service District	Education	Regional	X				Northwest Educational Service District	N/A
FLT Consulting	Consultant	Other	X				FLT Consulting	N/A
Northshore Senior Center	Aging	King/Sno	X				Northshore Senior Center	N/A
Child and Family Guidance Center	Assistance	Pierce	X				Child and Family Guidance Center	N/A
Pierce County Wheels to Work	JARC	Pierce	X				Pierce County Wheels to Work Program	N/A
Mercy Transportation	Provider	Snohomish	X				Mercy Transportation	N/A

Coordination Efforts

State Level Coordination

WSDOT requires Regional Transportation Planning Organizations (RTPOs) in the state take part in a regional ranking process of those projects that will be submitted to the Consolidated Grant Program from their respective regions. The PSRC has strategically coordinated the competition for regional JARC and New Freedom funds with this process in order to maximize the efficiency of our efforts related to technical evaluation and the funding recommendation process.

Further coordination includes WSDOT managing grants selected for PSRC's JARC and New Freedom funding. WSDOT has been operating the statewide Consolidated Grant Program since 2003 and has established procedures relating to FTA grants management. Further, it is not within the PSRC's scope of work to act as a grant management agency. PSRC requested that WSDOT administer grants to subrecipients in the region to capitalize on existing policies and prevent the duplication of management efforts.

Another way that PSRC and WSDOT are coordinating is the use of their grant application. Rather than rewrite a regional application and require project sponsors to fill out two separate forms, PSRC used a draft version of the WSDOT application and inserted questions that would pertain to the established regional criteria. PSRC staff then scores the applications and submitted the list to WSDOT as requested.

Additionally, as it is important for project sponsors to have accurate information, PSRC served as a vehicle for the dissemination of information from WSDOT, as well as a regional voice for concerns and questions from project sponsors and agencies in the area.

Regional Planning Coordination

PSRC continues to be involved with a number of countywide and regional groups that have been created to look at existing coordination efforts, and craft new ways to coordinate special needs transportation services. These coalitions are composed of human service and transit agencies, advocacy groups, individuals with special transportation needs, school districts, transportation brokers, and human service transportation providers. They dedicate their time to local issues and have created, are in the process of creating, or updating local plans that act as strategies for the coordination and delivery of services within their respective geographies. These groups are:

- The Pierce County Coordinated Transportation Coalition (PCCTC), which has developed the *Coordinated Transportation Plan: for people with special transportation needs in Pierce County*.
- The Snohomish County Special Needs Transportation Coalition (SNOTRAC), which developed the *Special Needs Transportation Five-Year Strategic Plan*.
- The King County Coordinated Transportation Coalition, which recently created the *King County Coordinated Special Needs Transportation Plan*.

PSRC utilized each of the existing transportation plans during the development of the *Coordinated Transit-Human Service Transportation Plan* in order to build upon existing efforts. In addition, PSRC has made efforts to meet with each of these coalitions on a regular basis to discussing topics ranging from local barriers preventing access to transportation to state and federal funding competitions.

In addition to the countywide groups, PSRC was heavily involved with the Regional Special Needs Coordinated Transportation Coalition (RSNCTC) that Sound Transit assembled as the steering committee for the development of *United We Ride in Puget Sound*. This large, once ad hoc group was comprised of members from each of the countywide coalitions as well as representatives from state agencies such as the Department of Social and Health Services (DSHS). Sound Transit embarked on their regional planning effort in early 2005, which culminated with the adoption of the plan in October, 2006. Contrary to local coordinated transportation plans, *United We Ride in Puget Sound* discusses long-range, inter-jurisdictional trips and how to better coordinate transfers between provider networks. The RSNCTC was tapped by PSRC to also serve as the original steering committee for the *Coordinated Transit-Human Services Transportation Plan* and was dubbed the Special Needs Transportation Committee. By sitting with Sound Transit at this table, PSRC avoided the creation of another committee and expending the dollars necessary to attend both. Since the adoption of *United We Ride in Puget Sound*, the Special Needs Transportation Committee has become a standing group at PSRC and meets bi-monthly to discuss special needs transportation issues in the central Puget Sound region. The committee has consistently grown over time to its current size, where over 40 agencies representing various interests around the region are invited to attend. Currently, the SNTC provides oversight during updates to the *Coordinated Transit-Human Services Transportation Plan* and an initial funding recommendation for federal Job Access Reverse Commute and New Freedom funds.

Project Level Coordination

New Freedom funding must be implemented effectively and efficiently. One way to provide quality service under these constraints is to coordinate agencies and projects.

As part of the application to the PSRC competitive selection process, project sponsors are asked to identify inter-agency and/or service coordination efforts they have been engaged in, as well as any financial partnership that they may be a part of. These are important portions of the application and have the ability to either negatively impact or increase the chances that a project sponsor will be awarded New Freedom funding.

PSRC Program Constraints

Eligible Subrecipients

The following types of agencies are eligible to apply for §5317 financial assistance:

- Private non-profit organizations. A non-profit organization is a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 USC 501(a) or one which has been determined under state law to be non-profit and for which the designated state agency or urbanized area designated recipient (PSRC, WSDOT) has received documentation certifying the status of the non-profit organization.
- State or local governments
- Operators of public transportation services, including private operators of public transportation services

In addition to being classified as one of the listed types of agencies, pursuant to §5317(c)(2), only sponsors whose projects serve the area for which the funds were apportioned are eligible to apply. This means that there is either an origin or destination located within the urban area boundary (see Figure 2).

For example, a sponsor whose project serves the cities of Snoqualmie and North Bend would be ineligible to apply for New Freedom funds through the PSRC competitive selection process because the service area falls outside of the Seattle-Tacoma-Everett Urbanized Area. This is the large urbanized area to which the funds were apportioned. However, if an agency's project serves individuals with disabilities in north Seattle, they would be eligible for New Freedom assistance.

Eligible Direct Recipients

The competitive selection process may result in New Freedom funds being awarded to a transit agency in the Seattle-Tacoma-Everett Urbanized Area. If one of these agencies is awarded New Freedom funds, and they are a designated recipient of the § 5307 program, it is possible for them to become a direct recipient of New Freedom funds rather than enter into a subrecipient relationship with WSDOT. This arrangement allows the transit authority to access and administer their grant directly.

When the transit authority (§ 5307 designated recipient) applies for the New Freedom grant directly they must enter into a supplemental agreement with the designated recipient (PSRC, WSDOT), which releases them from any liability or requirement under the grant agreement. Supplemental agreements are provided in Transportation Electronic Awards and Management System (TEAM) and must be electronically executed.

Eligible direct recipients of New Freedom funding in the STE UZA include:

Eligible Projects

New Freedom program funds are eligible for capital and operating expenses that support **new public transportation services beyond those required by the ADA and new public transportation alternatives beyond those required by the ADA** designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services. For the purpose of the New Freedom program, “new” service is defined as any service or activity that was not operational prior to August 10, 2005 and did not have an identified funding source as of August 10, 2005, as evidenced by inclusion in the Regional Transportation Improvement Program (TIP) or the State Transportation Improvement Program. In other words, if not for the New Freedom program, these projects would not have consideration for funding and proposed service enhancements would not be available for individuals with disabilities.

Both new public transportation services and new public transportation alternatives are required to go beyond the requirements of the ADA and must (1) be targeted toward individuals with disabilities; and (2) meet the intent of the program by removing barriers to transportation and assisting persons with disabilities with transportation, including transportation to and from jobs and employment services.

Maintenance of Effort: Recipients or subrecipients may not terminate paratransit enhancements or other services offered as of August 10, 2005, in an effort to reintroduce the service as “new” and then receive New Freedom funds for those services.

New Public Transportation Services Beyond the ADA: The following activities are examples of eligible projects meeting the definition of new public transportation.

- *Enhancing public transportation services beyond minimum requirements of the ADA.* Paratransit services can be eligible under New Freedom in several ways as long as the services provided meet the definition of “new”.
 - Expansion of paratransit service parameters beyond the ¾ mile required by the ADA.
 - Expansion of current hours of operation for paratransit services that are beyond those provided on the fixed-route services.
 - The provision of same day service.
 - Enhancement of the level of service by providing escorts or assisting riders through the door of their destination.
 - Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for common wheelchairs under the ADA and labor costs of aides to help drivers assist passengers with over-sized wheelchairs. This would permit the acquisition of lifts with a larger capacity, instead of just modification to lifts with a 600 lb. design load, as well as the acquisition of heavier-duty vehicles for paratransit and/or demand-response service.
 - Installation of additional securement locations in public buses beyond what is required by the ADA.

- *Feeder services:* New “feeder” service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.
- *Making accessibility improvements to transit and intermodal stations not designated as key stations.* Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. New Freedom funds are eligible to be used for new accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail, and rapid rail. This may include:
 - Building an accessible path to a bus stop that is currently inaccessible, including curb cuts, sidewalks, accessible pedestrian signals or other accessible features.
 - Adding an elevator or ramps, detectable warnings, or other accessibility improvements that are not otherwise required under the ADA to a non-key station.
 - Improving signage, or wayfinding technology.
 - Implementation of other technology improvements that enhance accessibility for persons with disabilities.
- *Travel Training:* New training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.

New Public Transportation Alternatives Beyond the ADA: The following activities are examples of projects that are eligible as new public transportation alternatives beyond the ADA under the New Freedom program.

- *Purchasing vehicles to support new accessible taxi, ride sharing, and/or vanpooling programs.* New Freedom funds can be used to purchase and operate accessible vehicles for use in taxi, ridesharing and/or vanpool programs provided that the vehicle has the capacity to accommodate a passenger who uses a “common wheelchair” as defined under 49 CFR 37.3, at a minimum, while remaining in his/her personal mobility device inside the vehicle, and meeting the same requirements for lifts, ramps, and securement systems specified in 49 CFR part 38, subpart B.
- *Supporting the administration and expenses related to new voucher programs for transportation services offered by human service providers.* This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Only new voucher programs or expansion of existing programs are eligible under the New Freedom program. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The New Freedom program can provide vouchers to individuals with disabilities to purchase rides, including: (a) mileage reimbursement as a part of a

volunteer driver program; (b) a taxi trip; or (c) trips provided by a human service agency. Providers of transportation can then submit the voucher for reimbursement to WSDOT for payment based on pre-determined rates or contractual arrangements. Transit passes for use on existing fixed-route or ADA complementary paratransit service are not eligible. Vouchers are an operational expense, which requires a 50/50 (Federal/local) match.

- *Supporting new volunteer driver and aide programs.* New volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, and other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of new enhancements to increase capacity of existing volunteer driver programs are also eligible. FTA notes that any volunteer program supported by New Freedom must meet the requirements of “new” and “beyond” the ADA. FTA encourages communities to offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.
- *Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation.*

Mobility Management

Mobility management activities consist of short-range planning, and projects intended to improve coordination among public transportation and other transportation service providers with the result of expanding the availability of service. New Freedom funds are eligible for mobility management purposes as a capital expense requiring an 80/20 (federal/local) match. This includes supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management techniques may enhance transportation access for populations beyond those served by one agency or organization within a community. For example, a non-profit agency could receive New Freedom funding to share services it provides to its own clientele with low-income individuals and coordinate usage of vehicles with other non-profits. Mobility Management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Mobility management activities may include:

- The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, older adults, and low-income individuals.
- Support for short-term management activities to plan and implement coordinated services.
- The support of state and local coordination policy bodies and councils.
- The operation of transportation brokerages to coordinate providers, funding agencies and customers.

- The provision of coordination services, including employer-oriented Transportation Management Organizations' and Human Service Organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individual travel training and trip planning activities for customers.
- The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangement for customers among supporting programs.
- Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of:
 - Geographic Information Systems (GIS) mapping
 - Global Positions Systems (GPS) technology
 - coordinated vehicle scheduling
 - dispatching and monitoring technologies
 - technologies to track costs and billing in a coordinated system and single smart customer payment system (acquisition of technology is also eligible as a stand-alone capital expense)
- Technologies to track costs and billing in a coordinated system and single smart customer payment system (acquisition of technology is also eligible as a stand-alone capital expense).

Federal Share of Costs/ Local Match

New Freedom funds may be utilized for either capital or operating assistance. Depending on which type of assistance is being applied for, project sponsors are required to match different percentages to the federal share of eligible expenses. The local share for capital expenses is 20% of the total cost of the project, and the match requirement for operating expenses is a 50/50 (federal/local) split. All local match funding must be provided from sources other than federal Department of Transportation. Possible match sources include the following:

- State or local appropriations (WSDOT Paratransit or Special Needs funds)
- Other non-Department of Transportation federal funds that are eligible to be expended for transportation
- Tax revenues
- Private donations
- Revenues from human service contracts
- Toll revenue credits
- Net income generated from advertising and concessions
- Non-cash share such as donations, volunteered services, or other in-kind contributions are eligible to be counted as a local match so long as the value of each is documented and supported, AND is a cost that would otherwise be eligible under the program.

- Income from contracts to provide human service transportation

Exceptions to Local Match Requirements

The federal share is 90% for vehicle-related equipment and facilities required by the Clean Air Act Amendments of 1990 (CAAA) or the Americans with Disabilities Act of 1990 (ADA). It is only the portion of costs associated with meeting these requirements that are eligible for the 90% federal share, not the entire cost of the vehicle or facility, even if that vehicle or facility is purchased for use in service required by the ADA or CAAA. Sponsors wishing to apply for assistance at the higher match ratio should consult the FTA Region 10 offices for further guidance regarding methods of computing this incremental cost. This step must be completed prior to submitting an application for federal assistance to PSRC. The Community Planner at FTA Region 10 responsible for the JARC program is Mr. John Witmer.

John Witmer, Community Planner
FTA Region 10
(206) 220-7964

Use of Non-DOT Federal Funds

The local share of the total project cost may be from non-Department of Transportation federal funds derived from other federal programs that are eligible to be expended for transportation purposes. Examples of such funds are:

- Temporary Assistance for Needy Families (TANF)
- Medicaid
- Employment training programs
- Rehabilitation Services
- Administration on Aging

To be eligible for local match against New Freedom funds, the non-DOT federal funds must be utilized for activities included in the total cost of the project. The use of other federal funds for transportation outside the scope of the project *cannot* be applied as a credit for local match against the JARC funds.

Administration, Planning and Technical Assistance

Designated recipients of New Freedom funding may utilize up to 10% of each annual apportionment to support program administrative costs including administration, planning, and technical assistance. This activity may be funded entirely by federal funds and does not require a local match.

Because there are two designated recipients for the Seattle-Tacoma-Everett urbanized area (PSRC, WSDOT) there will be a split of the allowable administrative costs.

WSDOT will utilize allowable funds at 10% of the total value of any grant that they administer. These funds will offset the cost of overhead and staff salaries associated with WSDOT grant management activities.

PSRC will make use of the remaining funds from the 10% cap to offset costs related to the ongoing administration of the special needs transportation planning program in the region. These dollars will be used to support the competitive selection process and updates to the regional *Coordinated Transit-Human Service Transportation Plan*. When surplus administrative, planning, and technical assistance funds are available, they will be passed-through to countywide special needs transportation coalitions in King, Pierce, and Snohomish counties for the ongoing development of, and updates to countywide coordinated special needs transportation plans.

Transfer of Funds

FTA has issued no provision or authority to transfer New Freedom funds apportioned to large urbanized areas to small urban or rural areas.

Private Sector Participation

PSRC has been heavily involved with a number of groups comprised of private and public sector agencies. Three of the four counties in the central Puget Sound region house a coordinated transportation coalition designed to address local special needs transportation issues. These coalitions have developed special needs transportation plans that have been instrumental in the development of the PSRC *Coordinated Transit-Human Services Transportation Plan*. The coalitions are comprised of human service agencies, transit agencies, advocacy groups, individuals with special transportation needs, school districts, transportation brokers, human service transportation providers, and JARC coordination groups. In addition to working with these countywide coalitions, PSRC works closely with a the Special Needs Transportation Committee. Grown out of a regional workgroup created by Sound Transit, the Special Needs Transportation Committee is comprised of representatives from each of the local countywide coalitions as well as other agencies, including the Washington State Department of Social and Health Services (DSHS). PSRC adopted this group to serve as the steering committee for the development of, and updates to, the *Coordinated Transit-Human Services Transportation Plan* as well as to provide initial funding recommendations for both Job Access Reverse Commute and New Freedom dollars.

Each of these groups serves as a vehicle for the dissemination of information regarding PSRC activities related to the *Coordinated Transit-Human Services Transportation Plan* and the competitive selection process.

Designated Recipient Program Management

The following section applies only to grants that the WSDOT will administer on behalf of subrecipients (grantees) in the Seattle-Tacoma-Everett Urbanized Area. When transit agencies and recipients of § 5307 (Urbanized Area Formula) funds, they are entitled to become “direct recipients” of New Freedom funds. Upon executing the supplemental agreement found in TEAM, WSDOT and PSRC are released from any liability pertaining to the direct recipient grant. The direct recipient is then responsible for adhering to FTA requirements through their agreements and grants with FTA directly.

Civil Rights

Grantees must submit all required certifications and assurances prior to contract signature and annually thereafter. These include:

- Standard Assurances
- Nondiscrimination Assurances
- Protections for Private Providers of Public Transportation
- Assurance of Nondiscrimination on the Basis of Disability

Civil rights clauses are included in grantee agreements. Ongoing oversight is provided through desk reviews and/or site visits to grantees. The checklist used during grantee reviews includes a section that verifies compliance with Civil Rights issues such as discrimination, employment, complaints, and accessibility of services.

Potential grantees serving significant minority populations are reached through the PSRC coordinated planning process and by broad distribution of grant funding announcements and application materials. PSRC conducts a grant application workshop designed to provide a forum for potential project sponsors to ask questions and receive advice from staff. Similarly, WSDOT conducts “Successful Grant Writing” training to assist applicants complete the *Public Transportation Grant Application*.

Grantees must take reasonable steps to ensure that Disadvantaged Business Enterprises (DBE) have the opportunity to compete for and perform contracts. All FTA grantees who anticipate that they will award contracts totaling over \$250,000 during the federal fiscal year (October 1–September 30) are required to have a DBE program (49 CFR 26). Contracts to purchase transit vehicles do not count toward the \$250,000 total. WSDOT staff coordinates with WSDOT’s Office of Equal Opportunity and provides technical assistance to help grantees meet the federal DBE requirements.

Grantees are required to annually report purchases made from DBE vendors and provide a description of their good faith efforts to locate and purchase from DBE vendors.

Section 504 and ADA Reporting

WSDOT notifies each grant recipient at the time of the grant award that the Public Transportation Division may receive complaints alleging discrimination in service or employment, including Section 504 and ADA. Any written complaints alleging discrimination are referred to WSDOT's Office of Equal Opportunity.

If the grantee chooses to conduct a vehicle procurement internally, WSDOT reviews and approves the bid documents and procedures. One of the items reviewed is how the vehicle complies with the ADA. WSDOT requires all vehicles purchased with FTA funding be accessible and comply with ADA requirements.

Charter Rule

WSDOT has included 49 CFR Part 604 in its *Guide to Managing Your Public Transportation Grant*. This manual is distributed to all grantees prior to contract signature. Grantees are instructed that they must comply with this CFR if receiving funding from §5316.

All grantees who are considering charter service are responsible for complying with the public participation process described in the rule. WSDOT reviews compliance with the charter rule during site visits or desk reviews. When complaints are received alleging unfair competition in regard to charter business, WSDOT investigates the allegation. The grantee is contacted to verify if charter service is taking place and that the proper process has been followed.

Private Sector Participation

As part of the *Coordinated Public Transit-Human Services Transportation Plan* development and application process, applicants coordinate their services with other public and private providers. Applicants also identify the agency or local plans that include their project. Coordination with all transportation providers in the same geographic area, including private sector providers, significantly impacts an applicant's success in regional and state selection processes.

Other Provisions

Section 5333(b) Special Warranty

Section 5333(b) provisions protect the interest of employees of agencies receiving §5316 funds. Each grantee is supplied with a copy of the *Guide to Managing Your Public Transportation Grant*. This guide contains a copy of the U.S. Department of Labor's Rural Transportation Employee Protection Guidebook which explains the regulations and posting requirements of Section 5333(b) notices in employee gathering areas.

Grantees submit a letter to WSDOT that accepts the Section 5333(b) Special Warranty prior to contract signature. WSDOT staff verifies that the agency has met the posting requirements during site visits and other project monitoring opportunities.

School Transportation Agreement

WSDOT has included 49 CFR Part 605, School Bus Operations in its *Guide to Managing Your Public Transportation Grant*. This manual is distributed to all grantees prior to contract signature. Grantees may not engage in school bus operation using buses, facilities or equipment purchased with Federal funding in competition with private school bus operators except as provided for in Part 605.

The Applicant and grantees understand that a violation of this agreement may require corrective measures and penalties, including debarment from the receipt of further Federal assistance for transportation. Compliance is confirmed during site visits and/or desk reviews.

Drug Abuse and Alcohol Misuse Testing

Grantees that receive §5316 or §5317 funding must comply with the Federal Motor Carrier Safety Administration (FMCSA) rules for employees who hold Commercial Driver's Licenses.

WSDOT provides technical assistance to grantees in the form of training, networking, policy development, and distribution of FTA's publication *Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit*.

To monitor a grantee's compliance, WSDOT developed a checklist that is used during desk reviews or site visits identifying each of the required elements. The drug and alcohol checklist includes, but is not limited to:

- Policies
- Procedures for managing program
- Employee training
- Method of selecting participants for random testing

Procedures for conducting testing WSDOT require grantees to submit annual reports using the Management Information System forms provided by FTA.

Environmental Regulations

Under §5316 and §5317 PSRC and WSDOT anticipate funding only projects with Categorical Exclusions (CE) from both the National Environmental Protection Act and the State Environmental Protection Act. Therefore, no further documentation is necessary. However, with the potential of construction projects funded through transfers

from the USDOT Surface Transportation Program, WSDOT will ensure that the grantee meets all the environmental requirements and submits all necessary documentation.

Vehicle Purchases

WSDOT oversees the grantee equipment purchase process. Grantees are required to include a “Buy America” provision and certification with their bidding documents for vehicles. Additional details of federal procurement requirements are outlined in the *Guide to Managing Your Public Transportation Grant* and in FTA’s Best Practices Procurement Manual. Each grantee receives a copy of the *Guide to Managing Your Public Transportation Grant* during mandatory training following award of FTA funding.

WSDOT has prepared a checklist for grantee’s use in complying with FTA’s pre-award audit requirements. The checklist addresses “Buy America,” Federal Motor Vehicle Safety Standards, Bus Testing, and the grantees own specifications. Grantees are required to verify certified information on the checklist used during the visit at the manufacturer’s factory.

WSDOT has prepared checklists (Visual Inspection Form and Road Test Form) for the grantee’s use in the post-delivery inspection of the vehicle(s). A copy of the completed checklists must be included with the request for reimbursement.

Lobbying and Code of Ethics

WSDOT requires each grantee receiving more than \$100,000 to complete FTA’s Lobbying Certificate prior to contract signature. All bid documents for equipment purchases prepared by grantees are required to contain this certification as well.

WSDOT’s contract with grantees requires adoption of a written code of ethics. All staff, officers, employees, board members, or agents of the grantee are required to comply with the code of ethics. WSDOT verifies compliance with this regulation during project site visits and/or desk reviews.

Reporting

All grantees are required to prepare a variety of reports on a quarterly or annual basis. Quarterly reporting may include a project narrative, detail of operating expenditures, expenditures by service type, statistical summary by service type, and/or capital expenditures. Annually grantees are also required to submit updated asset inventories and a report regarding their efforts to purchase from Disadvantaged Business Enterprises.

WSDOT compiles information from grantees and submits the following standard FTA reporting elements for all programs:

- Annual program of projects status reports
- Milestone activity reports

- Program measures
- DBE reports

In addition, WSDOT collects and reports the following program specific information:

- **§5316** – How many jobs that can be accessed and number of rides provided.
- **§5317** – What services are provided; additions or changes to environmental infrastructure (e.g., transportation facilities, side walks, etc), technology, and vehicles that impact availability of transportation services; number of rides provided.

Financial Management and Project Monitoring

WSDOT and PSRC Administration, Accounting, and Financial Reporting

Both PSRC and WSDOT maintain financial management systems for financial reporting, accounting records, internal controls, and budget controls subject to standards specified in state laws enforced by the State Auditor and the State Office of Financial Management. All systems and procedures for financial management are in compliance with 49 CFR 18.20, the “Common Rule.”

Procedures for documenting state administration expenditures for FTA funded programs are subject to the requirements of WSDOT’s Purchasing Manual, M72-80, WSDOT’s Chart of Accounts, State Administrative and Accounting Manual (SAAM) and the “Transportation Reporting and Accounting Information System” (TRAINS). WSDOT submits reimbursement requests to FTA through the Transportation Electronic Award and Management (TEAM) system for project expenditures based on the information contained in the TRAINS system.

Grantee Financial Management

WSDOT will develop and execute grant agreements to those sponsors who are not eligible for direct recipient status after FTA funds are secured. All project-related expenditures are incurred locally and reported to WSDOT after the agreements have been signed. All grant agreements for capital projects detail the equipment approved for purchase and its intended use. Agreements for operating assistance must outline the type of service provided, the time period covered by the agreement, and the service area. Planning projects are outlined in the Scope of Work and Exhibits within the agreement.

WSDOT reimburses the grantee with the federal funds based on the proportions identified on the grant agreement. However, the federal share on any project shall not exceed 80 percent for capital projects and 50 percent for operating projects. Grant expenditures are identified by federal grant number, grant program and grant agreement number in TRAINS.

Grantees retain the original receipts for all eligible project expenditures. Grantees are required to attach copies of vendor invoices to reimbursement requests for capital

projects. Grantees receiving operating assistance are not required to submit copies of all vendor invoices. However, they must retain copies for verification during WSDOT site visits. Completed plans are submitted to WSDOT as a product of planning agreements.

WSDOT does not accept “in-kind” contributions towards the local share of capital project costs. However, WSDOT may approve “in-kind” contributions under an operating assistance project. Grantees who wish to use in-kind for matching purposes must submit a request to WSDOT for pre-approval. The request must describe the type of service received and how the value of the service was determined.

Vehicle licensing and insurance are not eligible for reimbursement under a capital project. Sales and use taxes (excluding the local transit portion of sales tax) charged to the grantee for vehicles are eligible for reimbursement. Vehicles with a capacity of 15 passengers or less (including the driver) used for vanpooling or transporting persons with special transportation needs, are not subject to sales tax per RCW 82.08.0287.

WSDOT maintains individual spreadsheets for each grantee. These spreadsheets track project expenditures, amounts charged to each funding source, local matching sources, and project budgets. Additional spreadsheets are prepared which summarize the total expenditures on each federal grant and are also used to reconcile the grant expenditures shown in the TRAINS system. These spreadsheets are also used for revisions to the program of projects and project budgets.

WSDOT Site Visits

WSDOT staff perform project monitoring site visits with grantees and/or desk reviews of documentation verifying compliance with program requirements. During site visits or desk reviews, WSDOT staff use checklists which outline the accounting and record keeping requirements based on:

- *OMB Circulars A-122 and A-87* if the grantee received operating assistance.
- The administrative requirements found in *OMB 49 CFR Part 18 and Part 19*.
- The regulatory requirements attached to the receipt of federal funds.
- Vehicle inventory and maintenance records if the grantee received capital assistance.
- Drug Abuse and Alcohol Misuse testing regulations when applicable.

WSDOT provides grantees with guidance to meet the financial management requirements in the *Guide to Managing Your Public Transportation Grant*.

Audits

Grantees that spend less than \$500,000 of federal funds in the federal fiscal year (October 1–September 3) are exempt from federal audit requirements. However, records must be available for review or audit upon request. Grantees that exceed \$500,000 in the federal

fiscal year must have an annual single or program-specific audit conducted. The grantee must provide a copy of the report to WSDOT.

For-profit grantee audit requirements are outlined in each contract. Audits of state agencies and local governments are conducted by the state Auditor. WSDOT administration and project grants made to a public entity are subject to this process and compliance with *OMB Circular A-133*.

The state Auditor issues reports at the completion of an audit and notifies WSDOT when the report is available. WSDOT has access to all audit reports and electronically retrieves copies as necessary. The checklist used for desk reviews or site visits includes questions about audit results.

The WSDOT Audit Office reviews audit reports for compliance with *OMB Circular A-110, A-122, and A-133*. Audit findings, concerns, or errors must be resolved for a grantee to remain in good standing.

Close Out

WSDOT closes projects several months after reimbursing the grantee for the last of its eligible expenditures. The process is one of the following:

- Verbal verification by WSDOT with the grantee's representative that all project expenditures have been incurred and reimbursed, or
- All funding available in the subrecipient agreement has been reimbursed, or
- The project has come to the end of its 2-year term (operating projects).

In the instance of the first example above, WSDOT notifies the Accounting and Audit offices of closure. In the instance of the second example, WSDOT closes the project with the final payment.

Closure of the capital agreements is for fiscal purposes only. Capital assistance agreements have a term equivalent to the useful life of the equipment purchased, which may be up to twelve years after acceptance of the equipment. WSDOT may amend or terminate capital assistance agreements when project equipment is transferred between grantees before its useful life has been reached.

Operating assistance agreements have a term of 24 months and are not extended or closed prior to the end date of the agreement.

Procurement

Equipment purchases under the §5317 program may be conducted directly by the grantees with WSDOT oversight; from an existing contract with another governmental agency; or through grantee participation in a WSDOT coordinated procurement process.

WSDOT's role is to assure purchases are made competitively and in compliance with federal procurement policies. Grantees are supplied with the *Guide to Managing Your Public Transportation Grant*, which outlines the applicable federal procurement policies and procedures. WSDOT requires pre-approval of all bid documents and specifications prepared by the grantees to assure compliance with federal standards. As grantees proceed in their approval of equals process and contract execution, they are required to consult WSDOT to assure maintenance of the competitive procurement process. WSDOT also requires pre-approval of any purchase from another agency contract.

Property Management

Legal ownership of all vehicles purchased under the §5317 program is retained by WSDOT. When titling a vehicle, grantees are listed as "Registered Owner," responsible for licensing and collision insurance; and WSDOT as "Legal Owner" and loss payee should anything happen to the vehicle.

WSDOT has designed a database that contains all vehicle and equipment inventory records. Reports in this database distinguish between currently owned vehicles and those that have served their useful life and have been released to the grantee. Examples of the information in the database include the grantee's name, address and phone number, vehicle year, make, and model, date accepted, equipment location, federal grant number, state agreement number, federal percentage share, date last inspected, recorded mileage, condition, type of funding used for the purchase, and other information used by WSDOT for program review and reporting.

Inventory Reports

WSDOT requires capital assistance grantees to submit annual Asset Inventories. The Asset Inventories include the Owned Equipment Inventory, Owned Facility Inventory and Owned Rolling Stock Inventory & Verification of Continued Use. The Owned Rolling Stock Inventory includes the following information:

- Year/Make/Model
- Vehicle Code
- Vehicle Identification Number
- Agency Vehicle Number
- Current Odometer
- Condition
- Age
- Remaining Useful Life
- Replacement Cost
- ADA Access
- Seating Capacity

- Fuel Type
- WSDOT Title

The information from these inventories becomes part of the WSDOT inventory record along with the title and certificate of collision insurance coverage.

Maintenance

As a condition of receiving state funding, all Washington public transportation agencies and providers are required to submit a maintenance and preservation management plan. The plan must inventory all transportation system assets and provide a preservation plan based on lowest life-cycle cost. The lowest life-cycle cost method ensures that an asset is maintained in an acceptable condition maximizing safety and useful life. WSDOT has adopted this as best practice for all grantees and provides statewide training and technical assistance.

WSDOT randomly reviews vehicle maintenance records during desk reviews or site visits. Vehicles are randomly selected for physical inspection during site visits which are conducted, at a minimum, every other year.

Vehicle Use

Grant funded vehicles can only be used for passenger transportation services as described in the grant agreement. Grantees of capital funds for vehicles are expected to provide a minimum of 100 passenger service miles per week, per vehicle; or 100 one-way passenger trips per week per vehicle. Grantee records are reviewed by WSDOT staff annually, or as required by program regulations, to verify compliance with minimum vehicle use requirements.

Grantees may not transfer the operational control of a vehicle purchased under this program to anyone else without prior written approval from WSDOT.

Disposition

At the End of a Vehicle's Useful Life...

WSDOT will release interest in a vehicle at the end of its useful life. WSDOT may decide to release legal ownership prior to the end of the useful life if:

- It has been documented that the vehicle is unreliable and the anticipated life cycle costs do not warrant continued operation of the vehicle; or
- Based on reduced environmental impacts, it is deemed to be in the best interests of the public; or

- Early retirement allows for transit investment in new technologies expected to benefit the industry and the public.

The Vehicle Disposition Schedule is shown in the Appendix of the *Guide to Managing Your Public Transportation Grant*.

Prior to the End of the Vehicle's Useful Life...

Grantees may purchase the Federal interest at any time before the end of the equipment's useful life. If this occurs, WSDOT requires that the grantee pay the federal share of the equipment's current fair market value to WSDOT. The fair market value is determined by obtaining an independent appraisal of the equipment.

When an accident occurs which eliminates a vehicle from further operations, WSDOT receives the insurance proceeds. If the grantee purchases a replacement vehicle, the proceeds are forwarded to them after the replacement has been received, paid for, and legal ownership is vested in WSDOT. A replacement vehicle must be a similar type and of equal or greater value than the one damaged. If the damaged vehicle is not replaced, WSDOT keeps the federal share of the insurance payment and forwards the local share to the grantee.

The federal share kept by WSDOT is used to provide capital and/o operating assistance to grantees for public transportation purposes.

Project Selection Criteria and Methodology

Project Selection Methodology

Application Cycle

Pursuant to the §5317 program, PSRC shall conduct a competitive selection process for projects seeking FTA JARC or New Freedom funds apportioned to the Seattle-Tacoma-Everett Urbanized Area (STE UZA). The Regional Council is committed to maximizing resources available under the JARC program. To eliminate duplicative efforts, PSRC is coordinating the upcoming regional competition for federal JARC funds with the upcoming state Consolidated Grant Program. Given the dependency on each program to supply matching funds against one another, these competitions should be coordinated whenever possible.

The PSRC Competitive Selection Program has been developed and refined in cooperation with the following:

- Washington State Department of Transportation
- Special Needs Transportation Committee
- Pierce County Coordinated Transportation Coalition
- King County Coordinated Transportation Coalition
- Snohomish County Coordinated Transportation Coalition
- PSRC Transportation Operators Committee

Project Selection Criteria

The following set of selection criteria was originally developed by representatives from King, Pierce, Snohomish, and Kitsap Counties, and representatives from Sound Transit and the PSRC. The criteria have since been refined by PSRC staff and approved by the Special Needs Transportation Committee. The purpose of these criteria is to serve as the framework for the technical evaluation of projects submitted to the PSRC for the regional ranking portion of the WSDOT Consolidated Grant Program as well as the regional competition for Job Access Reverse Commute and New Freedom funds.

The intent of the selection criteria is to support the adopted goals and strategic objectives in the *PSRC Coordinated Transit-Human Services Transportation Plan* and fund projects that are consistent with regional policies found in *Destination 2030*, *VISION 2040*, and the region's Economic Strategy. It is also the intent of these criteria to prioritize and implement the most financially sound, coordinated, and effective special needs transportation projects in the central Puget Sound region. Projects will be scored against the following criteria.

- Project meets one or more of the three adopted goals and strategic objectives found in the regional *Coordinated Transit-Human Services Transportation Plan*.
 - Ensure that the selected projects support one or more of the adopted goals and strategic objectives identified in the *Coordinated Transit-Human Services Transportation Plan*.
 - Ensure that projects selected are derived from the *Coordinated Transit-Human Services Transportation Plan*.
- Project has an approved financial plan and project schedule.
 - Ensure most effective and timely use of state and/or federal funds.
 - Evaluate project sponsor’s experience in applying awarded state and/or federal funds towards capital or operational improvements.
 - Evaluate the financial capabilities of sponsor agency to sustain operations after initial grant funding is expended.
 - Give preference to those projects whose sponsors can demonstrate their involvement in an effective financial partnership with another agency.
- Project shows evidence of inter-agency or service coordination efforts.
 - To give preference to those projects that can demonstrate project sponsor has been engaged in a successful capital or operational coordination effort at the agency level (i.e., sharing a van or jointly purchasing equipment for shared use).
 - To give preference to those projects that will serve more than one of the targeted special needs demographics (i.e., a van that shuttles elderly but also has equipment that allows it to pick up a disabled individual).
- Project maintains an existing service (system preservation and minor expansion or improvement).*
 - Preserve or improve services, capital, or infrastructure in areas that currently receive funding and are in danger of losing such funding, or existing equipment or facilities will become outdated, dilapidated, or extend beyond their useful life.
 - Preserve or improve existing special needs transportation, services, amenities, or infrastructure in areas that are currently meeting needs in the community, but anticipate unmet need.
 - Bolster under-funded projects in areas receiving inadequate services.
 - Improve the tracking of origin and destination data.
- New project addressing areas where few or no providers operate and unmet needs currently exist (new projects).*
 - To prioritize new projects that will provide new services, capital improvements, or install infrastructure to support coordinated services or planning in a previously un- or underserved geographic area.
 - Provide new services and/or the ability to access important services or facilities that were previously inaccessible to one or more of the target demographics.

* Projects will be scored against either the “Maintains Existing Service” criteria or the “New Projects” criteria.

- Provide funding to new projects that coordinate with existing services to provide previously unavailable coverage, connections, or services.
- Improve the ability to track origin and destination data.
- Project is part of a long-range strategy, package of projects, or local or regional plan.
 - To give preference to those projects that address near-term needs, while at the same time are a part of (a) larger coordinated project(s) or local strategy to address current unmet needs or anticipated gaps.
 - Give preference to those projects that are listed in other area plans (ex. county special needs transportation plans or transit 6-year development plans)
- Cost/efficiency relationship.
 - Give preference to those projects providing higher levels of service with limited funds.
- Project benefits society.
 - Ensure that projects are providing connections to important facilities such as hospitals, clinics, and employment or employment related services such as training or childcare.
- Bonus Points
 - Project (will) directly provide(s) services or capital improvements to one or more of the adopted regional centers as identified in VISION 2040.

Method Used

PSRC staff will organize an equitable scoring team at the onset of each project selection process. That team will consist of one representative from each county encompassing the Seattle-Tacoma-Everett Urbanized Area, one representative from a regional agency, and PSRC staff. The evaluation team will score projects against each criterion and an average will be tabulated to create a final criterion score. These average scores will be summed to produce a ranked list of projects that the Special Needs Transportation Committee will use as a tool to produce a funding recommendation. In the event a project sponsor is selected for the evaluation team they will refrain from scoring their own project and scores from the remaining members of the team will be used to produce criterion averages.

PSRC will provide a grant application as similar as possible to the form for the WSDOT Consolidated Grant Program. The application will be available in an electronic format on the PSRC website at the time a call for projects is issued. If project sponsors are unable to access the Internet, PSRC will either forward an electronic form or mail a hard copy to the potential applicant. In addition to the grant application, this document, estimated available funds, as well as the WSDOT *Guide to Managing Your Public Transportation Grant* will be posted on the PSRC website or forwarded to project sponsors.

PSRC will offer grant writing assistance to all project sponsors. During the grant application period, PSRC will conduct a grant-writing workshop as an opportunity to explain program requirements, the application process, project selection, as well as

provide an opportunity for project sponsors to ask questions about the application and the process. These types of workshops have proven to be useful in fostering a high level of communication between PSRC and potential project sponsors in the past. For those unable to attend, staff will make themselves available to field questions via email or telephone calls.

After applications have been received and the submission deadline passed, the technical scoring team will receive a copy of each application, the scoring criteria, and evaluation materials. The scoring team will have a previously agreed upon amount of time to perform the technical evaluations and submit their scores to PSRC. At this point Regional Council staff will average the scores and prepare a ranked program of projects that will be submitted to the Special Needs Transportation Committee for review and recommendation to the Transportation Operators Committee.

Annual Program of Projects and Approval Process

When the technical evaluation process is complete, the Special Needs Transportation Committee will review and prioritize projects, and submit their funding recommendation to the Transportation Operators Committee (TOC). The TOC will review the SNTC recommendation and make their funding recommendation to the Transportation Policy Board (TPB) for review and discussion. PSRC staff will bring the proposed program of projects to the TPB and request authorization to release the list for public comment, at which time PSRC will solicit comments from interested parties, consistent with the Public Participation Plan for the Puget Sound Regional Council. Comments will be compiled and responded to. The opportunity to comment publicly will be provided at advisory and policy board meetings held within the identified public comment period. Additionally, individuals may provide public testimony at the Executive Board meeting prior to approval of the program of projects. Once the comment period has closed, Regional Council staff will present the TPB with comments and responses. The Transportation Policy Board will then forward a funding recommendation for JARC and New Freedom Funds to the Executive Board for approval, and inclusion in the Regional TIP. Upon Executive Board approval of this list, projects will be included in the TIP, and the program of projects will be posted on the PSRC website as well as forwarded to FTA for final approval. See Appendix 1 for a complete schedule outlining proposed dates in the PSRC Competitive Selection Process.

Creating a Prioritized Contingency List

Remaining consistent with PSRC policy, a prioritized list of backup projects will be established in the event that more proposals are submitted than can be funded. The contingency list will be created during the initial funding recommendation made by the Special Needs Transportation Committee. Projects on the contingency list will be awarded funding in the prioritized order they appear if:

- additional JARC or New Freedom funding becomes available or;

- a project sponsor who is granted funds cannot utilize those dollars within the allowable timeframe (year of apportionment plus two years) on the project for which the funds were originally awarded.

The contingency list will become effective with the approval of the fully funded project list, and will remain in effect until the following JARC and New Freedom call for projects is issued.

Amending the Program of Projects

The PSRC will make every attempt to distribute all available federal funds. In the event that not all New Freedom funds from a fiscal year's apportionment are awarded to project sponsors *and those extra funds are in danger of lapsing*, the Regional Council will distribute the remaining dollars in the following manner

- The remaining funds allowable for administration and planning will be set aside.
- Once the remaining eligible planning and administration funding has been separated, the remaining project funds will be formulaically distributed to projects already in the FTA approved program of projects in the ratio of the original award to the total sum originally distributed¹.
- 10% of these distributions will be calculated for WSDOT planning and administrative purposes and subtracted from the planning/admin. set-aside.
- After the WSDOT planning and admin. funds have been subtracted, PSRC will program the left over amount into the regional planning program to support the development of the *Coordinated Transit-Human Services Transportation Plan* and the competitive selection process.
- PSRC will program the distributed funds into the TIP and sTIP.
- WSDOT will amend contracts and will subsequently obligate and distribute the remaining funds.

If New Freedom funds from a competitive selection process remain, and are NOT in danger of lapsing, they will simply be included in the following call for projects.

Policy Rationale

PSRC's selection criteria provide a solid foundation for the technical evaluation of each project. Assessing each project on merits, such as being derived from the locally developed *Coordinated Transit-Human Service Transportation Plan and being* based on a complete financial plan, assures the region that selected projects are pertinent to the regional strategy for service delivery, and that they will be effectively operated.

¹ FTA prohibits any addition of funding that will affect a project's budget by more than 20%. If the formulaic distribution of left over JARC funds affects more than 20% of any single project's budget, the maximum amount will be awarded, and the remaining funds will be distributed evenly amongst the rest of the approved program of projects. Additionally, project sponsors must be able to provide the additional local match. If they cannot, they will not be allocated additional funding.

The regional selection and program of projects approval processes provide for a high level of involvement by human service transportation providers, Medicaid brokers, transit authorities, and other interested parties. Through outreach to project sponsors and making PSRC staff available for questions it is the Regional Council’s intent to keep these processes as transparent as possible. During the approval process all meetings are open to the public and comments are readily welcomed.

Equity of Distribution

This distribution method accomplishes generally fair and equal treatment of all interested parties. Calls for projects will be announced in the *Regional View*, PSRC’s monthly newsletter detailing current events of regional importance and providing articles on the state of various regional indicators. This publication is mailed to over 11,000 recipients, including cities, counties, transit authorities and private transportation providers. In addition, calls for projects will be posted on the PSRC website and be disseminated through PSRC’s Special Needs Transportation Committee, the three existing countywide special needs transportation coalitions, and throughout Kitsap County.

Estimated Available Funds

The PSRC will coordinate a competitive process to recommend and select projects to receive JARC and New Freedom funds annually apportioned to the STE urbanized area. Table 2 illustrates estimated JARC and New Freedom fund apportionments for FFYs 2006 - 2009.

Table 2: Estimated JARC and New Freedom Apportionments for STE UZA

	JARC	New Freedom	Total
FFY 2006 (Actual)	\$911,997	\$649,015	\$1,561,012
FFY 2007 (Actual)	\$1,013,784	\$719,018	\$1,732,802
FFY 2008 (Actual)	\$1,098,266	\$776,717	\$1,874,983
FFY 2009	\$1,158,010	\$801,697	\$1,959,707

FFY 2006 Source: Federal Register Vol. 71 No. 23

FFY 2007 Source: Federal Register Vol. 72 No. 56

FFY 2008 Source: Federal Register Vol. 73 No. 18

FFY 2009 Source: FTA SAFETEA-LU Estimated Allocations (Date: 7/25/06)

Note: FFY 2006 figures do not include \$49,750 in JARC and \$20,250 in New Freedom funds utilized by PSRC to complete King, Kitsap, and Pierce local plans as well as the SAFETEA-LU compliant PSRC Coordinated Public Transit-Human Services Transportation Plan.

Regional Transportation Improvement Program (TIP)

The Regional TIP contains a transportation project list developed and approved through the regional decision-making process. The Regional TIP is focused on the development and implementation of projects that are in or directly support key local, regional, and state transportation plans and policies, including *Coordinated Transit-Human Services Transportation Plan*. Under federal law, the Regional TIP must be a four-year program of projects that is updated at least every three years. At a minimum, federal and state legislation requires a Regional TIP to contain all of the region's transportation projects

requesting federal transportation funding under Title 23 CFR (Highways) and 49 CFR (Transit) in the United States Code, as well as all non-federally funded, regionally significant projects. The Regional TIP includes:

- Projects using federal funds managed by the PSRC (STP, CMAQ, and FTA)
- Projects using federal and state funds managed by the WSDOT
- “Projects of regional significance” regardless of funding source are required to be included in the air quality analysis and conformity determination of the Regional TIP
- Projects being carried forward from the previous years’ Regional TIP with funds not yet obligated

Once the project has been included in the Regional TIP, it is generally included in State TIP by the third week of the following month. Only when the project has been included in the State TIP are funds eligible to be obligated.

Appeals Process

If a project sponsor desires clarification on a project score, PSRC will make the scoring team open for questions regarding techniques and practices. If the project sponsor is still unhappy with the way their project scored, PSRC invites the sponsor to submit a written request to initiate the appeals process. This request will include a full description of the reason for the appeal. The appeal will then be submitted to the Special Needs Transportation Committee for review and consideration. The Special Needs Transportation Committee will review the appeal and make a recommendation, which is reviewed by the project sponsor. If the project sponsor is not satisfied with the Special Needs Transportation Committee’s recommendation, they can request that the appeal be forwarded to the Transportation Operators Committee for further review and ultimate resolution.

Appendix 1

DRAFT Schedule for 2008 – 2009 JARC and New Freedom Competitive Selection Process

(Dates subject to change)

March 19, 2008	<i>Special Needs Transportation Committee reviews and approves revised JARC and New Freedom Program Management Plans</i>
March 31, 2008	<i>Transportation Operators Committee reviews and approves revised JARC and New Freedom Program Management Plans</i>
May 8, 2008	<i>Transportation Policy Board reviews and approves revised JARC and New Freedom Program Management Plans</i>
June 26, 2008	<i>Executive Board approves JARC and New Freedom Program Management Plans and PSRC submits revised PMP's to FTA</i>
June 26 2008	<i>PSRC releases call for projects seeking FFY 2007 – 2009 JARC or New Freedom funds and 2007-2009 state funding (Consolidated Grant Program)</i>
July 1, 2008	<i>PSRC Grant Application Workshop</i>
August 8, 2008	<i>Grant applications due to PSRC for WSDOT Prioritized Project List and PSRC competitive selection, grant application intake at PSRC</i>
August 11 - September 5, 2008	<i>Technical scoring</i>
September 9, 2008	<i>Scoring team to finalize technical scores</i>
September 17, 2008	<i>Special Needs Transportation Committee meets to review scores and make funding recommendation to TOC</i>
September 19, 2008	<i>TOC review and recommendation</i>
October 9, 2008	<i>Transportation Policy Board review of proposed project list and authorization to release for public comment period</i>
October 9, 2008 – November 13, 2008	<i>Public comment period</i>
November 13, 2008	<i>Transportation Policy Board reviews project list and associated public comments as well as PSRC responses. TPB provides funding recommendation to Executive Board</i>
December 4, 2008	<i>Executive Board review and approval of project list. Projects approved into Regional TIP. PSRC submits prioritized project list to WSDOT.</i>
February 20, 2009	<i>Projects approved into state TIP</i>
February 25, 2009	<i>PSRC submits program of projects to FTA</i>
March, 2009	<i>WSDOT and Direct Recipients draft grants in FTA TEAM system</i>
April - May, 2009	<i>FTA & DOL review of JARC and New Freedom Grants</i>
May – June, 2009	<i>WSDOT and direct recipients execute grants, obligate, and draw-down funds</i>

May –
June, 2009

WSDOT issues contracts with subrecipients. Subrecipients sign and return contracts

May –
June, 2009

WSDOT/grantee contracts executed