

AKRON METRO REGIONAL TRANSIT AUTHORITY
PROGRAM MANAGEMENT PLAN
FOR THE
AKRON METROPOLITAN AREA
JOB ACCESS AND REVERSE COMMUTE (JARC) AND
NEW FREEDOM PROGRAMS
FY2006-2008 FUNDING

MAY 2008

Akron METRO Regional Transit Authority of Summit County, Ohio

Job Access & Reverse Commute And New Freedom

Program Management Plan

For The

Akron Metropolitan Area

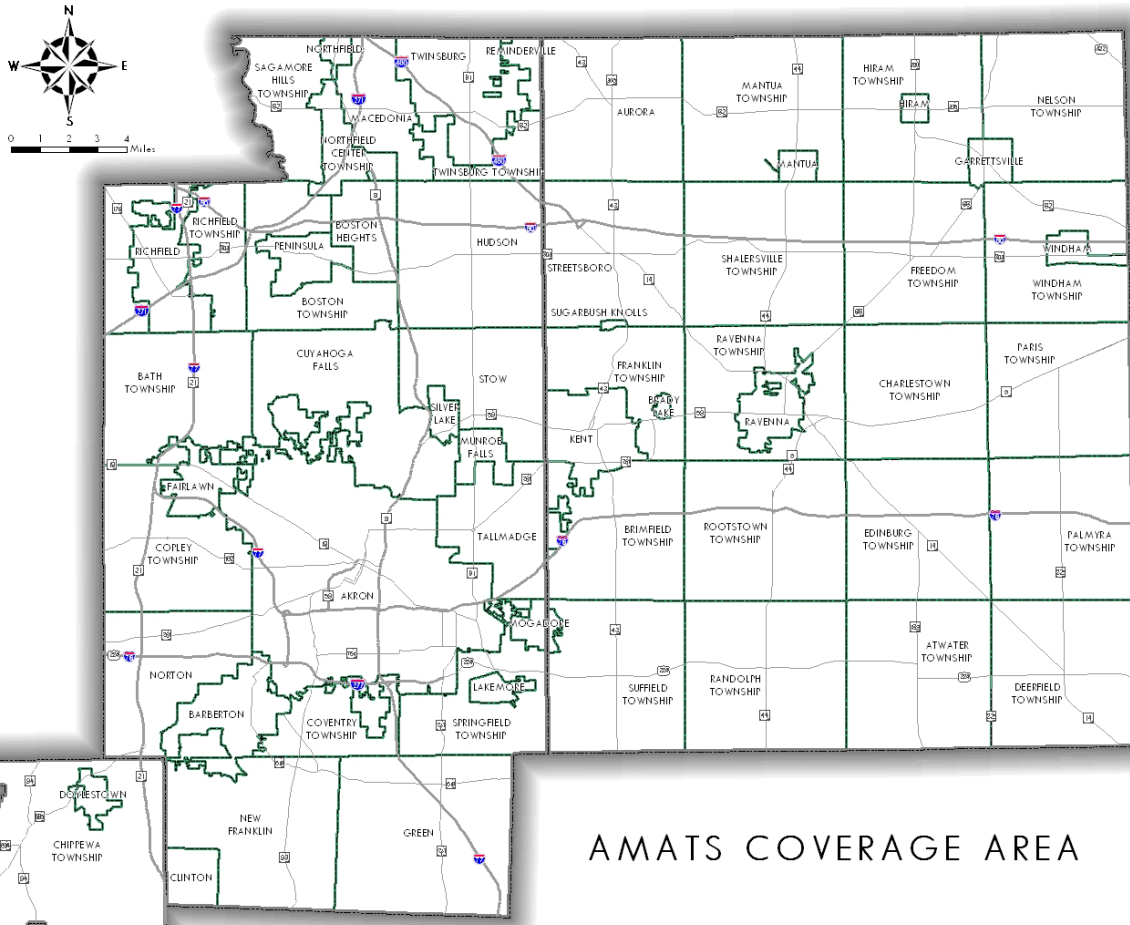
Background

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Pub. L. 109-059), enacted on August 10, 2005 and codified at 49 U.S.C Chapter 53, authorizes §5316, the Job Access and Reverse Commute (JARC) Program and §5317, the New Freedom Program. The JARC program is meant to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities. The purpose of the New Freedom Program is to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society.

Congress has allocated JARC and New Freedom funds for use in the Akron Metropolitan Area. The Akron Metropolitan Area Transportation Study (AMATS) is one of 17 metropolitan planning organizations (MPOs) in Ohio. The AMATS area consists of Summit and Portage Counties and Chippewa Township of Wayne County, and is identified in map 1.

AMATS is composed of three committees and a technical staff. The Policy Committee is the designated MPO for the area. It is comprised of mayors, county officials, transit authority chairpersons, and regional and state agency representatives.

Map 1



AMATS COVERAGE AREA



As the MPO, the Policy Committee is responsible for directing the “3-C” transportation planning process in the Akron metropolitan area and for making decisions on regional transportation policies, plans, and programs. Assisting the Policy Committee in the planning process are the Technical Advisory Committee (TAC), the Citizens Involvement Committee (CIC) and the Technical Staff.

The AMATS area is served by two regional transit authorities, the METRO Regional Transit Authority (METRO) and the Portage Area Regional Transportation Authority (PARTA). METRO currently serves the residents of Summit County with a variety of fixed route and demand response services. The bulk of METRO service consists of 22

fixed line routes radiating from the downtown Akron Main Street transitway. METRO also provides extensive door-to-door demand-response services to the elderly and disabled, and to the low-income population as part of the Job Access Reverse Commute (JARC) program throughout the county. The demand-response service, known as SCAT, transports people who are unable to utilize the fixed route service, from their particular point of origin to their destination throughout the county.

PARTA, the regional transit authority for Portage County, also operates a variety of transportation services. In contrast to METRO's line routes, PARTA runs three flexible fixed routes. They also run two express routes, two circulators and three campus routes covering Kent State University. As is the case with METRO, PARTA also provides county-wide door-to-door demand-response services to the elderly and disabled, and to the low-income population.

Coordinated Plan

In order to utilize JARC and New Freedom funds, the area must develop a Coordinated Public Transit Human Services Transportation Plan. The purpose of the area's Coordinated Plan is to identify the transportation needs of individuals with disabilities, older adults, and people with low incomes, provide strategies for meeting those local needs, and prioritize transportation services for funding and implementation. The AMATS area approved this plan in March 2008, and submitted it to the Federal Transit Administration (FTA) for review following this action. The AMATS Area Coordinated Plan can be found on the AMATS, METRO Regional Transit Authority (METRO) and the Portage Area Regional Transportation Authority (PARTA) websites, as well as obtained directly from their offices.

In addition, the designated recipient of JARC and New Freedom funds must develop a program management plan (PMP). In the AMATS area, METRO and PARTA are the agencies designated by the governor as the recipients of JARC and New Freedom funds. METRO will serve as the designated recipient for all subrecipients. PARTA will serve as a designated recipient solely for its own projects.

Purpose

The Program Management Plan (PMP) is the document that describes the designated recipient's policies and procedures for administering the Federal Transit Administration (FTA) Job Access and Reverse Commute (JARC) Program and New Freedom Program in a large urbanized area. METRO and PARTA will work with AMATS in managing these programs. The following pages describe these policies and procedures for the administration of the JARC and New Freedom Programs in the AMATS area.

As the designated recipient for JARC and New Freedom funds in the AMATS area, METRO is required to have an approved PMP on file with the FTA Region V Office and to update it regularly in order to incorporate changes in program management or new requirements. METRO must provide an opportunity for review by stakeholders when it develops a new plan or significantly revises an existing plan. This plan represents METRO's first issuance of the PMP.

The PMP is intended to facilitate both METRO management and FTA oversight by documenting policies and procedures for administering JARC and New Freedom. The primary purpose of the PMP is to serve as the basis for FTA to perform reviews of the program, and to provide public information on METRO and AMATS administration of the program. It is also a program guide for local project applicants.

JARC Scope / Eligibility: JARC provides formula funding to states and designated recipients to support the development and maintenance of projects designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. Reverse commute projects provide transportation services to transport residents of urbanized (over 200,000 in population) and non-urbanized (under 200,000 in population) areas to suburban employment opportunities. JARC funds can be used for capital, planning and operating costs.

New Freedom Scope / Eligibility: The New Freedom Program provides new public transportation services beyond those required by the Americans with Disabilities Act of 1990 (ADA) and new public transportation alternatives beyond those required by the ADA that assists individuals with disabilities with transportation, including transportation

to and from jobs and employment support services. New freedom funds can be used for both capital and operating costs.

Program Management Plan

The purpose of this program management plan is to document policies and procedures for administering the JARC and New Freedom Programs.

The Federal Transit Administration (FTA) Circulars allow the designated recipient to establish arrangements to administer and conduct the competitive selection process. AMATS, in cooperation with METRO RTA and PARTA, will issue the call for projects. METRO and PARTA are the designated recipients for FTA Section 5307 Akron Urbanized Area Formula funds, and through memorandum of understanding with AMATS, they are also the designated recipients of JARC and New Freedom funds. Because of METRO's designated recipient status and its desire to expedite the use of JARC and New Freedom funds, METRO will submit grant program applications, receive the resulting FTA grant contracts, and manage both grant programs in the AMATS area. In order to ensure unbiased project evaluation and subsequent project management, the AMATS Policy Committee will oversee the selection of projects for JARC and New Freedom. However, METRO may request reimbursement for administrative costs resulting from their program participation.

Successful applicants will be subrecipients to METRO and will be subject to meeting the operational and reporting requirements of each FTA funding program.

With assistance from the AMATS Technical advisory Committee (TAC) as appropriate, AMATS, in cooperation with METRO, will assemble the Transportation Improvement Program (TIP) Subcommittee of the TAC. The TAC TIP Subcommittee will select projects for funding through a competitive process and recommend funding levels from the JARC and New Freedom programs. Beginning in FY2007, projects selected for funding must be included in the applicable TIP, Statewide Transportation Improvement Program (STIP), and included in, or consistent with, the area's Coordinated Public Transit – Human Services Transportation Plan, locally developed by AMATS, METRO

RTA and PARTA in cooperation with the human services stakeholders in the Akron Metropolitan area.

JARC and New Freedom Program Administration

AMATS will be responsible for:

- Issuing the call for projects in cooperation with METRO and PARTA;
- Convening the TAC TIP Subcommittee;
- Developing project selection criteria with the assistance of METRO and PARTA;
- Certifying that each project selected is derived from the Coordinated Public Transit – Human Services Transportation Plan;
- Selecting projects through the AMATS Policy Committee. The AMATS Policy Committee ;
- Incorporating the selected projects into the TIP and coordinating with ODOT Office of Transit on inclusion in the STIP.

METRO will be responsible for:

- Notifying eligible recipients of program funding availability;
- Assisting in the development of project selection criteria in cooperation with AMATS;
- Serving on the AMATS TAC TIP Subcommittee;
- Ensuring the fair and equitable distribution of program funds;
- Publishing a list of projects / sponsors selected for funding;
- Applying for and receiving the FTA grants for these programs on behalf of subrecipient(s) and performing on-going project management;
- Ensuring adherence to federal program guidelines through Interlocal Agreements, MoA, etc., with all subrecipient(s);
- Receiving, verifying, and submitting for reimbursement from FTA all eligible project expenses;
- Passing through the reimbursements received from FTA for all eligible project expenses;
- Receiving financial and status reports from all subrecipients;

- Completing financial and progress status reports in the FTA electronic grants management system (TEAM); and
- Other such grant administrative actions as necessary to ensure project completion in accordance with the appropriate federal rules, regulations and circulars.

Program Goals

The overriding goal of the AMATS Coordinated Public Transit Human Services Transportation Plan is to eliminate transportation barriers that make it difficult for welfare recipients, persons with disabilities, the elderly, and other transit-dependent individuals to find and maintain employment, as well as access to employment and other necessary trips. The specific goals of the AMATS Area JARC and New Freedom grant programs include but are not limited to:

- Fostering delivery of improved regional transportation services for older persons, persons with disabilities and people with low incomes;
- Addressing gaps in existing transportation services;
- Avoiding duplication of existing administrative or transportation services provided within the region; and
- Funding eligible projects that provide service within the scope of both the JARC and New Freedom program purposes;
- Maintaining the AMATS Area Coordinated Public Transit – Human Services Transportation Plan with the assistance of the area’s social services agencies under the supervision of the area’s elected representatives through the metropolitan planning process;
- Selecting projects of the highest priority consistent with the AMATS Area Coordinated Public Transit – Human Services Transportation Plan;

The Coordinated Plan forms the basis and foundation for the further development of a fully coordinated delivery system. It was expressed by the participants in the study effort, that stakeholders felt that a more integrated structure was needed. It is the highest order stated goal of this plan to continue to develop the organizational capacity and framework to make coordination operational. This should continue beyond this initial Coordinated Plan.

Applications that do not support the above goals will be considered non-responsive and will not be evaluated.

All projects must be competitively selected and consistent with the region's Coordinated Public Transit Human Services Transportation Plan.

FTA Section 5310 Elderly and Disabled Program

Annually, ODOT will provide to AMATS primary evaluation criteria for the Elderly and Disabled (Specialized Transportation) Program. All Elderly and Disabled projects must meet ODOT's minimum scoring requirements.

AMATS will prioritize Elderly and Disabled projects in keeping with the recommendations in the Coordinated Plan. Elderly and Disabled Program project applications that are not consistent with Coordinated Plan will not be scored or forwarded to ODOT. ODOT Office of Transit will have the responsibility for final approval of projects for the Elderly and Disabled (Specialized Transportation) Program. When issued, ODOT Office of Transit rules and regulations for the Specialized Transportation Program will supersede the AMATS Funding Policy Guidelines where applicable.

Eligible Subrecipients

Eligible subrecipients for JARC and New Freedom funds include:

1. Private non-profit organizations;
2. State or local governmental authorities; and
3. Operators of public transportation services including private operators of public transportation services.

Administration, Planning And Technical Assistance

In the course of administering projects for subrecipients, the designated recipient (METRO RTA) may include up to 10% (ten percent) of the net application project amount to fund program administration costs including administration, planning, and technical assistance. Administration costs may be funded at 100% federal share. Allowable administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for

vehicles and equipment. Guidance on eligible costs can be found in the Office of Management and Budget (OMB) Circular A-87.

Local Share And Local Funding Requirements

Federal funding for capital, planning and operating expenses that support the development and maintenance of transportation services designed to transport low-income individuals to and from jobs and activities related to their employment is available in the JARC program at no more than 80% of the net cost of capital and planning costs. The federal share of the eligible operating costs for the JARC program may not exceed 50% of the net operating costs of the activity.

New Freedom funds may be used to finance capital and operating expenses to provide new public transportation services beyond those required by the ADA. The federal share of eligible capital costs may not exceed 80% of the net capital costs of the program. The federal share of the eligible operating costs for the New Freedom program may not exceed 50% of the net operating costs of the activity.

All of the local share must be provided from sources other than federal Department of Transportation (DOT) funds. Possible sources of eligible local matching funds include: other non-DOT federal funds, dedicated tax revenues, private donations, revenue from human service contracts, net income generated from advertising, and concessions. The non-cash share such as donations, volunteer services and in-kind contributions is eligible to be counted toward the local match. The value of any non-cash share should be documented as representing a cost that would otherwise be eligible under the program, and must be included in the net project cost in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for either JARC or New Freedom operating assistance. In either case, the cost of providing the contract services should be included in the total project cost.

Local share documentation is required as part of the grant application.

All funds awarded must be spent in the AMATS area.

PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

Application Process

At the time a call for projects is issued, AMATS will provide a grant application to any eligible agency requesting one. A copy of the FY2007-2008 application is included in the appendix.

AMATS facilitates the application process resulting in a prioritized list of services. After all applications are submitted, they will be scored and ranked by the TAC TIP

Subcommittee using the following criteria:

- Coordinated Plan Priority and Consistency
- Evidence of Performance
- Evidence of Coordination
- Organization Capacity
- Cost per Rider

It should be noted that agencies submitting applications cannot participate in the ranking process. Each member of the subcommittee's ranking is combined into an overall score, thus prioritizing the applications. This priority ranking is then approved by the AMATS Technical Advisory Committee (TAC), Citizens Involvement Committee (CIC) and the AMATS Policy Committee. The AMATS-approved projects are then forwarded to the Federal Transit Administration (FTA) and the Ohio Department of Transportation (ODOT) by METRO.

Coordination

As part of the New Freedom and JARC process, applicants are asked to specify how they are presently coordinating with other agencies and plan to coordinate in the future under their proposed project. The applicant should identify any efforts at interagency coordination and/or coordination of service, vehicles, personnel, equipment, etc. in which they have been engaged, as well as any private-public partnerships in which they participate, and any agency/organizational coordinating mechanisms or policies that encourage or mandate coordination.

Evidence that an applicant understands and encourages coordination will enhance the likelihood that an applicant will secure funding. Additionally, AMATS will review each project submittal from subrecipients prior to selection to ensure coordination in the design and delivery of transportation services. Wherever feasible, existing services should be utilized or extended to serve the mobility needs of the intended community. Changes to the service scope or service area will be recommended to those applicants whose project is not in coordination with existing services or is not consistent with the area's Coordinated Plan. Once projects are underway, METRO will continually review each subrecipient's operations, to ensure continued coordination among area providers.

Equity

To assist with prioritizing applications, the Coordinated Plan includes existing services and service providers, a gap analysis for different populations, and additional demographic information. Guided by the Title VI of the Civil Rights Act, and the 1994 Executive Order on Environmental Justice (#12898), AMATS employs an Environmental Justice methodology in their programs. This methodology uses U. S. Census 2000 data at the Census tract level for the following populations: low-income, minority, elderly and disabled. The number of factors that apply in a given census tract or municipality are accumulated to represent degrees of disadvantage. For example, if a census tract was found to have a high concentration of low-income households, a high concentration of minority households, and a high percentage of elderly, then the tract would have three degrees of disadvantage.

Local Plan Assurance

Project selection is tied to the Coordinated Plan. All potential applicants must explain how their project(s) relates to the goals and strategies defined in the Coordinated Plan. Additionally, one of the project selection criteria ranking categories is Coordinated Plan Consistency.

Stakeholder Documentation

Outreach to the public, including stakeholder input, is an integral part of the planning process. The 2008 Coordinated Plan incorporates elements of METRO's Summit County Job Access and Reverse Commute (JARC) Transportation Plan. As the

Coordinated Plan incorporates elements of the previous JARC plan, many outreach and stakeholder activities were previously established.

In order to facilitate this coordination with a wide range of transportation, workforce, and human service organizations, AMATS, METRO and PARTA have held human service agency focus groups with transportation management associations, job trainers, community-based organizations (including TANF recipients) and childcare advocacy groups. These organizations formed the initial JARC mailing list. This list was expanded under SAFETEA-LU to create a more detailed Coordinated Plan mailing list and includes elderly and disabled services and additional human service agencies.

Annual Program of Projects Development and Approval Process

METRO RTA should work closely with AMATS to solicit, review, and approve applications, with AMATS facilitating the process. Currently, METRO and PARTA are the designated recipients of JARC and New Freedom funds in the AMATS area. ODOT remains the designated recipient of Elderly and Disabled (Section 5310) funds. All subrecipients will receive their funds through METRO RTA.

The following steps are included in the project selection process.

1. Available Funds - The AMATS Staff will determine if sufficient funds are expected to be available to add new projects to the TIP.
2. Solicitation/Notification - AMATS area transit operators and social service agencies are notified via press release, web notification, legal ad or letter, that applications are being requested for the purpose of adding projects to the TIP. Each eligible applicant will receive a project application, a copy of the *Coordinated Public Transit Human Services Transportation Plan* and a copy of the *AMATS Funding Policy Guidelines*.
3. Letter of Intent - Potential sponsors of Elderly and Disabled (Specialized Transportation), JARC and New Freedom projects must forward a Letter of Intent to the Staff, or ODOT, indicating an interest in pursuing federal funding for a specific project. The Letter of Intent should contain sufficient information to identify the general scope of the project, anticipated costs and requested

federal funding, in order to ensure that the project is eligible for funding under FTA guidelines.

4. Project Applications - Project sponsors will complete a project application and forward it together with special legislation to the Staff. If a project sponsor submits more than one application, the projects should be prioritized in general and by funding category. The AMATS Staff, METRO and PARTA will review all project applications, apply evaluation criteria under the requested funding category, and develop a listing of project funding recommendations that will be presented to the TAC TIP Subcommittee. The Project Evaluation Criteria are included in Appendices A and B. METRO and PARTA will abstain from reviewing their own project applications. Elderly and Disabled (Specialized Transportation) project applications will be scored using ODOT Office of Transit criteria. Elderly and Disabled (Specialized Transportation) project applications will then be forwarded to ODOT for final review and approval.
5. TIP Subcommittee Recommendations - The TIP Subcommittee will review the project funding recommendations that will be presented to the TAC.
6. TAC Recommendations - The TAC will review the TIP Subcommittee recommendations and develop its recommendation to the Policy Committee.
7. Public Review – The TAC recommendations will be presented to the AMATS Citizen Involvement Committee (CIC) for public review and comment.
8. Policy Committee Selection - The TAC recommendations and CIC comments will be presented to the Policy Committee. The Policy Committee will select projects to be listed in the TIP. The TIP is subject to all requirements associated with the TIP development schedule as directed by ODOT.

Solicitation

Prior to the 30-day application period, a fax will be sent to the Coordinated Plan mailing list describing the JARC and New Freedoms programs with additional information on the application process. Additionally, a press release for the JARC and New Freedoms programs will be issued by AMATS. All applications will be hosted electronically for 30 days on the AMATS website at <http://ci.akron.oh.us/AMATS/>. Also to be included on the AMATS website are PDF's of the anticipated timeline, the Coordinated Plan, FTA

Circular 9050.1 Chapter III “General Program Information” listing eligible activities, and links to additional FTA information on the JARC program. Paper copies of all electronic documents can be requested. AMATS requests that all applications are submitted electronically, but also provide a physical address for paper copy submittal.

Review

By the close of the 30-day period, all applications must be submitted to AMATS for review. Any paper applications are converted to electronic format. AMATS TAC TIP Subcommittee members will rank the applications based on the scoring criteria points previously discussed in the Selection Process section of the PMP. The scoring criteria (Appendices A and B) are incorporated in the AMATS Funding Policy Guidelines.

Approval

The prioritized list is then reviewed and recommended for approval by the AMATS Technical Advisory Committee (TAC), and the Citizens Involvement Committee (CIC) prior to final approval by the AMATS Policy Committee. The AMATS-approved projects are then forwarded to the FTA, ODOT and METRO.

AMATS Transportation Improvement Program (TIP)

The TIP is the regionally agreed upon list of priority projects, as required by federal law. The TIP document must list all projects that intend to use federal funds, along with non-federally funded projects that are regionally significant. The projects are multi-modal; that is, they include bicycle, pedestrian, freight related projects, and innovative air quality projects, as well as the more traditional highway and public transit projects. Once the Program of Projects for both JARC and New Freedoms are developed and approved, both programs will then be added to the TIP.

The AMATS *Funding Policy Guidelines*, established by the AMATS Policy Committee, describes the methods used to program federal transportation funding, solicit projects and evaluate project applications for the area’s TIP. The *Program Management Plan* and *Funding Policy Guidelines* have been made congruent by action of the AMATS Policy Committee.

Grant Award

Based on the approved Program of Projects, METRO will then prepare and submit a formal grant application to the FTA for review and grant award.

Estimated Available Funds

The Federal Transit Administration apportions funds nationally by formula based on the number of welfare recipients and other individuals with lower incomes (for JARC), and individuals with disabilities (for New Freedom). Sixty percent of the funds under each program are apportioned to designated recipients in urbanized areas with population of 200,000 or more (such as the Akron urbanized area). Twenty percent of the funds are apportioned to states for urbanized areas with population of 50,000 to 200,000. Twenty percent of the funds are apportioned to states for non-urbanized areas. The appropriated and anticipated levels of federal funding for the two programs through the current authorization period are:

Federal Fiscal Year	JARC	New Freedom
2006 (appropriated)	\$248,837	\$148,865
2007 (appropriated)	\$262,301	\$162,675
2008 (appropriated)	\$284,159	\$175,729
2009 (estimated)	\$290,000	\$180,000

Transfer of

Funds

AMATS and METRO will not transfer any program funds to FTA Section 5311 or 5307 or for the transfer of flexible funds.

Private Sector Participation

The competitive selection process is open and public. Notices are sent to every member of the AMATS Policy Committee, Technical Advisory Committee and Citizen Involvement Committee. The private sector is represented on the AMATS TAC. Additionally, notices for funding will be sent to the Ohio Medical Transportation Board, Ohio Ambulance and Medical Transportation Association, and the Ohio Valley Limousine Association.

Civil Rights

METRO and its subrecipients will certify compliance with the requirement of Title VI, Equal Employment Opportunity, (EEO), and Disadvantaged Business Enterprise (DBE) laws and regulations. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin for programs and activities receiving Federal financial assistance. Six Federal laws enacted between 1964 and 1991 comprise the Federal Equal Employment Opportunity (EEO) program, which prohibit job discrimination passed on race, color, religion, sex, national origin, age, disabilities and provide for monetary damages in cases of intentional employment discrimination.

Title VI

To ensure compliance with DOT civil rights regulations (49 CFR 21.5(2), 49 CFR 21.5(7), and 49 CFR 21.9(b)), and the DOT Order on Environmental Justice, FTA requires METRO to document that FTA funds are distributed without regard to race, color, and national origin. To fulfill this requirement, METRO and its subrecipients are required to maintain a Title VI Program in compliance with FTA Circular 4702.1A entitled "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients, which include the components outlined below.

Subrecipients shall submit the following information to METRO; METRO will then submit this following information to the Federal Transit Administration (FTA) as part of the Title VI Program:

Provision	Circular Reference	Citation in DOT Title VI Regulations or Reference to the DOT Order on Environmental Justice	Reporting Requirement
Title VI Complaint Procedures	Chapter IV part 2	49 CFR 21.9(b)	A copy of the applicants procedures for filing a Title VI complaint
Record of Title VI investigations, complaints or lawsuits	Chapter IV part 3	49 CFR 21.9(b)	A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submittal
Access to Services by Persons with Limited English Proficiency (LEP)	Chapter IV part 4	49 CFR 21.5(b) and the DOT LEP Guidelines	A copy of the agency's LEP Plan or alternative framework for providing access to services
Notifying beneficiaries of their rights under Title VI	Chapter IV part 5	49 CFR 21.9(d)	A notice that the agency complies and procedures the public may follow to file a complaint
Inclusive Public Participation	Chapter IV part 9	DOT Order 5610	A Summary of Public Outreach undertaken since the last submission and steps to ensure minority access to these activities

Equal Employment Opportunity (EEO)

Recipients and subrecipients with 50 or more employees that have received in the previous Federal fiscal year FTA grants, cooperative agreements, or contracts totaling over \$250,000, must develop and submit for approval to FTA an EEO program in accordance to FTA Circular 4704.1. METRO is required to comply with this requirement and it also applies to contractors (with more than 50 employees) that are engaged in providing transit services and receive funds under federal grant assistance. Areas

covered by the EEO program are specified in FTA Circular 4704.1, “Equal Employment Opportunity Program Guidelines for FTA Recipients.”

The required EEO components are outlined in Chapter III of FTA Circular 4704.1. The major required components of the EEO Program are as follows:

Provision	Circular Reference 4704.1	Reporting Requirement
Statement of Policy	Chapter III - 2 (a)	EEO Program must include a statement regarding EEO Policy affecting all employment practices for all persons regardless of race, color, creed, national origin, sex or age. At its discretion, the agency may include disability.
Dissemination	Chapter III - 2 (b)	Communication mechanisms should be established to publicize and disseminate the agency's EEO Policy, as well as appropriate elements of the program to its employees, applicants and public.
Designation of Personal Responsibility	Chapter III - 2 (c)	The EEO Program Manager should be identified by name in all internal and external communications regarding the agency's EEO program.
Utilization Analysis	Chapter III - 2 (d)	Identify those job categories where there is an underutilization or concentration of minorities and women in relation to the labor market.
Goals and Timetables	Chapter III - 2 (e)	Specific goals with timetables must be set to correct any underutilization of affected classes of persons identified in the utilization analysis.
Assessment of Employment Practices to Identify Causes of Underutilization	Chapter III - 2 (f)	Recipients, subrecipients and contractors must conduct an assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization.
Monitoring & Reporting System	Chapter III - 2 (g)	Establish a successful EEO program by incorporating an internal monitoring reporting system to include: EEO accomplishments, identifying departments which have failed to achieve goals or implement affirmative action; and provide a factual database for fut
Complaints	Chapter IV	Maintain on file all complaints including: a statement of the issue, description of the investigation, summary of interviews and the investigator's findings and recommendations. These files will be reviewed upon request.

Drug & Alcohol Prevention Program

In compliance with certain DOT regulations, METRO has a Zero Tolerance Policy for drug and alcohol use; subrecipients must also comply with the relevant DOT regulations.

Upon request METRO will provide information regarding their compliance with FTA's "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations."

Section 504 and ADA Reporting

METRO RTA will guarantee that all projects funded by JARC and NF funds will comply with all Section 504 and ADA rules and regulations. Accordingly, all applicants will be made to certify that their respective projects comply with all applicable rules and regulations related to Section 504 and ADA.

Also, project selection will be made with Section 504 and ADA compliance requirements in mind and the level of compliance may influence the selection of a project.

Additionally, METRO RTA will require that fund recipients have endorsement from other human service agencies that accommodate the needs of ADA clients. Also, any ADA violation by a fund recipient may be grounds for termination of the funds. The LPA will notify each grant recipient at the time of the grant award that allegations made in regards to discrimination in service or employment, including Section 504 and ADA will be reported and investigated. The METRO RTA Human Resources Department may be contacted by anyone alleging discrimination in service or employment, including Section 504 and ADA. Sub-recipients must be in compliance with Section 504 and ADA requirements. Any written complaints alleging discrimination will be referred to the METRO RTA Human Resources Department and the ODOT Office of Equal Opportunity.

DESIGNATED RECIPIENT PROGRAM MANAGEMENT

Certifications

Certifications are required for all federal grant recipients, subrecipients, contractors, and subcontractors with grants or contracts exceeding \$100,000. For METRO, the certification is part of the Annual List of Certifications and Assurances that METRO submits to the FTA. METRO is required to include the lobbying clause in its FTA-funded agreements, including subrecipient agreements, third party contracts, and subcontracts exceeding \$100,000. Signed certifications must be obtained by METRO from all subrecipients.

Subrecipient Agreement

METRO will develop and execute subrecipient agreements with all subrecipients awarded funding under the JARC or New Freedom Programs. The subrecipient agreements for capital projects will detail the scope of work of the project. Agreements for operating assistance will outline the type of service provided by the subrecipient, the time period covered by the agreement, and the service area. All subrecipient agreements will include the funding amounts awarded. Any expenses incurred in excess of the budgeted amounts are the sole responsibility of the subrecipient.

Program Measures

Job Access and Reverse Commute (JARC) -

FTA measures required to be reported for the JARC program:

- a. Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of JARC projects implemented in the current reporting year.
- b. Actual or estimated number of rides (as measured by one- way trips) provided as a result of the JARC projects implemented in the current reporting year.

New Freedom -

FTA measures required to be reported for the New Freedom Program:

- a. Increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.
- b. Additions or changes to environmental infrastructure (e.g., transportation facilities, side walks, etc), technology, and vehicles that impact availability of transportation services as a result of the New Freedom projects implemented in the current reporting year.

- c. Actual or estimated number of rides (as measured by one- way trips) provided for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.

Reporting Requirements

Subrecipients are required to report on various items with each monthly invoice. In addition to the measures mentioned above under the section "Program Measures", the following performance measures shall be reported to the designated recipient with the submittal of each monthly invoice where applicable:

- Passengers per day
- Average passenger revenue
- Net Cost per passenger
- Annual vehicle miles traveled
- Revenue service hours provided.

A brief narrative of monthly activities shall also be submitted by the grantee (with invoices) to METRO. Information included in the narrative would contain such items as coordination efforts with employers or other transportation providers, marketing or public awareness efforts, service or schedule revisions made during the period.

Performance Standards

All subrecipients are required to report performance on a monthly basis. Comparisons will be made among services based on the above reporting requirements. Since JARC and New Freedom services may vary widely in trip length and by time of day, it is recognized that some types of services will always be less financially productive but none the less important for access to jobs by those who rely on them.

Project Monitoring and On-Site Reviews

METRO shall monitor subrecipients' compliance with Federal requirements through:

- Careful scrutiny of plans, reports, and certifications submitted to
- METRO under the provisions of those regulations, and discussion with subrecipients to clarify all requirements.

- Review of monthly and final reports and invoices sent for payment of costs incurred.
- Quarterly meetings with grant recipients, one of which may be a site visit.
- Reviewing and approving, prior to issuance, any materials developed by subrecipients in connection with their project. This shall include but is not limited to any Request for Proposals (RFPs) and 3rd party contractual agreements related to the project.

METRO shall retain records of all meetings, visits and contacts with subrecipients. Throughout the project's progress, METRO shall offer subrecipients program guidance and provide or arrange for technical assistance, should this be needed.

FINANCIAL MANAGEMENT

Accounting Process

All funding for expenses incurred under both programs is provided on a reimbursement basis. METRO will reimburse the subrecipient with the federal and state funds based on the proportions identified on the grant agreement. Subrecipients will retain the original receipts for all eligible project expenditures. In the case of capital projects, subrecipients must attach copies of vendor invoices to reimbursement requests. Subrecipients receiving operations assistance should submit copies of all vendor invoices.

Procurement

METRO as an FTA grantee uses its own procurement procedures reflecting applicable state and local laws and regulations, subject to the FTA requirements that the procedures ensure competitive procurement and conform to applicable federal law, including 49 CFR Part 18, specifically Section 18.36, and FTA Circular 4220.1E, "Third Party Contracting Requirements."

The procurement procedures used by subrecipients must ensure competitive procurement and conform to applicable federal law. The FTA requirements and standards apply to the procurement of all supplies, equipment and services funded by FTA. Purchasing of equipment may be done directly by the subrecipient, with METRO

oversight. The subrecipient will ensure that purchases are made competitively and that every contract that the subrecipient enters into contains all applicable federal and state required clauses, and any certifications required.

State Requirements – Procurement

In addition to the federal requirements, if any state funds are utilized these additional guidelines must be followed.

Separations Act

The Separations Act applicable to METRO requires the architect, engineer, or other person preparing specifications for the erection, construction, and alteration of any public building, when the entire cost of such work shall exceed \$4,000, to prepare separate specifications for the plumbing, heating, ventilation and electric work. Subrecipients will be required to have separate prime contractors for General, Electrical, and Mechanical construction.

Steel Products Procurement Act

Subrecipients will be required to include the required Steel Products Procurement Act contract provision in every contract for the construction, alteration, repair, improvement, or maintenance of public works.

For purposes of the Steel Products Procurement Act, steel products are defined as products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated, or otherwise similarly processed, or processed by a combination of two or more of such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer, or other steel making process.

Steel products also include cast iron products; and machinery and equipment listed in United States Department of Commerce Standard Industrial Classification 25 (furniture and fixture), 35 machinery; except electrical), and 37 (transportation equipment) and made of, fabricated from, or containing steel components. Transportation equipment shall be

determined to be a United States steel product only if it complies with the federal Buy America requirement.

Vehicle Use

To the extent that subrecipients purchase vehicles for their JARC or New Freedom programs, vehicles must be maintained and used for the intended purpose under which they are purchased. Maximum use of vehicles is encouraged, first for program related purposes, then other federal programs and project purposes. METRO is responsible for ensuring that the subrecipient is maintaining continuing control over vehicles and that the vehicles are being utilized for eligible public transit purposes.

If any vehicles are to be removed from service prior to the end of their useful life, the subrecipient must notify METRO prior to doing so. The subrecipient will remit the federal share of the current market value of the vehicles to METRO. If vehicles are to be removed from service at the end of, or after useful life, subrecipient will notify METRO.

METRO will maintain an inventory list of all vehicles purchased under the JARC and New Freedom Programs. METRO will require all subrecipients to submit annual vehicle use reports (miles, hours, passengers, trip purpose) to ensure that vehicles are used in accordance with program requirements.

Maintenance and Disposition

METRO is responsible for ensuring that all vehicles purchased with federal funds are maintained in good operating order. METRO will require subrecipients to follow manufacturer's suggested maintenance schedules to maintain good working order. METRO may also require subrecipients to perform pre-trip inspections of vehicles. METRO will audit maintenance records of vehicles, and may inspect vehicles during site visits.

Disposition at End of Useful Life

METRO follows FTA guidelines for determining when a vehicle has reached the end of its useful life. A subrecipient may dispose of or utilize a vehicle for another purpose

when the vehicle has attained its useful life. Useful life varies depending on the vehicle type. Consult FTA Circular 5010.1C, "Third Party Contracting Requirements" for vehicle useful life guidelines.

Audit

Subrecipients are required to obtain audits of their expenditures and operations annually by an independent audit firm if their agency has expended in excess of \$500,000 in Federal funds. A copy of the audit report will be submitted to METRO. METRO will review the audit reports for compliance with the applicable OMB Circular. The subrecipient is required to resolve any audit findings.

OTHER PROVISIONS

Pre and Post Delivery Reviews

METRO RTA will visit each subrecipient at least once a year to monitor compliance with federal requirements and program guidance. METRO RTA will use a checklist (to be developed) and provide a summary of each visit, which it will keep on file and make available to FTA during any federal program management reviews.

Program Reporting Requirements and Monitoring

METRO RTA is responsible for ensuring certain reports are provided to FTA each year. In order to provide these reports for services provided by METRO RTA and its subrecipients, it will be necessary for METRO RTA to collect certain data from each subrecipient. The reports that METRO RTA will provide to FTA each year are:

- Annual Program of Projects Status Reports - METRO RTA will submit quarterly status reports that include an updated POP for each approved grant that contains active projects. The updated POP reflects project descriptions, changes in projects from one category to another, and adjustments if applicable.
- Significant civil rights compliance - Issues occurring during the year (such as Title VI, Equal Employment Opportunity (EEO), or Disadvantaged Business Enterprise (DBE) Program complaints against METRO RTA or subrecipients)

will be addressed in the annual status report. METRO RTA will also report notable accomplishments or problems involving JARC or NFP subrecipients.

- Milestone Activity Reports - For activity line items (ALIs) for which milestones were required at the time of the recipient application (for example, for vehicle procurements, construction projects, and program reserve), METRO RTA will provide revised milestone dates as part of the report. If the estimated completion date for the grant has changed, the revised date will be provided with an explanation as to why the date has changed.

Environmental

Any grants or proposals funded or submitted under this program will complete all assessments and submissions required by the National Environmental Protection Act (NEPA) for any capital project.

Buy America

Under the Buy America provision applicable to FTA grants, FTA funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States. Rolling stock (including train control, traction power and communication equipment) must be assembled in the United States and have a 60 percent domestic content to be considered a United States product. METRO, in accordance with FTA regulations, requires as a condition of responsiveness, that a bidder submit with its bid a completed Buy America certificate.

Subrecipients that purchase rolling stock for use in JARC or New Freedom projects, must conduct pre-award and post delivery reviews to ensure compliance with specifications and Buy America requirements. Subrecipients will be required to have signed Buy America certificates for any qualifying procurements.

Restriction on Lobbying

METRO, as a recipient of Federal grants and contracts exceeding \$100,000, must certify compliance with U.S. DOT's Restrictions on Lobbying, before it can receive funds.

Specifically, METRO must not use federal assistance to pay the costs of influencing any

officer or employee of a Federal agency, Member of Congress, officer of Congress or employee of a Member of Congress, in connection with making or extending a Grant Agreement or Cooperative Agreement. In addition, METRO is required to impose the lobbying restriction provisions on its subrecipients and third party contractors.

Drug And Alcohol Testing

METRO, in accordance with 49 CFR Part 655, has a drug and alcohol testing program in place for all safety sensitive employees. The FTA-mandated drug and alcohol testing program is separate from and in addition to the provisions of the Drug-Free Workplace Act (DFWA). METRO must require its contractors and subcontractors with safety sensitive employees to have a drug and alcohol testing program.

Subrecipients will be required to submit their drug and alcohol policy to METRO upon receipt of a JARC or New Freedom grant. This procedure will be reviewed and approved by METRO.

METRO will monitor the subrecipient's drug and alcohol program proactively over the course of the subrecipient agreement. At a minimum, the FTA recommends that each contractor be required to provide a copy of its policy; employee and supervisor training documentation; name and location of the collection site, laboratory, MRO, SAP; a description of its random selection process; quarterly management reports summarizing test results; and annual MIS reports. The information that METRO requires will be clearly defined in the contract documents issued by METRO and a conformed copy of the contract, including the specifications, maintained by METRO.

Davis Bacon Wage Rates

The Davis-Bacon Act is applicable to all federally funded construction contracts in excess of \$2,000. This Act requires that each contract for the construction, alteration, or repair (including painting and decorating) of public buildings or public works within the United States shall contain a clause that no laborer or mechanic employed directly upon the site of the work shall receive less than the prevailing wage rate as determined by the U.S. Secretary of Labor. The minimum wages (including fringe benefits) are those determined by the Secretary of Labor to be prevailing for the laborers and mechanics

employed on projects of a similar character in the area in which the work is to be performed. Subrecipients will be required to include the prevailing wage rates in contracts for construction in excess of \$2000. Additional guidance can be found in 29 CFR parts 1, 3 and 5.

Appendix A
FTA JOB ACCESS AND REVERSE COMMUTE (SECTION 5316) PROGRAM
 Project Evaluation Criteria

1.	<u>PROJECT TYPE</u>	<u>Points</u>																								
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2.	<u>PROJECT CONTINUITY</u>	<u>Points</u>																								
	Maintains or Supports Existing JARC Project	15																								
	Expands Existing JARC Project	10																								
	New JARC Project	5																								
3.	<u>PROJECT EFFECTIVENESS</u>	<u>Points</u>																								
	- Applications Ranked Against One Another																									
	Number of Jobs Accessed	0 - 10																								
	Ridership Estimates (One-Way Trips)	0 - 10																								
	Addresses Gaps in Service, or Unmet Needs	0 - 5																								
	Minimizes Costs per ride, and cost per hour of service	0 - 5																								
4.	<u>COORDINATION</u>	<u>Points</u>																								
	Project supports coordination among RTAs and human service agencies	10																								
	Project does not support coordination with local RTA	0																								
5.	<u>COORDINATED PLAN STATUS</u>	<u>Points</u>																								
	Maximum 30 Points																									
	Supports Primary Recommendations in the Coordinated Plan	30																								
	Supports Secondary Recommendations in the Coordinated Plan	10																								

Appendix B
FTA NEW FREEDOM (SECTION 5317) PROGRAM
 PROJECT EVALUATION CRITERIA

1. PROJECT TYPE Points

Public Transportation	Enhancing public transportation demand-response services	18
	Feeder services: New “feeder” service (transit service that provides access) to established fixed-route or commuter service	10
	Making accessibility improvements to transit and intermodal stations not designated as key stations	10
	Travel training (for clients)	4
Alternatives to Public Transportation	Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation	25
	Purchasing vehicles to support new accessible taxi, ride sharing, and/or vanpooling programs	5
	Supporting the administration and expenses related to new voucher programs for transportation services offered by human service providers	4
	Supporting new programs for volunteer drivers and aides	4

2. PROJECT EFFECTIVENESS Points

- Applications Ranked Against One Another

Impact on Availability of Service to the Disabled	0 - 5
Additions to Enhancements or Infrastructure	0 - 5
Ridership	0 - 5
Addresses gaps in service, or unmet needs	0 - 5
Expands existing successful project	0 - 5
Minimizes costs per ride and cost per hours of service	0 - 5

3. COORDINATION Points

Project supports coordination among RTAs and human service agencies	10
Project does not support coordination with RTA	0

4. COORDINATED PLAN STATUS Maximum 30 Points Points

Supports Primary Recommendations Listed in the Plan	30
Supports Secondary Recommendations Listed in the Plan	10

Appendix C

Job Access and Reverse Commute Application

To be completed prior to next round of funding

Appendix D

New Freedom Application

To be completed prior to next round of funding