



# Minnesota Department of Transportation Office of Transit

## State Management Plan

Section 5310

**ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH  
DISABILITIES**

April 4, 2016

*Your Destination... Our Priority*



**Table of Contents**

A.	Program Goals and Objectives .....	1
B.	Roles and Responsibilities .....	1
C.	Coordination .....	2
D.	Eligible Sub-recipients .....	2
E.	Local Share and Local Funding Requirements.....	5
F.	Project Selection Criteria .....	5
G.	Annual Program of Project Development and Approval Process .....	8
H.	State Administration and Technical Assistance .....	9
I.	Transfer of Funds .....	9
J.	Private Sector Participation .....	9
K.	Civil Rights .....	9
L.	Section 504 and American's with Disabilities Act (ADA) Reporting .....	10
M.	Program Measures .....	10
N.	State Program Management .....	11
O.	Other Provisions.....	12

**Appendices**

EXHIBIT I	Section 5310 Compliance Checklist
	Section 5310 Corrective Action Response Plan

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## A. PROGRAM GOAL AND OBJECTIVES

### Goal

The goal of this program is to enhance the mobility of seniors and individuals with disabilities, to promote statewide planning and regional coordination between entities which provide service to people with disabilities and seniors and to provide capital and operating resources to these entities and communities throughout the State of Minnesota.

### Objectives

- Implement and administer the Minnesota Section 5310 grant program in accordance with Federal Transit Administration (FTA) program. Management guidelines under FTA Circular FTA C 9070 and MnDOT procedures designed to attain the program goal.
- Inform eligible organizations and associations within the state of Minnesota grant application and eligible project opportunities.
- Review and award grant applications based on evaluation criteria developed by MnDOT committees representing seniors, individuals with disabilities and local planning organizations.
- Develop vehicle and equipment specifications for sub-recipients.

## B. ROLES AND RESPONSIBILITIES

### MnDOT Office of Transit

The Governor of Minnesota designated the Minnesota Department of Transportation's Office of Transit to administer the Section 5310 program for large urban, small urban and rural areas.

The Office of Transit is responsible for the development, improvement, promotion and evaluation of public transportation in greater Minnesota. Technical and financial assistance is provided to Greater Minnesota urbanized and rural public transit systems and statewide special transportation programs for seniors and individuals with disabilities.

The Office of Transit administers the Section 5310 program through the following activities:

- developing and distributing annual grant program applications. Section 5310 applications can be found at <http://www.dot.state.mn.us/transit>
- reviewing applications for content, thoroughness and eligibility;
- establishing Section 5310 application review committees;
- approving applications;
- developing vehicle specifications that comply with all federal and state rules and regulations;
- reviewing vehicle manufacturer certifications to ensure that vehicles meet all federal component and safety specifications;
- visually inspecting grant vehicles;
- monitoring recipient compliance with state and federal rules and regulations;
- contracting with eligible sub-recipients for approved projects; and
- providing technical assistance to applicants and sub-recipients.

### Section 5310 Application Review Committee

Review committees selected by MnDOT staff evaluate local applications for Section 5310 funds.

Committee members represent the interests of coordinated transportation, seniors and individuals with disabilities, as well as different geographic areas of the state. Members represent from state, regional and local agencies and include representatives from the Minnesota Board on Aging and the Minnesota State

Council on Disability, public transit systems, Regional Development Commissions (RDCs), Metropolitan Planning Organizations (MPO) and appropriate private and non-profit organizations serving seniors and individuals with disabilities.

#### MnDOT Office of Freight and Commercial Vehicle Operations

The Office of Freight and Commercial Vehicle Operations (OFCVO) enforces state operating standards for Special Transportation Services (STS). The services enforced by the OFCVO are outlined at <http://www.dot.state.mn.us/cvo/sts/sts.html>

#### Minnesota Department of Administration – Materials Management Division

The Materials Management Division administers the Cooperative Purchasing Venture (CPV) by sending out the vehicle specifications, bid documents and all other announcements regarding bids for centralized procurement of transit vehicles. After the bids are received and opened, both Materials Management personnel and Office of Transit personnel review the bids for compliance with the vehicle specifications. The Materials Management Division notifies successful bidders of MnDOT's decision and awards contracts.

Sub-recipients must be an approved member of the Minnesota (CPV) Program to purchase vehicles through the Minnesota contract for buses. Information about the program and the application process can be found at <http://www.mmd.admin.state.mn.us/coop.htm>

#### Sub-recipients

The roles and responsibilities of sub-recipients are detailed in the Section 5310 application. The roles and responsibilities include:

- participate in and complete Section 5310 application requirements. The applications can be found at <http://www.dot.state.mn.us/transit/grants/5310/index.html>
- demonstrate financial capacity for local share of project and continued operating support from local sources;
- participate in and be associated with local coordination plans; and
- demonstrate continued project management and preservation of required responsibilities as defined by state.

### C. COORDINATION

Applications require the potential sub-recipients to document coordination efforts with one or more organizations in an effort to develop a comprehensive transportation network. Applicants that demonstrate a coordinated effort are given priority in project selection. Eligible projects must be contained in Greater Minnesota Regional Coordination Plans. Plans can be found at <http://www.coordinatemntransit.org/regionalplans/2011/index.html>

### D. ELIGIBLE SUB-RECIPIENTS AND PROJECTS

MnDOT has traditionally provided for public transportation capital and operating projects that are planned, designed and carried out to meet the specific needs of seniors and individuals with disabilities when public transit is insufficient, unavailable or inappropriate. At least 55 percent of Section 5310 funds are provided to eligible recipients for these types of projects. Eligible sub-recipients for traditional 5310 projects include:

- a private nonprofit organization; or

- a state or local governmental authority that:
  - is approved by MnDOT to coordinate services for seniors and individuals with disabilities; or
  - certifies to MnDOT that there are no nonprofit organizations readily available in the area to provide the service.

Traditional 5310 Projects Include:

- Rolling stock and related activities for Section 5310-funded activities
  - acquisition of expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs;
  - vehicle rehabilitation or overhaul;
  - preventive maintenance;
  - radios and communication equipment; and
  - vehicle wheelchair lifts, ramps, and securement devices.
- Passenger facilities related to Section 5310-funded activities
  - purchase and installation of benches, shelters, and other passenger amenities;
- Support facilities and equipment for Section 5310-funded vehicles
  - extended warranties that do not exceed the industry standard;
  - computer hardware and software;
  - transit-related intelligent transportation systems (ITS);
  - dispatch systems; and
  - fare collection systems
- Lease of equipment when lease is more cost effective than purchase
- Acquisition of transportation services under a contract, lease or other arrangement
- Support for mobility management and coordination programs among public transportation providers and human service agencies providing transportation. 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, seniors, 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 passengers;
    - the operations of transportation brokerages to coordinate providers, funding agencies and passengers.
  - 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 individualized 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 arrangements for customers among supporting programs; and
  - operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of geographic information systems (GIS) mapping, global positioning system technology, coordinated vehicle scheduling, dispatching and monitoring technologies, as well as technologies to track costs and billing in a coordinated system, and single smart customer payment systems. (Acquisition of technology is also eligible as a standalone capital expense).
- Capital activities (i.e., acquisition of rolling stock and related activities, acquisition of services, etc.) to support ADA-complementary paratransit service may qualify toward the 55 percent requirement, so long as the service is provided by an eligible sub-recipient as defined above and is included in the Regional Coordination Plans.

#### Non Traditional 5310 Projects

In addition to the above required capital projects, MnDOT is allowed to distribute up to 45 percent of the available funds for Non Traditional 5310 projects which may be utilized to:

- exceed the ADA minimum requirements;
- improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service; or
- provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

These projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although they may be used by the general public. It is not sufficient that seniors and individuals with disabilities are included (or assumed to be included) among the people who will benefit from the project. FTA encourages projects that are open to the public as a means of avoiding unnecessary segregation of services.

Eligible recipients for Non Traditional 5310 projects include:

- state or local government authorities;
- private non-profit organizations; or
- operators of public transportation that receive Section 5310 funds indirectly through MnDOT

Non Traditional 5310 Projects Include:

- public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- public transportation projects (capital and operating) that exceed the requirements of ADA;

- public transportation projects (capital and operating) that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service; or
- alternatives to public transportation (capital and operating) that assist seniors and individuals with disabilities with transportation.

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

The state of Minnesota's local share requirement is the same as FTA's. The local share for capital projects shall not be less than is 20 percent and of the local share of operating projects is 50 percent.

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

An application must be complete for a proposed project to advance to the Application Review Committee. One requirement for a complete application is a demonstration of inclusion in the Greater Minnesota Regional Coordination Plan. MnDOT assisted local authorities in these plans and confirmed they were developed and approved in cooperation with stakeholders including seniors and individuals with disabilities. The Application Review Committee scores and ranks the projects using the following forms which show the points for each criterion.

## Score Sheet for Traditional 5310 Projects

Application Scoring	Points Possible	Score
<b>1. Applicant Information</b>	0	
<b>2. Project Description</b> Project vehicle will be successful for a new or expansion service. OR Project vehicle will be successful for a replacement service.	0-4 OR 0-6	
<b>3. Service Levels and/or Volunteer Service</b>	0	
<b>4. People Served</b> Applicant clearly identifies how the project enhances access for people with disabilities or seniors. Applicant clearly identifies how the project enhances access for both people with disabilities and seniors.	0-3  0-3	
<b>5. Public Notice and Publication</b> Applicant demonstrates public notice through service area in newspaper.  Applicant demonstrates significant effort in providing local transit providers of Intent to apply.	0-2  0-2	
<b>6. Coordination Activities</b> Project addresses a <i>locally preferred</i> strategy or project identified in its regional coordination plan. Letters of support from community representatives and partnering organizations demonstrate diversity among entities providing letters. Applicant clearly identifies how partners and stakeholders will stay involved throughout the project.	0 OR 3  0-2  0-3	
<b>7. Partnerships/Local Match (partner letters*)</b> Applicant demonstrates legal commitments from fiscal partners. Partnership letters express fiscal commitment to the project during the period requesting 5310 funds. Partnership letters express fiscal commitment to the project beyond the period requesting 5310 funds.	0-3 0-3 0-3	
<b>8. Organizational Background (financial statement*)</b> Applicant demonstrates organizational and fiscal capacity to deliver proposed project. Applicant demonstrates previous experience delivering similar projects to the proposed project.	0-4  0-2	
<b>9. Budget Report and Operational Statistics</b> Applicant demonstrates budget request is appropriate to the size of project proposed.	0-4	
<b>Total Points</b>	<b>43</b>	

## Score Sheet for Non Traditional 5310 Projects

Application Scoring	Points Possible	Score
<b>1. Applicant Information</b>	0	
<b>2. Project Description</b> Project meets eligibility requirements under FTA Circular 9070. OR Project provides Mobility Management, Marketing and Education or Capital for equipment purchases.	1 OR 4-6	
<b>3. Service Levels and/or Volunteer Service</b>	0	
<b>4. People Served</b> Applicant clearly identifies how the project enhances access for people with disabilities or seniors. Applicant clearly identifies how the project enhances access for people with low incomes, minorities, and the general public.	0-3 0-3	
<b>5. Above and Beyond ADA</b> Applicant highlights unique situations and opportunities for improved access or efficiency as a result of the project. Applicant explains how the project is innovative in providing services to persons with disabilities or seniors beyond ADA requirements.	0-2 0-2	
<b>6. Coordination Activities</b> Project addresses a <i>locally preferred</i> strategy or project identified in its regional coordination plan. Letters of support from community representatives and partnering organizations demonstrate diversity among entities providing letters. Applicant clearly identifies how partners and stakeholders will stay involved throughout the project.	0 OR 3 0-2 0-3	
<b>7. Partnerships/Local Match (partner letters*)</b> Applicant demonstrates legal commitments from fiscal partners. Partnership letters express fiscal commitment to the project during the period requesting 5310 funds. Partnership letters express fiscal commitment to the project beyond the period requesting 5310 funds.	0-3 0-3 0-3	
<b>8. Organizational Background (financial statement*)</b> Applicant demonstrates organizational and fiscal capacity to deliver proposed project. Applicant demonstrates previous experience delivering similar projects to the proposed project.	0-4 0-2	
<b>9. Operational Budget and Operational Statistics</b> Applicant demonstrates budget request is appropriate to the size of project proposed.	0-4	
<b>Total Points</b>	<b>43</b>	

Our rationale for scoring is to prioritize existing service over new projects that serve both seniors and individuals with disabilities over projects that serve one or the other.

#### Distribution of Funds

MnDOT solicits Section 5310 applications statewide. All complete applications have an equal opportunity for funding within the large urban, small urban and rural program categories.

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

MnDOT's Program Coordinator convenes Review Committees to review all applications. Applications from rural, small urban and large urban systems compete against their peers within the appropriate category. The Review Committee prepares a prioritized list of projects for each category. The Office of Transit forwards the prioritized list of projects to the Area Transportation Partnership (ATP) for inclusion into the Area Transportation Improvement Program (ATIP). The MPOs receive a copy of the prioritized list for inclusion into their Transportation Improvement Plan (TIP). TIPs and ATIPs are forwarded to MnDOT for integration into Minnesota's Statewide Transportation Improvement Plan (STIP). The Office of Transit develops a program of projects from the approved STIP and submits a Section 5310 grant application to FTA.

#### **Annual Program of Projects Development and Project approval Timeline**

<b>Dates</b>	<b>Tasks</b>	<b>Responsible Staff</b>
January/February	Application incorporates input from Statewide Review Committee	OT – Program Section
February/March	Notice of Application Availability posted on Office of Transit (OT) Website, in OT "Transit Bulletin" and in State Register	OT – Program Section
March/May	Applications posted on the web. Workshops are held throughout the state to inform public of available funding	OT – Program Section
May/July	District Transit Project Managers (TPMs) and OT staff work with recipients to complete applications	TPMs & OT Program Staff
July	Sub Recipient submit applications	Sub Recipients
July	Applications reviewed for "completeness" and forward to the review committee	OT – Program Section
August/September	Statewide review of applications	OT and Review Committee
October/November	OT Director final approval of Program of Projects (POP)	Director and OT – Program Section
November	Projects amended into current STIP	OT/Office of Transportation System Management
November	Grants submitted to FTA	OT
November	Applicants notified of application standing	OT – Program Section
December/January	Contracts executed	Sub-recipient and MnDOT

## H. STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE

MnDOT takes up to 10 percent of Section 5310 funds for program administration, planning and technical assistance provided by Office of Transit staff.

MnDOT Office of Transit staff provides a wide scope of technical and management assistance to Section 5310 sub-recipients. This includes technical workshops, administering the annual application and contracting process, and issuance of statewide policies and procedures that affect the Enhanced Mobility of Seniors and Individuals with Disabilities Program in Minnesota.

MnDOT Program Coordinator and district Transit Project Managers (TPMs) are responsible for direct oversight and technical assistance. TPMs visit each of their 5310 sub-recipients annually to:

- develop or modify transportation plans;
- review and analyze vehicle operations;
- provide assistance in understanding and carrying out requirements of federal and state regulations;
- review and approve operating specifications and procurement documents;
- provide encouragement and assistance to coordinate services; and
- provide advice and assistance in the application process.

TPMs issue corrective orders whenever a 5310 sub-recipient is found out of compliance with federal or state requirements. A Compliance Checklist and Corrective Action Response Plan are found in **Exhibit I**. Sub-recipients found to be out of compliance on a regular basis may have future federal funds retained until compliance is achieved.

Rural Transit Assistance Program allocations are used to provide training opportunities and resource materials to 5310 sub-recipients.

## I. TRANSFER OF FUNDS

MnDOT follows FTA policy in C 9070. for transfers between the rural, small urban and large urban program categories.

## J. PRIVATE SECTOR PARTICIPATION

Private providers of public transportation are given a fair and timely opportunity to provide the service identified in Section 5310. In order to provide this opportunity, the applicant must notify all public and private transportation providers in their service area that they are applying for a Section 5310 grant and invite comments or counter proposals to their proposed service. Standard and alternate notification procedures are shown in the Section 5310 Application.

## K. CIVIL RIGHTS

MnDOT's Office of Civil Rights ensures MnDOT meets all federal civil rights requirements including Title VI, Equal Employment Opportunity (EEO) and Disadvantage Business Enterprise program (DBE).

Title VI – Civil Rights Compliance

Sub-recipients of Section 5310 funds provide Civil Rights assurance for MnDOT executed grant contracts. A Title VI update and review is also conducted as part of the annual on-site review. All projects awarded Section 5310 funds must follow FTA circular 4702.

#### Equal Employment Opportunity Compliance

Equal employment opportunity assurances are written into grant contract agreements between the sub-recipient and MnDOT.

#### Disadvantaged Business Enterprise (DBE) Compliance

It has been MnDOT's practice to use traditional Section 5310 funds primarily for the purchase of lift-equipped vehicles. Vehicle purchases do not count toward MnDOT's DBE goals as this information is reported directly to the manufacturer. For other 5310 projects, MnDOT ensures all applicable FTA guidelines are included in the sub-recipient grant contract. MnDOT's Office of Civil Rights assigns DBE goals to appropriate projects.

### L. SECTION 504 OF THE REHABILITATION ACT AND AMERICANS WITH DISABILITIES ACT (ADA) REPORTING

MnDOT requires all Section 5310 grant funded projects to meet all applicable Section 504 and ADA rules and regulations.

### M. PROGRAM MEASURES

#### Annual Program of Projects Status Reports

By October 15 each year, sub-recipients are required to provide the following information to the Office of Transit for each Section 5310 funded project activity (capital and/or operating) covering the twelve-month period ending September 30:

By October 31 each year, the Office of Transit submits a program status report to FTA for each active grant, covering the twelve-month period ending September 30.

#### Traditional Section 5310 Projects

- **Gaps in Service Filled:** Report the number of individual seniors and persons with disabilities that used sub-recipient's service. This measures transportation services afforded to seniors and individuals with disabilities that would not have been available without Section 5310 program support.
- **Ridership:** Report actual or estimated number of rides (one-way trips) provided to seniors or individuals with disabilities on Section 5310 supported vehicles and services.

#### Non Traditional Section 5310 Projects

- **Service Improvements:** Report on increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of Section 5310 program support.

- Physical Improvements: Report on additions or changes to environmental infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of Section 5310 program support.
- Ridership: Report actual or estimated number of rides (one-way trips) provided to seniors or individuals with disabilities on Section 5310 supported vehicles and services.

## N. STATE PROGRAM MANAGEMENT

### Procurement

Vehicles purchased for the Section 5310 grant program on behalf of recipients are competitively bid through the Minnesota Department of Administration's Cooperative Purchasing Venture. An Office of Transit representative works closely with the Materials Management Division throughout the bidding process to ensure proper procurement procedures. For other procurements, MnDOT has compiled guidance to assist sub-recipients with federally funded procurements and provides technical assistance.

### Financial Management

The Office of Transit is responsible for managing all grants, contracts and interagency contracts to ensure expenditures comply with federal rules and regulations. These include FTA reconciliation for Section 5309, 5310, 5311 and Consolidated Planning grants. Financial management responsibilities include: managing the process between FTA and MnDOT to enable transactions to be processed in a timely manner, and the accounts are balanced and well documented; investigate and resolve accounting problems to ensure compliance with state and federal rules and regulations; manage the documentation entered into MnDOT's automated database relative to individual grants, contracts or interagency agreements; submit quarterly federal financial reports; rectify and close out FTA grants upon project completion and work with MnDOT finance to develop indirect cost rates.

### Property Management

MnDOT maintains a permanent state vehicle record for each vehicle purchased with Section 5310 funds. MnDOT ensures that all equipment used by sub-recipients purchased with federal funds is used for the program or project for which it was acquired. In the event sub-recipients no longer need equipment purchased with federal funds and useful life remains, the equipment is transferred in accordance with MnDOT's Vehicle Disposition/Transfer Procedures that can be found at <http://www.dot.state.mn.us/transit/grants/5310/index.html>

### Vehicle Use

The grant contract for each vehicle funded by Section 5310 binds the sub-recipient to use it exclusively for the provision of transportation services within the area described in the grant application for the duration of its useful life. If a sub-recipient utilizes a section 5310 vehicle for services other than transportation of seniors and individuals with disabilities these services must be documented. All incidental use of 5310 vehicles must be documented and all types of use must be in accordance with the 5310 federal circular 9070.

### Maintenance and Disposition

Sub-recipients maintain assets according to the manufacturers recommended maintenance schedule and the grant contract.

### Accounting Systems

Sub-recipients must establish a set of accounts in which all transit related costs, revenues and operating sources are recorded and clearly identified, easily traced and substantially documented. All accounting practices applied and all records maintained must be in accordance with generally accepted accounting principles. MnDOT uses SWIFT as internal accounting and controls software. All sub-recipient payments related to Federal grant funds are managed is reconciled monthly within SWIFT.

### Audit and Closeout

Closeout activities may begin after approved activities are completed, federal funds are expended and reimbursement has been received. MnDOT submits the following reports to FTA: federal financial report, final budget revision (FTA submits this form at MnDOT's request), a final narrative milestone/progress report including a discussion of each activity line item contained in the final budget and list of equipment under the grant; a request to deobligate any unexpended balance of federal funds; and any other reports required as part of the terms and conditions of the grant.

### Project Monitoring and On-Site Reviews

MnDOT staff conducts annual on-site reviews that monitor sub-recipient grant assets and projects to ensure compliance with the grant contract.

### Reporting Requirements

Sub-recipients are required to submit quarterly reports for each grant vehicle and monthly reports for other projects. MnDOT tabulates and retains the reported information in an electronic database.

## O. OTHER PROVISIONS

### Environmental Protection

Contract language assures that vendors of new vehicles purchased under the Section 5310 grant program certify that the vehicles comply with pollution requirements.

### Buy America Provisions

MnDOT undertakes the procurement of vehicles under the Section 5310 grant program, therefore, compliance with Buy America is the responsibility of the State. Buy America Certification is required of all bidders.

### Pre-Award and Post Delivery Review

#### Pre-Award Review

Prior to MnDOT's award of vendor contracts for vehicles procured under the State's Cooperative Purchasing Venture, the manufacturer is required to provide:

- a Buy American certification;
- a purchaser's requirements certification; and
- a Federal Motor Vehicle Safety Standards Compliance Certification.

Pre-Award Certifications are completed by the Office of Transit and filed in MnDOT's vendor contract file.

### Post-Delivery Review

Before title to the rolling stock is transferred to the recipient(s):

- a Buy American certification is completed by the Office of Transit and filed in the recipient contract file;
- an on-site inspection of the manufacturer's vehicle assembly activities for compliance with contract specifications is conducted when more than 20 vehicles are purchased by one sub-recipient;
- a visual inspection of delivered vehicles is conducted to assure compliance with contract specifications; and
- a post-delivery Purchaser's Requirement Certification and a post delivery Federal Motor Vehicle Safety Standards Compliance Certification is completed by the Office of Transit and filed in the recipient contract files.

Sub-recipients are allowed seven working days to operate vehicles before accepting them. Vehicles may not be put into service until they are accepted.

### Restriction on Lobbying

As part of MnDOT's Section 5310 grant process, MnDOT annually assures the FTA that no Section 5310 funds will be used for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.

### Prohibition on Exclusive School Transportation

In accordance with FTA school transportation certifications, sub-recipients may engage in school transportation operations competing with private school transportation operators to the extent allowable per 49 U.S.C. 5323(f). In addition, sub-recipients must comply with 49 C.F.R. Part 605 before providing any school transportation using equipment or facilities acquired with federal assistance awarded by FTA.

### Drug and Alcohol Testing

In accordance with FTA drug and alcohol testing regulations policy, MnDOT requires Section 5310 sub-recipients that contract with Section 5310 sub-recipients to develop and implement a drug and alcohol-testing program for all safety-sensitive employees. These Section 5310 sub-recipients must follow the same testing and reporting requirements as Section 5311 sub-recipients. If a Section 5310 sub-recipient's vehicle requires a commercial driver's license, the sub-recipient must conduct drug and alcohol testing to comply with FMCSA requirements.

### Charter Bus Regulation

Sub-recipients of Section 5310 federally funded vehicles are prohibited from providing charter bus service. Sub-recipients agree not to compete with charter operators in their grant contract. Sub-recipients are required to submit a service design of their operations including geographic area served and hours of operation. The state monitors charter operations during yearly site visits. For additional guidance sub-recipients are referred to FTA Charter Regulations.

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## 5310 Compliance Checklist

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.
- Entity does not engage in Charter transportation. All group transportation is for entity's specific clientele and is specifically for people with disabilities or seniors.
- Entity is involved in the Local Human Service Coordination plan. Project strategies have been identified and documented.
- Entity documented performed vehicle maintenance with approved maintenance plan or policy. Vehicle Maintenance records reconcile with Maintenance policy. A minimum of 2 vehicles or 10 percent of fleet per entity are reviewed.
- All incidental use of 5310 vehicles is documented and all types of incidental use must be in accordance with the 5310 federal circular 9070.

### **5310 Corrective Action Response Plan**

- Sub-recipient entity is informed they are out of compliance on identified issue.
- Sub-recipient entity is instructed on where to find resources to correct issue.
- A timeline is developed for corrective action plan and how information will be documented. The corrective action plan and timeline for corrective issues should be agreed upon and follow up will be managed by project manager.
- Sub- recipient entity will be referred to FTA Circular FTA C 9070 for federal compliance issues.
- Sub-recipient Entity will be instructed to refer to MnDOT Transit web site for all Title VI compliance issues.
- If the sub-recipient entity is not responsive to the outstanding issue the section 5310 Program Coordinator should be contacted by the project manager conducting site visit.
- If sub-recipient does not comply with outstanding issues the sub-recipient will be denied continued federal funding.