

**APPLICATION HANDBOOK
FOR FEDERAL ASSISTANCE UNDER
SECTION 5311 - NONURBANIZED AREA FORMULA
GRANT PROGRAM**

**A FINANCIAL ASSISTANCE PROGRAM FOR
COMMUNITY TRANSPORTATION PROGRAMS**

**ADMINISTERED BY THE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
TRANSIT PROGRAMS DIVISION**

**IN ASSOCIATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

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This document was produced under a federal grant from the Federal Transit Administration and is distributed under the sponsorship of the Oklahoma Department of Transportation in the interest of information exchange. The United States government assumes no liability for its contents or use thereof.

The purpose of this handbook is to provide prospective operators of community transportation programs assistance in completing the application for federal financial assistance under the Federal Transit Administration's Section 5311 - Nonurbanized Area Formula Program. Prospective operators of community transportation programs should use this handbook as a guide to completing the Section 5311 Application Form.

Operators of community transportation programs should refer to the State Management Plan for the Administration of the Section 5311 – Nonurbanized Area Formula Grant Program for additional information regarding issues such as federal reimbursement ratios, rules and regulations, monthly reporting requirements, and other issues concerning policies and procedures.

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SECTION A. PROGRAM OVERVIEW

This handbook is intended to be a guide to aid prospective eligible community transportation providers in applying for Federal Transit Administration (FTA) funding. The funds will come from FTA's Section 5311 – Nonurbanized Area Formula Grant Program. The applicant will complete the application using the electronic file, "***_5311 Application Form_YY.doc***" by following the instructions as outlined in each section below.

1. Eligibility for Section 5311 Funds

In this section the applicant shall select the Community Transportation provider's funding eligibility from the following:

- Government Agency
- Non Profit Organization
- Indian Tribe

Eligible subrecipients include state agencies, local public bodies and agencies thereof, Indian tribes, private-nonprofit organizations, and public transportation services. Private for profit operators of transit services participate in the program as 3rd party contractors for eligible subrecipients rather than as subrecipients.

Eligible projects must serve the general public in rural areas. Projects that primarily serve elderly persons and person with disabilities, but do not restrict service to other members of the public, are considered available to the general public if they are marketed as public transit services.

2. Project Description

In this section the applicant should provide information that reflects a clear understanding of the proposed service area's demographics.

If this is an application to continue or expand an existing community transportation program, emphasize any new or expansion of existing services. However, if the services are basically unchanged, please be sure to mention this point within the appropriate section(s). However, you will still need to describe the services. Do not simply put "The same as previously provided."

a. Service Area Characteristics

- (1) Describe Proposed Service Area. It is very important to set specific and clear geographic boundaries. Your organization will be obligated to provide service to anyone within these boundaries.
- (2) Estimate number of persons directly benefiting from this project.
- (3) Give demographic characteristics of service area such as age, minority, disabled, and income.

Note: Current demographic data may be obtained through the Oklahoma State Data Center of the Oklahoma Department of Commerce.

b. Route Identification/Type of Service

(1) Using the supplemental file entitled “*_Schedule of Routes_YY.doc*”, describe each route to be provided, type of service to be offered (fixed route or demand response), days and hours of operation, and estimated number of passenger trips and revenue each route will produce during the program year. Include this file as part of your application package, labeled **Attachment A-1**.

See Table A1 below for example

It is very important to be specific in your description of routes; your organization will be obligated to provide service to everyone who requests it within the parameters you set here.

The following format must be used for the purpose of identifying routes: XX-XX. The first two digits designate the county in which the route originates. See Addendum D for listing of Oklahoma counties and their designated number. The second set of two digits designates the route. These route numbers may be alpha or numeric characters. For routes originating Caddo County, use route numbers such as 08-A1 or 08-01. They may also be used to identify specific types of service, such as Intercity or taxi service. To standardize this process of identifying services ODOT has adopted the following set of identifiers: “I” for Intercity or feeder bus service and “T” for taxi service.

For detailed information regarding intercity bus services, please refer to SECTION E. INTERCITY BUS SERVICE.

ROUTE #	FIXED/ DEMAND	ROUTE DESCRIPTION	Days & Hours of Service	Estimated Passenger Trips/Year	Estimated Annual Revenue
08-A1	Demand	Carnegie to Fort Cobb, Apache, and Lawton	Mon-Fri 6:30 am to 9:30 am	750	\$1,050.
16-01	Demand	Lawton to Apache, Fort Cobb, and Carnegie	Mon-Fri 3:30 pm to 6:30 pm	750	\$1,050.
16-IC	Demand	Lawton to Chickasha	Mon-Fri 6:30 am to 8:00 pm	150	\$1,500.
08-01	Demand	Within the city limits of Anadarko	Mon-Sat 6:30 am to 6:30 pm	375	\$375.

TABLE A1

(2) Include maps reflecting all proposed routes as **Attachment A-2a, A-2b, A-2c, etc.** Please ensure each route or service is highlighted or labeled on the maps. County and City maps are available from ODOT on request.

c. Fare Policies and Rates

(1) Describe the fare policy of the proposed system, how this policy was established

and adopted and the prescribed rates per route or type of service provided. Describe any special fares offered, the reasons for offering special fares, and what circumstances must exist for a person to obtain a special fare. Describe how fares, tickets, or tokens are to be distributed.

(2) Describe the process to receive and account for fares.

3. Project Management

In this section describe the proposed management of the Community Transportation Program including the delineation of responsibilities, accountability, and liability. Full liability for proper management and operation of the Community Transportation Program is the responsibility of the applicant.

- a. Describe the decision-making process used by your agency. This would include consultation with advisory group, such as board members, and staff.
- b. A copy of your organizational chart shall be available on request.

4. Fiscal Management

- a. In this section select the Office of Management and Budget guidance that applies to fiscal management of your agency. Select from the following:
 - o 2 CFR Part 220 (previously entitled OMB Circular A-21) is for education institutions
 - o 2 CFR Part 225 (previously entitled OMB Circular A-87) is for state, local and Indian tribal governments
 - o 2 CFR Part 230 (previously entitled OMB Circular A-122) is for non-profit agencies

All non-federal entities (states, local governments, and non-profit organizations) expending \$500,000 or more in a year in federal awards will be required to have an annual single or program-specific audit performed in compliance with OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

- b. If you have a cost allocation plan for the agency provide the name of the governing agency and date the cost allocation plan was approved. These costs are for support services allocated to other programs operated by the agency. This will include services necessary to sustain the direct effort involved in administering other programs. Examples of such items are central accounting, payroll, reception, agency supervisory administration, clerical services, janitorial services, office supplies, telephone service, copy services, building maintenance, and consumable supplies.
- c. Identify the method used for dividing costs by other programs not included in the indirect cost allocation plan. These costs are associated with such things as use of the telephone, copy machine, personnel services, insurance, and consumable supplies. Tell how the other programs will be evaluated to adjust budgets when actual costs to programs exceed estimated costs. This could be done by analyzing relevant records. For personnel, it may be time usage identified in time reports. For items like telephones or copy machines, it could be from analysis of logs.

5. Operational Management

a. Staff

(1) Describe the administrative structure involving the Community Transportation Program personnel.

(2) Describe the procedures your agency will use for personnel selection.

(3) Describe any plans for a driver's manual, safety and sensitivity training, and physical examinations.

Please note: All drivers of vehicles designed to transport more than 15 passengers (including the driver) must have a Commercial Drivers License (CDL). Mechanics, program directors or other staff members who drive such vehicles, must also have a CDL, even though driving such vehicles may be uncommon.

b. Drug & Alcohol Testing Program Policy

In this section identify the date and governing body or name of the highest ranking official authorized to approve or adopt your agency's Drug and Alcohol Testing Program Policy.

The Federal Transit Administration's (FTA) final rule on the prevention of alcohol misuse and prohibited drug use in transit operations (49 CFR Part 655) went into effect August 1, 2001. The final rule combines the FTA's drug (49 CFR Part 653) and alcohol (49 CFR Part 654) rules and conforms to the Department of Transportation's (DOT) new drug and alcohol testing procedures rule (49 CFR Part 40).

This rule applies to direct recipients of Section 5311 funds. It requires transit operators who receive these funds to establish and conduct a multifaceted anti-drug and alcohol misuse testing program. Failure of an employer to develop and implement a program in compliance with this regulation may result in the suspension of Federal transit funding.

The rule also requires the entity's governing body to formally adopt the policy. An entity's governing body is the board of directors or highest-ranking officials. The person who is primarily responsible for implementing and managing the program usually guides development of the initial draft of the policy and presents it to the governing body for review and approval. It is generally useful to involve top management officials, union officials (if the employees are represented) and local legal counsel in reviews of the draft policy.

To show proof of governing board adoption, some entities include a header on their entire document that contains the policy number, adoption date, and appropriate signature. Other common methods include a page documenting meeting minutes, or a formal adoption page complete with signatures. Another method is to include it as an appendix.

Although policies must be changed, readopted, and redistributed to reflect significant regulatory revisions, policy re-adoption is not necessary for minor regulatory changes. The same applies to minor changes in the policy statement such as the name of the

entity's new Drug and Alcohol Program Manager, Medical Review Officer (MRO), Substance Abuse Professional (SAP), collection site, or testing laboratory. Such changes are included in the appendix of the policy and described in a form distributed to safety-sensitive employees.

c. Vehicle Management

(1) In this section describe the vehicle maintenance program your agency will be using.

A vehicle maintenance program is important to the success of any transit operation. Each vehicle, as a minimum, should have a log book to record mileage, fuel, tire replacement and vehicle repairs.

(2) Using the supplemental file entitled “***_Vehicle Roster_YY.doc***”, provide a list of all the vehicles your agency is proposing to incorporate into the Community Transportation Program’s fleet. Include this file as part of your application package, labeled **Attachment A-3**.

The vehicle roster should be divided into two sections: (a) vehicles purchased with FTA funds and (b) vehicles acquired through other funding sources. Only those vehicles listed on this roster will be eligible for reimbursement of operating costs. This roster must be updated by your agency as vehicles are added or removed from service.

Vehicles leased, loaned or donated from HHS or Section 5310 must have written agreement between the two parties. Prior to including these vehicles in your roster, the agreement must be approved by ODOT.

The costs for major repairs on vehicles purchased with other than Section 5311 Program funds may not be eligible for reimbursement. Major repairs will include such things as the replacing or rebuilding of an engine, replacing or rebuilding of a transmission, or extensive body work and interior repairs. Certain conditions must exist before the costs associated with these actions are eligible as a reimbursable expense. The applicant should have an agreement or memorandum of understanding with the owner of the vehicle that provides for the Community Transportation Program to have exclusive use of the vehicle and that this exclusive use will be for an extended period of time. The vehicle must be serviceable to the needs of the Community Transportation Program. If the vehicle will be used for servicing customers in a wheelchair the vehicle must meet the accessible standards set by the Americans with Disabilities Act. If there is any question as to whether or not an expense will be eligible for reimbursement, the applicant should contact the Transit Programs Division for guidance.

All vehicles used by the Community Transportation Program to provide transit services must comply with Federal Motor Vehicle Safety Standards.

d. Transit Facility Management

In this section describe the provisions being proposed for passenger safety and comfort such as route and bus stop markings, benches, shelters, offices or terminals. Describe

how these facilities will be maintained. All facilities must meet the design standards issued by the Architectural and Transportation Barriers Compliance Board.

e. Insurance Coverage

In this section identify your agency's vehicle insurance liability coverage. Listed below are the minimum limits of insurance coverage permitted:

- o Liability
 - Bodily Injury \$ 100,000.00 each person
 - Property Damage \$ 25,000.00 each occurrence
 - All claims & coverage \$1,000,000.00 each occurrence
- o Comprehensive
 - Deductible to be determined by local operator
- o Collision
 - Deductible to be determined by local operator

The premiums paid for vehicle insurance is an eligible expense. However, only the costs to insure those vehicles that have been recorded on an approved vehicle roster are eligible.

Applicants need to be aware that the vehicle insurance rates applied to public transportation operations are, as a rule, considerably higher than the rates applied to most social service programs. The applicant must solicit bids from several (at least three), insurance companies. Competitive bidding is required for all procurement.

6. Marketing Plan

a. Public Awareness

In this section describe the marketing techniques your agency will use to publicize the Community Transportation Program. These efforts should include a description of how public transportation will be emphasized and how the general public will be informed of your community transportation program.

A list of routes and schedules must be available for review by the public. If a significant change is made in routing, a special notice of this change should be made. Routes and schedules must be posted in public places within the service area.

b. Vehicles

In this section describe the process your agency will use to determine if any vehicles will need to be re-signed or re-painted. Vehicles must be painted and signed in a manner that depicts them as open to public use. The material to be used for the signing must be of a permanent nature. Magnetic signs are not acceptable.

The cost for the initial signing of newly acquired vehicles is considered as part of the vehicle's acquisition cost and may be included as a cost of capital. All vehicles used to provide transit services must be signed before being placed into service. The initial signing of all newly acquired vehicles must be done within thirty days of its delivery.

Applicants presently owning equipment may need to re-sign their existing vehicles. The re-signing of vehicles is an operational maintenance cost and is therefore charged to the "Vehicle Maintenance" line item. This additional cost, if any, should be taken into consideration when preparing your proposed budget.

SECTION B. PUBLIC INVOLVEMENT

1. In this section you will describe how your organization has involved the public in the planning and development of the community transportation program. Identify opportunities afforded persons with disabilities, the economically disadvantaged, minorities and other members of the community to communicate their transportation needs. Define which systems are in place or will be in place to provide continued public involvement throughout the life of the community transportation program.
2. Provide a copy of the proof of publication for each notice as **Attachment B-1a, B-1b, B-1c, etc.** If a hearing has been held or will be held, include a copy of the transcript. Applicants must afford the public an opportunity to comment on their proposed community transportation program. To accomplish this, an applicant may choose to either:
 - a. publish legal notices for an "Opportunity for Public Hearing" for two consecutive weeks (i.e., two Thursdays in a row), with a cutoff date for receiving public responses 14 days after the second notice has been published; **or**
 - b. hold a public hearing, which requires two legal notices, the first of which must be published 30 to 40 days prior to the date of the hearing. The second notice is to be published 5 to 12 days prior to the dates of the hearing. The cutoff date for receiving written responses is 10 days after the hearing date.

Public notices shall be published in newspapers having a general circulation in the vicinity of the proposed community transportation program.

All public hearings should be held at a place and time generally convenient for persons affected by the proposed community transportation program. Provisions should be made at the hearing for submission of written statements, exhibits and oral statements.

Notice of an Opportunity for a Public Hearing

EXAMPLE

NOTICE OF AN OPPORTUNITY FOR A
PUBLIC HEARING REGARDING
A PUBLIC TRANSPORTATION PROJECT

All interested persons are hereby given notice that the (*Community Transportation Program Contractor*) is seeking financial assistance from the U.S. Department of Transportation, Federal Transit Administration, for the purpose of operating a rural public transportation project. Grant funds will be used to (*describe project, including location, equipment to be purchased, etc.*).

If any person desires a public hearing to consider the social, economic and/or environmental effects of the proposed project, may submit their request in writing to the (*appropriate local official and mailing address*) by no later than (*14 days after the second advertisement is published*).

A copy of the grant proposal is currently available for public inspection and copying at (*list the street address of a county office or facility in each county where service is proposed*).

Notice of a Public Hearing

EXAMPLE

NOTICE OF A PUBLIC HEARING

Notice is hereby given that a public hearing will be held by (*Community Transportation Program Contractor*) at (*street address of hearing location*) at (*time and date*) for the purpose of considering a project for which financial assistance is being sought from the U.S. Department of Transportation. Grant funds will be used to (*describe project, including location, equipment to be purchased, etc.*)

At the hearing, the (*Community Transportation Program Contractor*) will afford interested persons or agencies an opportunity to be heard with respect to the social, economic and environmental aspects of the project. Interested persons may submit oral or written evidence and recommendations with respect to said project.

A copy of the grant proposal is currently available for public inspection at (*street location*).

*Community Transportation Program Contractor's
Authorized Representative*

SECTION C. COORDINATION

Congressional intent and various Departmental regulations require coordination efforts be made in public transportation systems. This section addresses coordination in three parts: private enterprise, governmental agencies and human services. Each part is an essential element of the application.

1. Private Enterprise Involvement

a. Information Requirements

In order for Oklahoma Department of Transportation to make the required assurances to the Federal Transit Administration, each Section 5311 Program application must include the following information as appropriate:

- (1) Provide a listing of all private providers operating within your proposed service area.
- (2) Explain your agency's process for providing written notice to private providers of proposed services.
- (3) Describe all forums, meetings hearings, or other opportunities given for involving the private sector early in the project development process.
- (4) Provide your agency's process for reviewing private sector proposals offered for consideration and the rationale for inclusions or exclusions.
- (5) Describe the criteria for making public/private service decisions including the methodology for making true cost comparisons when there are two or more operators interested in providing service.
- (6) Describe the methods for periodically reviewing services to determine whether they can be provided more efficiently by the private sector.
- (7) Provide a description and status report, if applicable, on any unresolved complaints received from private operators.
- (8) Describe how your agency's grievance procedure allows the complaints of other providers of private transportation services to be heard in a fair and equitable manner.

Any documentation of coordination efforts such as letters of support, formal agreements or minutes of meetings will be placed on file with the applicant.

Purchase of service agreements or contracts with private operators can be used to augment the services of the Community Transportation Program. The level of service (estimated time of day, frequency and service area) provided through a purchase of service agreement must be reasonable and in keeping with the goal of the program to enhance the mobility of people in non-urbanized areas.

2. Route Authority – Intra-City Operations

In this section provide a brief narrative explaining the process used to determine if any special permits and/or licenses are required. Include copies of required permits and/or licenses.

If the project or part of the project is within a municipality, a city franchise may be necessary. The applicant should contact local authorities within the proposed service area to determine the existence of a statute, ordinance or regulation governing the type of operation proposed. The applicant should acquire all necessary permits and/or licenses.

3. Coordination of Existing Resources

In this section describe how your agency's public transit services are or will be coordinated with social service agencies and private transportation providers in the service area.

The Oklahoma Department of Human Services (DHS) has been active in providing transportation for certain segments of the population. Resources used to fund these programs could be pooled into one transit effort in a Community Transportation Program Contractor's service area, incurring benefits for all parties. Monies and vehicles brought under one umbrella would prevent duplication of services. This is the ultimate objective of coordinated transportation services. Each applicant must document and submit all activities pursued to achieve this goal. A list of the information about existing public transportation providers must be included.

It is both Congressional and U.S. DOT intent that monies made available under the Section 5311 Program augment rather than replace existing transportation resources. Although there is no formal "maintenance of effort" requirement, each applicant should assure that local transit funding will continue.

If the applicant has purchased or operated vehicles within two years prior to the date of submitting an application for Section 5311 Program funding, list the amount and sources of funds used and the efforts made to integrate these assets or operational funds into Community Transportation Program.

SECTION D. PROJECT BUDGET

Section 5311 Program funds are available in two categories; (1) non-operating and (2) operational. The non-operating category includes both capital and administrative costs. The Federal participation for these funding categories is outlined in detail in the State Management Plan for the Administration of the Section 5311 - Nonurbanized Area Formula Program.

The project budget should clearly identify all sources of financial support for the program, including federal, state and local participation.

The cost of a standard vehicle is reimbursed at the rate of 80 percent of the cost.

When seeking reimbursement for the cost of acquiring vehicles **required solely** to meet the requirements of the Americans With Disabilities Act of 1990 (ADA), as amended, or the Clean Air Act (CAA), as amended, there are two methods that you may use:

- You may separate the basic cost of the vehicle from the cost of the accessible or clean air related equipment. The basic cost will be reimbursed at 80% Federal share with the Community Transportation Program Contractor paying 20%. The cost for the accessible or clean air related equipment will be reimbursed at a 90% Federal share with the Community Transportation Program Contractor paying 10% of the special equipment's cost; or,
- You may claim the total price of the vehicle plus the cost of the accessible or clean air related equipment as a single cost. Using this method the Federal share will be 83% of the total price with the Community Transportation Program Contractor paying 17%.

The local share required is outlined in the State Management Plan for the Administration of the Section 5311- Nonurbanized area Formula Grant Program. The applicant should refer to this document for local share requirements.

One-half of the required local shares must be provided from sources other than federal funds or revenues from the operation of the system. The other one-half of the local share may consist of unrestricted federal funds from other federal programs. Funds are unrestricted when a federal agency permits its funds to be used to match other federal programs. Project applicants are ultimately responsible for identifying unrestricted funds. The applicant should refer any questions regarding funding restrictions to the appropriate federal grantor agency.

In-kind (cash equivalent or soft match) is allowed under the Section 5311 Program, but must be documented according to standard accounting procedures.

- In-kind is defined as: The intrinsic value of goods and service provided by a third party that directly benefits the Community Transportation Program.
- Example of an in-kind contribution would be a local merchant volunteering to print Community Transportation Program's route schedule. The value of the printing service may be counted as an in-kind cost to the Community Transportation Program.

- An example that is **not** considered as an in-kind contribution would be the value of office space in a building that is owned by the contracting agency. However, the value or cost to use the space would be a direct expense by the contractor and would be treated as a direct cost to the Community Transportation Program. This cost is limited to the **actual** expense incurred by the contracting agency.

If you are not certain as to whether a cost is eligible for reimbursement or as to where the cost should be shown or you anticipate a cost item not listed, contact the ODOT's Transit Programs Division for assistance.

When preparing your budget keep the following issues in mind:

- All line item amounts will reflect true cost,
- All line item amounts should be rounded to the nearest ten dollars.
- All capital purchases should be listed separately with estimated costs on the Budget Description.
- Each employment classification shall have an assigned monthly salary or hourly rate of pay along with the number of persons assigned to work within the classification.
- When calculating salaries, estimated expenses should be calculated using the following methods:

EXAMPLE:

- For positions paid at a monthly rate use:

Director	\$45,000.00 X 100% =	\$45,000.00
Supervisor	\$28,000.00 X 75% =	\$21,000.00
- For positions paid at an hourly rate use:

Drivers	2080 hours X \$8.00 X 3 =	\$49,920.00
	1040 hours X \$6.50 X 4 =	\$27,040.00
Clerks	2080 hours X \$9.50 X 1 =	\$19,760.00
	520 hours X \$6.50 X 1 =	\$3,380.00

1. Budget Description - Section 5311

In this section complete the supplemental file entitled “***_5311 Budget Description_YY.xls***”. This file is a Microsoft Excel spreadsheet provided to reflect, by line item, all costs necessary to administer and operate the transportation system. Include it as part of your application package, labeled **Attachment D-1**.

The following tables reflect a typical budget with samples of item descriptions.

SAMPLE

PRAIRIE COUNTY PUBLIC TRANSIT SYSTEM
SECTION 5311 BUDGET DESCRIPTION
For the Fiscal Year Ending September 30, 2007

Date

CAPITAL:

Vehicles - Replacement

1. For the replacement of one aging vehicle, one ADA-compliant 21 passenger vehicle to be used in western Prairie County.

Estimated cost: \$56,500.00 Federal %: 83% Federal Amount: \$46,895.00

2. For the replacement of one aging vehicle, one ADA-compliant 7 passenger min van to be used in southern Prairie County.

Estimated cost: \$55,000.00 Federal %: 83% Federal Amount: \$45,650.00

Vehicles - Expansion

N/A

Estimated cost: ---.--- Federal %: 83% Federal Amount: ---.---

Access-related Equipment

N/A

Estimated cost: ---.--- Federal %: 83% Federal Amount: ---.---

Communication Equipment

1. One two-way radio base unit that will be used by the dispatcher to communicate with drivers in vehicles.

Estimated cost: \$ 600.00 Federal %: 80% Federal Amount: \$480.00

2. Three two-way mobile radios to be installed in new buses to tie in with existing communication system.

Estimated cost: \$ 1,200.00 Federal %: 80% Federal Amount: \$960.00

Equipment – For the purchase of non-expendable personal property with an expected life of more than one year and an acquisition cost of \$500.00 or more per unit.

Personal computer to be used to maintain records, prepare reports, claims and correspondence.

Estimated cost: \$ 2,750.00 Federal %: 80% Federal Amount: \$2,200.00

Miscellaneous – For allowable capital items not specifically categorized above. Summarize purchases as noted above. The item or items must have a useful life of more than one year and an acquisition cost of \$500.00 or more per unit.

N/A

Estimated cost: ---.--- Federal %: 80% Federal Amount: ---.---

Alternative Fuel Equipment

For the purchase of one CNG quick start system to be used at the main transit garage.

Estimated cost: \$15,000.00 Federal %: 90% Federal Amount: \$13,500.00

CAPITAL TOTAL: \$131,050.00 FEDERAL AMOUNT: \$109,685.00

SAMPLE

{Place Most Recent Date Here}

ADMINISTRATION:

Director's Salary

Pay the director's salary, who works 100% of the time on the transit program.

Budgeted amount **\$ 30,000.00**

Secretary's Salary

To pay the Community Transportation Program's share for secretary's salary. Secretary works approximately 50% of the time, maximum hourly pay rate is \$9.00.

(2080 X \$9.00) X 50%

Budgeted amount **\$ 9,360.00**

Bookkeeper's Salary

To pay contracted bookkeeper's rate at \$300.00 per month.

(12 X \$300.00)

Budgeted amount **\$ 3,600.00**

Fringe, Administrative

Fringe benefits for employees working on the Community Transportation Program.

(\$30,000 + \$9,360 + \$3,600) X 9.45%

Budgeted amount **\$ 4,060.00**

Audit - The methodology for calculating the auditor's fees must be reviewed and approved by the ODOT's audit branch prior to entering into a formal agreement for audit services.

To pay the portion of an audit that applies to the Community Transportation Program.

Budgeted amount **\$ 2,500.00**

Legal Service

Attorney's fees for review of contracts and other legal matters regarding the Community Transportation Program.

Budgeted amount **\$ 1,000.00**

Travel, Administrative

Necessary travel directly relating to the administrative duties of the Community Transportation Program.

Budgeted amount **\$ 3,000.00**

Advertising

Advertising as a facet of marketing to promote the program and to pay for required legal notices.

Budgeted amount **\$ 3,000.00**

Subscriptions/Membership fees

Pay expenses of membership in professional organizations such as OTA and SWTA memberships, and for periodicals & newsletters relating to public transportation issues.

Budgeted amount **\$ 5,000.00**

Training Program

To pay expenses for Community Transportation Program personnel to attend workshops, conferences and special training seminars that directly relate to the public transit services.

Budgeted amount \$ 6,000.00

Office Furnishings - *This line item is for the purchase of non-expendable personal property with an expected life of more than one year and an acquisition cost of less than \$499.00 per unit and office furnishings which are acquired via a lease agreement.*

1 Copy machine for transit office @ \$450.00; 2-two-drawer filing cabinets @ \$205.00 each.

Budgeted amount \$ 860.00

Indirect Costs, Administrative - *The methodology used to allocate the indirect cost rate must be reviewed and approved by the ODOT's audit branch.*

Costs incurred by the contracting agency for goods or services that benefit more than one program which Community Transportation Program receives indirect benefit, less salaries and fringe. The established rate of 16.58% has been approved by ODOT.

(\$18,775 X 16.58%)

Budgeted amount \$ 3,120.00

Alcohol and Drug Testing

Costs incurred to implement and maintain an alcohol and drug testing program (5 Pre-employment + 12 Random (10 drug & 2 Alcohol) + 3 Reasonable Suspicion + 5 Post-Accident tests @ \$40.00 per test)

Budgeted amount \$ 1,000.00

ADMIN. TOTAL: \$72,500.00 FEDERAL PORTION (80%): \$58,000.00

SAMPLE

{Place Most Recent Date Here}

OPERATING:

Supervisor Salary

To pay the wages for supervisor working directly on the Community Transportation Program. (2080 X \$10.00)

Budgeted amount \$ 20,800.00

Dispatcher Salary

To pay the wages for 2-F/T and 1-P/T dispatchers working directly on program.
(2 X 2080 X \$6.50) + (2080 X \$6.00 X 50%)

Budgeted amount \$ 33,280.00

Clerk Salary

To pay payroll clerk's salary working 25% of the time on the Community Transportation Program payroll. (2080 X \$6.00 X 25%)

Budgeted amount \$ 3,120.00

Driver Salary

To pay the wages for drivers working directly on the Community Transportation Program. Included is the value of donated labor for one F/T driver @ \$15,600.00
(6 X 2080 X \$7.50) + (3 X 1040 X \$7.00) + (180 X 6.00)

Budgeted amount \$116,520.00

Mechanic Salary

N/A

Budgeted amount ----,----

Fringe, Operating

Fringe benefits for employees of the agency who work on the Community Transportation Program. (20,800 + 33,280 + 3,120)9.45% + (116,520)16.29%

Budgeted amount \$ 24,390.00

Travel, Operating

Necessary travel directly relating to the operational duties of the Community Transportation Program.

Budgeted amount \$ 6,000.00

Vehicle Insurance

Fleet insurance (liability, comprehensive, collision, and personal injury) for Community Transportation Program vehicles

Budgeted amount \$ 10,000.00

Insurance, other

Insurance cost for Community Transportation Program facilities and the contents of such facilities.

Budgeted amount \$ 3,000.00

Office/Garage Space - All facilities must be appraised by the ODOT's appraisal branch. Their assessment of the facilities' value will establish a maximum limit that will be allowed as a cost to the program. Expenses associated with facilities owned by the contracting agency are limited to actual costs only.

To provide administrative and operational facilities for the Community Transportation Program. Cost includes utilities and is based on new space allocations determined by ODOT appraiser.

Budgeted amount **\$ 5,400.00**

Supplies

Expendable materials and supplies such as clip boards, paper, and pencils.

Budgeted amount **\$ 8,500.00**

Telephone – List all site locations.

To provide all communication service for the Community Transportation Program.

Budgeted amount **\$ 2,100.00**

Utilities – List all site locations.

N/A

Budgeted amount **---.---**

Printing

Printing of brochures, handbills, schedules, and tickets. Included is the value of donated supplies and labor @ \$500.00.

Budgeted amount **\$ 3,000.00**

Postage

Postage necessary for Community Transportation Program correspondence

Budgeted amount **\$ 500.00**

Interest Expenses - Prior approval must be obtained from the ODOT before the cost may be incurred.

N/A

Budgeted amount **---.---**

Fuel

Fuel for Section 5311 program vehicles. Included is the value of donated fuel @ \$3,000.00

Budgeted amount **\$ 25,000.00**

Vehicle Maintenance/Repairs

Necessary maintenance, repair, or upkeep of program vehicles to keep vehicles in efficient operating condition.

Budgeted amount **\$ 15,000.00**

Building Maintenance/Repairs

Necessary maintenance, repair or upkeep of program facilities.

Budgeted amount **\$ 10,000.00**

Equipment Maintenance/Repairs

For the purchase or repair of equipment such as a floor jack or a hand drill, also for the replacement of worn-out tools such as a drill bit.

Budgeted amount \$ 5,000.00

Indirect Costs, Operating - The methodology used to allocate the indirect cost rate must be reviewed and approved by the ODOT's audit branch.

N/A

Budgeted amount ---.---

Fees and licensing

Vehicle licenses, vehicle title fees, and other fees relative to the operation of the Section 5311 program.

Budgeted amount \$ 400.00

Transportation Service Agreement

Expenses incurred for purchase of taxi and other transportation service provided by an agency or transportation provider other than the contracting agency.

Budgeted amount \$ 50,000.00

Vehicle Service Agreement

N/A

Budgeted amount ---.---

Equipment Service Agreement

The maintenance of office equipment under contract or on a single job basis. The service provided is for repair or maintenance only.

Budgeted amount \$ 1,200.00

Miscellaneous - Summarize all proposed purchases.

N/A

Budgeted amount ---.---

OPER. TOTAL: \$343,210.00

LESS FAREBOX: 41,180.00

NET OPER. TOTAL: \$302,030.00 FEDERAL PORTION (50%): \$171,605.00

GRAND TOTAL LESS FAREBOX: \$505,580.00 GRAND FEDERAL AMOUNT: \$339,290.00

AMOUNT OF FUNDS ALLOCATED: \$250,000.00

AMOUNT REQUIRED TO OVERMATCH BUDGET: \$89,290.00

2. Identification of Sources of Funds - Section 5311

In this section identify all sources of financial support for the transit program. For every source of project support, submit a letter of monetary commitment or support from the contributor. Label these documents as **Attachment D-2a, D-2b, D-2c, etc.**

See Table D1 below for example

		Date
PROJECT TITLE		
IDENTIFICATION OF SOURCES OF FUNDS		
1.	Community Services Block Grant (soft)	\$ 6,400.00
2.	In-Kind (cash equivalent)	29,100.00
3.	Cash on Hand	10,000.00
4.	State Anti-poverty Funds (hard)	5,000.00
5.	Non-Restricted Federal Funds (soft match)	
	a. Community Services Block Grant	2,500.00
	b. Title V and Greenthumb	<u>1,000.00</u>
	TOTAL	\$ 54,000.00

Table D1

3. Identification of In-Kind and Cash Funding Sources – Section 5311

In this section identify the donated value of goods and services provided by a third party.

See Table D2 below for example

		Date
PROJECT TITLE		
IDENTIFICATION OF IN-KIND AND CASH FUNDING SOURCES		
In-Kind:		
	Volunteer Bus Driver	\$ 15,600.00
	Printing Supplies and Labor	500.00
	Donated Fuel From County	<u>3,000.00</u>
SUB-TOTAL		\$ 19,100.00
Cash		<u>\$ 10,000.00</u>
TOTAL		\$ 29,100.00

Table D2

4. Computation of Expenses Incurred – Section 5311
 In this section identify all applicable rates to your transit program.

See Table D3 below for example

		Date
PROJECT TITLE		
COMPUTATION OF EXPENSES INCURRED		
Fringe Rate:		
	6.7%	FICA
	2.1%	Unemployment
	5.2%	Worker's Compensation
	4.5%	Health Insurance
	<u>10.0%</u>	Accrued Earned Annual Leave and Sick Leave
TOTAL	28.5%	

Table D3

SECTION E. INTERCITY BUS SERVICE

1. In this section write a narrative describing your proposed intercity service. This will include any routes between major cities. It will also include any "feeder bus service" designed to connect rural transit services with major intercity carriers. Be sure to differentiate new service from the expansion of an existing service. If the proposed service is a continuation of an existing service without significant changes from the previous year, indicate that in the description of service.
2. Provide a listing of each intercity route to be offered. The following format will be used for the purpose of identifying intercity routes: XX-IX. The first two digits designate the county in which the route originates; the third digit designates the route as intercity service; the fourth digit designates the route number and may be an alpha or numeric character such as: 52-11 or 52-1A for a route originating in Noble County or 52-12 or 52-1B for a second intercity route originating in Noble County.

ALL INTERCITY ROUTES ARE TO BE DESIGNATED WITH THE ALPHA CHARACTER "I" FOLLOWED BY AN ALPHA OR NUMERICAL CHARACTER.

3. Provide an estimated cost to provide each intercity route. This cost may be computed by multiplying the estimated annual miles of service by an estimated annual cost per mile of operation less estimated fare box revenues.

EXAMPLE (ALL AMOUNTS SHOWN ARE BASED ON THE FEDERAL SHARE OF PARTICIPATION)

Intercity route between Guthrie and Oklahoma City, route # 42-11
10,000 X \$5.50 = \$55,000
Estimated annual miles X estimated annual cost per mile = gross annual cost

\$55,000 - \$11,000 = **\$44,000**
Gross annual less estimated fare box revenue = net annual cost

Intercity route between Oklahoma City and Guthrie, route # 55-11
10,000 X \$5.50 = \$55,000
\$55,000 - \$11,000 = **\$44,000**

Intercity route between Guthrie and towns of Langston and Cole, route #42-12
7,000 X \$5.50 = \$38,500
\$38,500 - \$7,000 = **\$31,500**

Total net annual cost for all intercity routes = **\$119,500**

Refer to The State Management Plan for the Administration of Section 5311 - Nonurbanized Area Formula Grant Program for the definition of what qualifies as an intercity route.

THE FOLLOWING SECTION IS TO BE COMPLETED ONLY IF YOUR AGENCY PLANS ON PROVIDING AN INTERCITY BUDGET, IN ADDITION TO THE SECTION 5311 BUDGET.

4. In this section indicate whether you will be incorporating the Intercity-related expenses into

your Section 5311 budget or providing a separate budget.

If you plan on providing a separate budget illustrating those expenses directly relating to intercity bus service, contact the Transit Programs office and request the electronic files entitled, “***_Intercity Budget Description.xls***” and “***_Intercity Budget.doc***”. These files will be included as part of your grant application package. The format will be the same as used in SECTION D. Project Budget. Use the same line items and rates of reimbursement used for the regular transit service.

Show methodology for determining the costs associated with intercity service. You may determine the percentage of all service that the intercity service constitutes and apply that percentage to the total cost of all proposed service. This will give a basis to determine the estimated cost of intercity service for budget purposes. You may use other methods for determining the cost of intercity service. The methodology used must be approved by the ODOT. Reimbursement of intercity service will be for costs incurred directly for provision of intercity service. Rates of reimbursement will be identical to rates for regular transit services.

SECTION F. CONTRACTING OPPORTUNITIES

1. In this section the applicant will list all program purchases which represent a contracting opportunity and to establish a total dollar amount that is anticipated to be obligated for goods and services such as: office supplies, vehicle insurance, fuel and vehicle maintenance.

See Table E1 below for example

Recipients of Section 5311 Program funds must take necessary and reasonable steps to ensure that Disadvantaged Business Enterprises (DBE) have the maximum opportunity to compete for and perform contracts. Recipients of Section 5311 Program funds in excess of \$250,000.00, exclusive of transit vehicles purchases, are required to prepare and submit a DBE Program. For informational purposes, FTA has provided a sample DBE Program at their website: <http://osdbuweb.dot.gov/programs/dbe/dbe.htm>.

Recipients who do not exceed this threshold are not required to prepare and submit a DBE Program, but must take necessary and reasonable steps to ensure the that DEB firms have the maximum opportunity to compete in all of the Community Transportation Program's contracting opportunities.

The following conveys a process for identifying and soliciting DBE firms for contracting opportunities:

- Identification of all contracting opportunities, if any, associated with the FTA assistance. The overall project budget might serve as the overall source document for this step. Include a separate listing of all contracting opportunities by categories, noting the estimated value of each contract opportunity.
- Analysis of DBE availability (known and projected) to provide the products or services identified for contracting at either the prime or subcontract levels.
- Establishment of contract goals for all FTA assisted contracts based upon the availability analysis. This step includes making contact with organizations which may be expected to have information regarding availability including, as a minimum, the Small Business Administration, the Minority Business Development Agency (U.S. Department of Commerce), and the U.S. DOT Program Management Centers.
- Use of good faith efforts to achieve the contract goals established. Good faith efforts criteria are described in 49 CFR Part 26, as amended.
- Use only DBE firms certified as eligible under the eligibility criteria of 49 CFR Part 26, as amended.
- Record keeping and reporting sufficient for verification of steps taken and participation achieved. The DBE reporting requirement for recipients not meeting the threshold shall be submitted semiannually.

CONTRACTING OPPORTUNITIES		
Description of Goods or Services		Total Dollar Amount
1.	Bookkeeper's Salary (contract services)	\$ 3,600.00
2.	Audit	2,500.00
3.	Advertising	3,000.00
4.	Vehicle Insurance	10,000.00
5.	Office Supplies	4,000.00
6.	Fuel	15,000.00
7.	Vehicle Maintenance/Repairs	10,000.00
TOTAL		\$ 58,100.00

Table E1

SECTION G. ASSURANCES

Annual Certifications and Assurances (Appendix A)

At the beginning of each fiscal year, FTA publishes in the *Federal Register* a compilation of the various certifications and assurances. Each applicant is required to execute "Appendix A" thereby agreeing to comply with all applicable requirements for FTA assistance in that fiscal year. For specific information regarding these requirements the applicant should refer to FTA Circular 9040.1, as amended. The circular contains, in general, what certifications and assurances may be required of the applicant for assistance from the Section 5311 Program. Note, however, this will be superseded by the most current version of FTA's certifications and assurances. The applicant should check the FTA web site at <http://www.fta.dot.gov> to confirm that they have the most recent documentation.

The most current "Appendix A" will be provided in the Section 5311 Grant Application package by ODOT Transit Programs Division.

BEFORE A GRANT CAN BE AWARDED, THE APPLICANT MUST SIGN THESE CERTIFICATIONS AND ASSURANCES AND SEND TO ODOT/TRANSIT PROGRAMS DIVISION UNDER SEPARATE COVER THROUGH THE US POSTAL SERVICE.

The following is an example of the Appendix A, "Certification and Assurances for FTA Assistance"

Note: Do not use this page for official certification, it is for example and form only. Contact the Transit Programs Division for current version. Please ensure you submit an original, completed Appendix A to the Transit Programs Division via the U.S. Postal Service.

Appendix A
 Certification and Assurances for FTA Assistance
 For Fiscal Year 200__
 Name of Applicant (Community Transportation Program Contractor)

The Applicant agrees to comply with applicable requirements of Categories I-XII. _____
 (Applicant may make the above section in lieu of individual selections below.)

OR

The Applicant agrees to comply with the applicable requirements of the following categories it has selected:

- I. Certification and Assurances Required of Each Applicant _____
- II. Lobby Certification _____
- III. Effects on Private Mass Transportation Companies _____
- IV. Public Hearing Certification for a Project with Substantial Impacts _____
- V. Certification for the Purchase of Rolling Stock _____
- VI. Bus Testing Certification _____
- VII. Charter Service Agreement _____
- VIII. School Transportation Agreement _____
- IX. Certification of Demand Responsive Service _____
- X. Substance Abuse Certifications _____
- XI. Certification for a Project Involving Financing Costs _____

Special Warranty

- XII. Department of Labor, Section 5333(b) Warranty _____
 By selecting this requirement the applicant is certifying that it has:
 - ◆ previously submitted a Special Warranty and that it is currently valid, or
 - ◆ has executed the Special Warranty and that it is enclosed as part of its application for Section 5311 Program funding.

Appendix A
Certification and Assurances for FTA Assistance
For Fiscal Year 200_

Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project

Name of Applicant _____

Name and relationship of Authorized Representative: _____

By signing below I, _____(name) on behalf of the Applicant, declare that the Applicant has duly authorized me to make these certification assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statues, regulations, executive orders, and administrative guidance required for each application it makes for Federal assistance under the Federal Transit Administration in Federal Fiscal Year 200_.

FTA intends that the certifications and assurances the applicant selects on the other side of this document, as representative of the certifications and assurances in Appendix A, should apply, as required to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 200_.

The Applicant affirms the truthfulness and accuracy of the certifications and assurance it has made in the statements submitted herein with this document and any other submission made tp FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801et seq, as implemented by the U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to certification, assurance or submission made in connection with the Urbanized Area Formula Program, 49 U.S.C. 5307, and may apply to any other certification, assurance, or submission made in connection with any other program administered by FTA.

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____ Date _____

Name _____ (Authorized Representative of Applicant)

AFFIRMATION OF APPLICANT'S ATTORNEY
for _____ (Name of Applicant)

As the undersigned legal counsel for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with certifications and assurances as indicated on the forgoing pages. I further affirm that , in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project. Furthermore, if I become aware of circumstances that change the accuracy of the foregoing statements, I will notify the Applicant promptly, which may so inform FTA.

Signature _____ Date _____

Name _____ (Applicant's Attorney)

Department of Labor, Section 5333(b) Warranty

As a condition to receive financial assistance under the Section 5311 Program, 49 U.S.C. § 5333(b) requires that fair and equitable arrangements must be made to protect the interest of employees affected by such assistance. The Department of Labor (DOL) is responsible under Federal law for the administration of Section 5333(b).

The Department of Labor and US DOT have agreed upon a Section 5333(b) Warranty (Special Warranty) for recipients of Section 5311 Program funds, which the Secretary of Labor certified on May 31, 1979. The Special Warranty contains standard terms and conditions, which are shown in FTA C 9040.1, Exhibit F, as amended. The Special Warranty provides that, in absence of a DOL granted waiver, the terms and conditions of the Special Warranty shall apply for the protection of the transportation related employees of the recipient of Section 5311 Program funds and the transportation related employees of any other surface mass transportation provider operating within the Community Transportation Program's service area.

The Community Transportation Program Contractor must agree to the Special Warranty.

Applicants for Section 5311 Program assistance shall address the statutorily mandated labor protection provisions by (1) executing the Special Warranty developed by the U.S. Departments of Labor and Transportation; or (2) requesting and receiving approval for a waiver of the required protection from the Department of Labor. A designated legally responsible party, other than the applicant, may execute the Special Warranty. **SEE ATTACHMENT 3 - "HOW TO REQUEST A SPECIAL 5333(b) WAIVER"**

A copy of "Rural Transportation Employee Protection Guidebook," published by the Department of Labor is available from the ODOT's Transit Programs Branch. Due to the complexity of the labor protection provisions and the potential consequences of non-compliance, the applicant is encouraged to secure this publication and, in consultation with an attorney, become familiar with the obligations contained therein.

The application must contain a signed acceptance of the Special Warranty, a list of current transportation providers and labor organizations in the proposed service area and an acceptance of the method of mediation should a dispute arise. A waiver request may also be submitted to the Department of Labor and a copy attached to the application.

The application must contain the applicant's proposed appeal procedure for settling a dispute with an alleged impacted employee.

EXECUTE THE REQUIRED DOCUMENTS
Section 5333(b) Special Warranty

DISCLAIMER

The Section 5333(b) Special Warranty which follows is a modified version of the form developed by the U.S. Department of Transportation and the Department of Labor. However, it should be noted that the Oklahoma Department of Transportation is precluded by law from signing the warranty and serving as a party thereto. The Section 5311 RECIPIENT (or the designated legally responsible party) shall be fully responsible for compliance with the terms and conditions of the Special Warranty.

Special Section 5333(b) Warranty
For Application to the
Small Urban and Rural Program

The following language shall be made part of the contract of assistance with the State or other Public Body charged with allocation and administration of funds provided under 49 U.S.C. Section 5311:

A. General Application

The Public Body, Oklahoma Department of Transportation, agrees that, in the absence of waiver by the Department of Labor, the terms and conditions of this warranty, as set forth below, shall apply for the protection of the transportation related employees of any employer providing transportation services assisted by the Project Recipient, and the transportation related employees of any other surface public transportation providers in the transportation service area of the project.

The Public Body, shall provide to the Department of Labor and maintain at all times during the Project an accurate, up-to-date listing of all existing transportation providers which are eligible Recipients of transportation assistance funded by the Project, in the transportation service area of the Project, and labor organizations representing the employees of such providers.

Certification by the Public Body to the Department of Labor that the designated Recipients have indicated in writing acceptance of the terms and conditions of the warranty arrangement will be sufficient to permit the flow of Section 5311 funding in the absence of a finding of non-compliance by the Department of Labor.

B. Standard Terms and Conditions

(1) The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees of the Recipient and of any other surface public transportation provider in the transportation service area of the Project. It shall be an obligation of the Recipient and any other legally responsible party designated by the Public Body to assure that any and all transportation services assisted by the Project are contracted for and operated in such a manner that they do not impair the rights and interests of affected employees. The term "Project," as used herein, shall not be limited to the particular facility, service, or operation assisted by Federal funds, but shall include any changes, whether organization, operational, technological, or otherwise, which are a result of the assistance provided. The phrase "as a result of the Project," shall when used in this arrangement, include events related to the Project occurring in anticipation of, during, and subsequent to the Project and any program of efficiencies or economies related thereto; provided, however, that volume rises and falls of business, or

changes in volume and character of employment brought about by causes other than the Project (including any economies or efficiencies unrelated to the Project) are not within the purview of this arrangement.

An employee covered by this arrangement, who is not dismissed, displaced or otherwise worsened in his position with regard to his employment as a result of the Project, but who is dismissed, displaced or otherwise worsened solely because of the total or partial termination of the Project, discontinuance of Project services, or exhaustion of Project funding shall not be deemed eligible for a dismissal or displacement allowance within the meaning of paragraphs (6) and (7) of the Model agreement or applicable provisions of substitute comparable arrangements.

(2)(a) Where employees of a Recipient are represented for collective bargaining purposes, all Project services provided by that Recipient shall be provided under and in accordance with any collective bargaining agreement applicable to such employees which is then in effect.

(2)(b) The Recipient or legally responsible party shall provide to all affected employees sixty (60) days notice of intended actions which may result in displacements or dismissals or rearrangements of the working forces. In the case of employees represented by a union, such notice shall be provided by certified mail through their representatives. The notice shall contain a full and adequate statement of the proposed changes, and an estimate of the number of employees affected by the intended changes, and the number and classifications of any jobs in the Recipient's employment available to be filled by such affected employees.

(2)(c) The procedures of this subparagraph shall apply to cases where notices involve employees represented by a union for collective bargaining purposes. At the request of either the Recipient or the representatives of such employees, negotiations for the purposes of reaching agreement with respect to the application of the terms and conditions of this arrangement shall commence immediately. If no agreement is reached within twenty (20) days from the commencement of negotiations, any party to the dispute may submit the matter to dispute settlement procedures in accordance with paragraph (4) of this warranty. The foregoing procedures shall be complied with and carried out prior to the institution of the intended action.

(3) For the purpose of providing the statutory required protection including those specifically mandated by 49 U.S.C. Section 5333(b) of the Act¹, the Public Body will

¹Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of re-employment of

assure as a condition of the release of funds that the Recipient agrees to be bound by the terms and conditions of the National (Model) Section 5333(b) Agreement executed July 23, 1975, identified below², provided that other comparable arrangements may be substituted therefore, if approved by the Secretary of Labor and certified for inclusion in these conditions.

(4) Any dispute or controversy arising regarding the application, interpretation, or enforcement of any of the provisions of this arrangement which cannot be settled by and between the parties at interest within thirty (30) days after the dispute or controversy first arises, may be referred by any such party to any final and binding disputes settlement procedure acceptable to the parties, or in the event they cannot agree upon such procedure, to the Department of Labor or an impartial third party designated by the Department of Labor for final and binding determination. The compensation and expenses of the impartial third party, and any other jointly incurred expenses, shall be borne equally by the parties to the proceedings and all other expenses shall be paid by the party incurring them.

In the event of any dispute as to whether or not a particular employee was affected by the Project, it shall be his obligation to identify the Project and specify the pertinent facts of the Project relied upon. It shall then be the burden of either the Recipient or other party legally responsible for the application of these conditions to prove that factors other than the Project affected the employee. The claiming employee shall prevail if it is established that the Project had an effect upon the employee even if other factors may also have affected the employee.

(5) The Recipient or other legally responsible party designated by the Public Body will be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee covered by these arrangements, or the union representative of such employee, may file claim of violation of these arrangements with the Recipient within sixty (60) days of the date he is terminated or laid off as a result of the Project, or within eighteen (18) months of the date his position with respect to his employment is otherwise worsened as a result of the Project. In the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitation shall be measured from the last such event. No benefits shall be payable for any period prior to six (6) months from the date of the filing of any claim.

(6) Nothing in this arrangement shall be construed as depriving any employee of

employees terminated or laid off; and (5) paid training and retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to Section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379), as amended.

²For purposes of this warranty agreement, paragraphs (1); (2); (5); (15); (22); (23); (24); (26); (27); and (29) of the Model Section 5333(b) Agreement, executed July 23, 1975 are to be omitted.

any rights or benefits which such employee may have under existing employment or collective bargaining agreements, nor shall this arrangement be deemed a waiver of any rights of any union or of any represented employee derived from any other agreement or provision of federal, state or local law.

(7) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, he shall be granted priority of employment or re-employment to fill any vacant position within the control of the Recipient for which he is, or by training or retraining within a reasonable period can become qualified. In the event training or retraining is required by such employment or re-employment, the Recipient or other legally responsible party designated by the Public Body shall provide for such training or retraining at no cost to the employee.

(8) The Recipient will post, in a prominent and accessible place, a notice stating that the Recipient has received federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act. This notice shall also specify the terms and conditions set forth herein for the protection of employees. The Recipient shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the proper application, administration, and enforcement of these arrangements and to the proper determination of any claims arising there under.

(9) Any labor organization which is the collective bargaining representative of employees covered by these arrangements may become a party to these arrangements by serving written notice of its desire to do so upon the Recipient and the Department of Labor. In the event of any disagreement that such labor organization represents covered employees, or is otherwise eligible to become a party to these arrangements, as applied to the Project, the dispute as to whether such organization shall participate shall be determined by the Secretary of Labor.

(10) In the event the Project is approved for assistance under 49 U.S.C. Chapter 53, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds provided, however, that this arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

C. Waiver

As a part of the grant approval process, either the Recipient or other legally responsible party designated by the Public Body may in writing seek from the Secretary of Labor a waiver of the statutorily required protections. The Secretary will waive these protections in cases, where at the time of the requested waiver, the Secretary determines that there are no employees of the Recipient or of any other surface public transportation providers in the transportation service area who could be potentially affected by the

Project. A 30-day notice of proposed waiver will be given by the Department of Labor and, in the absence of a timely objection, the waiver will become final at the end of the 30-day notice period. In the event of timely objection, the Department of Labor will review the matter and determine whether a waiver shall be granted. In the absence of waiver, these protections shall apply to the Project.

Attest

Name and Title of Authorized Official

Recipient's Legal Counsel

Signature of Authorized Official

Date

OPINION OF COUNSEL

The _____ hereinafter referred to as Recipient has agreed to be the legally and financially responsible party for the performance of terms and conditions of the Section 5333(b) Special Warranty, incorporated herein by reference, for the instant grant request. The Oklahoma Department of Transportation has designated the Recipient as the legally and financially responsible party for the instant project.

This will serve as the requisite opinion of counsel that the Recipient is legally capable of assuming the legal and financial responsibilities for performance of the terms and conditions of the Warranty. The Recipient is authorized under _____ to assume the legal and financial responsibilities for the performance of the terms and conditions of the Warranty for the instant project. I have reviewed the pertinent federal, state and local laws, and I am of the opinion that there is no legal impediment to the Recipient assuming these responsibilities. Furthermore, as a result of my examinations, I find that there is no pending litigation or legislation which might in any way adversely affect the Recipient's ability to assume and discharge these responsibilities.

Legal Counsel for Recipient

Type name of legal counsel

Date

ATTACHMENTS

Attachment 1

List of statutes, regulations, executive orders, and administrative requirements applicable to the section 5311 program
(Briefly described and provided for the convenience of the applicant.)

Statutes

Section 5311 of the Federal Transit Act 18 U.S.C. 1001 provides criminal sanctions for those who knowingly and willfully provide false information to the Federal Government

Section 3(e) of the UMT Act, 49 U.S.C. 1602(e) requires, among other things, the recipient to provide to the maximum extent feasible for the participation of private mass transportation companies

Section 3(f) of the UMT Act, 49 U.S.C. 1602(f) requires, among other things, the recipient to enter into an agreement with FTA not to provide charter service that will foreclose private operators

Section 3(g) of the UMT Act, 49 U.S.C. 1602(g) requires, among other things, the recipient to enter into an agreement with FTA not to provide exclusive school bus operations

Section 12(c) of the UMT Act, 49 U.S.C. 1608(c) provides definitions applicable to the use of grant funds

Section 13 of the UMT Act, 49 U.S.C. 1609 requires, among other things, the recipient to comply with applicable labor requirements

Section 19 of the UMT Act, 49 U.S.C. 1615 prohibits discrimination on the basis of race, color, creed, national origin, sex or age

Section 16 of the UMT Act, 49 U.S.C. 1612 provides, among other things, for the planning and design of mass transportation facilities to meet the special needs of the elderly and disabled

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance

Title VII of the Civil Rights Act of 1964, U.S.C. 2000(e) prohibits discrimination in employment

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 prohibits discrimination on the basis of disability by recipients of Federal financial assistance

"Hatch Act," 5 U.S.C. 1501, et seq.

imposes certain restrictions on political activities of recipients of Federal financial assistance

"Buy America Requirements," Section 165 of the Surface Transportation Assistance Act of 1982, P.L. 97-424

requires that steel, iron and manufactured products procured under FTA-funded contracts of a certain size be of domestic manufacture or origin (with four exceptions)

Davis-Bacon Act, as amended, 40 U.S.C. 276a, et seq.

requires that all mechanics and laborers working on federally assisted construction projects (in excess of \$2,000 contract value) be paid not less often than once a week, at wage rates computed at an amount not less than the prevailing wages for similar work in the same geographic area of the project

Copeland "Anti-Kickback" Act, 40 U.S.C. 874

prohibits payroll deductions from the wages of employees who are covered by the Davis-Bacon Act for any reason except those specifically stated in the Copeland Act

Contract Work and Safety Standards Act, 40 U.S.C. 327-332

establishes the required basis and conditions for hours of work and for overtime pay of laborers and mechanics, and directs the Department of Labor to formulate construction safety and health standards

National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.

prohibits Federal assistance that will adversely affect the quality of the environment

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, et seq.

establishes the terms and conditions for compensation to property owners and occupants who are displaced as a result of federally assisted projects

Archaeological and Historic Preservation Act of 1966, 16 U.S.C. 469a-1, et seq.

provides protection for historically valuable property

National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq.

provides for the protection of national historic sites

Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, 33 U.S.C. 1251, et seq.

sets limits on pollutants discharged in international waterways and requires safeguards against spills from oil storage facilities

Clean Air Act of 1955, as amended, 42 U.S.C. 7401, et seq.

establishes national standards for vehicle emissions

Energy Policy and Conservation Act, 42 U.S.C. 6321

authorizes development and implementation of State energy conservation plans

National Flood Insurance Act of 1968, 42 U.S.C. 4011, et seq.

authorizes a national flood insurance program

Flood Disaster Protection Act of 1973, 42 U.S.C. 4012a, et seq.

requires the purchase of flood insurance by recipients of Federal financial assistance who are located in areas having special flood hazards

Regulations

49 CFR Part 600, et seq.

regulations promulgated by FTA

49 CFR Parts 21, 23, 25, 26 and 27

regulations promulgated by the U. S. Department of Transportation governing Title VI of the Civil Rights Act of 1964, Minority Business Enterprise, Relocation and Land Acquisition, and Nondiscrimination on the Basis of Handicap, respectively

36 CFR Part 800

regulations promulgated by the Advisory Council on Historic Preservation

46 CFR Part 381

regulations promulgated by the Maritime Administration governing cargo preference requirements

31 CFR Part 205

regulations promulgated by the Department of the Treasury governing letter of credit

40 CFR Part 15

regulations promulgated by the Environmental Protection Agency pertaining to administration of Clean Air and Water Pollution requirements for grantees

29 CFR Parts 5 and 215

regulations promulgated by the Department of Labor pertinent to construction labor and transit employee protection

Executive Orders

E.O. 11246

establishes requirements in construction activities for contracts over \$2,000

E.O. 11988

establishes certain specific requirements related to flood protection and control

E.O. 12372

rescinds OMB Circular A-95 and establishes new requirements currently being implemented

Administrative Requirements

Office of Management and Budget (OMB) Circular A-21

provides cost principles applicable to grants and contracts with educational institutions

Office of Management and Budget (OMB) Circular A-87

provides cost principles applicable to grants and contracts with State, local, and Indian tribal governments

Office of Management and Budget (OMB) Circular A-102

provides uniform requirements for assistance to State, Local, and Indian Tribal governments

Office of Management and Budget (OMB) Circular A-122

provides cost principles applicable to grants and contracts with non-profit organizations

Office of Management and Budget (OMB) Circular A-133

provides uniform audit requirements for non-Federal entities (states, local governments and non-profit organizations) expending \$300,000 or more federal awards in a program year

Annual Charter Service Notice

SAMPLE

PUBLIC NOTICE

PROVISION OF CHARTER SERVICES *Prairie County Community Action Agency Niceville, OK*

The *Prairie County Community Action Agency, Niceville, Oklahoma*, operator of, *Prairie County Public Transit System*, a federally funded public transportation program, proposes to provide the following charter services during the period October 2007 through September 2008:

- 1. Bus transportation for elderly citizens to congregate meals and social events, Monday -Friday year-round, late morning and early afternoon, in Niceville;*
- 2. Bus transportation for developmentally disabled citizens of Niceville and Maytown to special schooling, Monday - Friday during June, July, and August, 8:00 - 10:00 AM and 3:00 - 5:00 PM in Niceville and Maytown.*
- 3. Bus transportation for low income children from the Jane Doe Community Center to various holiday, social, and nutritional events, days varied, usually late AM and early PM, in Niceville and Maytown.*

Any private operator desiring to provide this service must demonstrate, in writing, willingness and ability within 30 days of publication of this notice. Such evidence shall be forwarded to the following:

*Nicetime Community Action Agency
Prairie County Public Transit System
427 8th Street N.W.
Niceville, Oklahoma 73100
Attention: William Johnson, Transit Director*

Evidence necessary to demonstrate willingness and ability of the operator to provide service includes only the following:

1. A statement that the private operator has the desire and the physical capability to actually provide the category of revenue vehicle specified above (bus), and
2. A copy of documents showing that the private operator has the requisite legal authority to provide the proposed service, and that it meets all necessary safety certification, licensing, and other legal requirements to provide the proposed service.

The *Prairie County Community Action Agency* will review only the evidence submitted prior to the deadline and will complete said review within 30 days of the deadline. Any private operators proposing service in accordance with this notice will be notified of the results of said review within 60 days of the deadline.

The *Prairie County Community Action Agency* will not provide any charter service using equipment or facilities funded under the Federal Transit Act of 1991, to the extent that there is at least one willing and able private charter operator; unless one or more exceptions listed in 49 CFR Section 604.9(b) applies.

Dated this *19th* day of *July*, 2004.

City Clerk

Published in the *Niceville News*, 21 and 28 July, 2004.

How to Request A Special Section 5333(b) Warranty

The Warranty provides that either the Recipient or other legally responsible party designated by the Public Body may request a waiver of the protection set forth in the Warranty. In requesting a waiver, the Recipient or other legally responsible party should write a dated letter signed by a responsible official to the designated state agency who shall verify the data and forward it to the Federal Transit Administration (FTA) Regional Office. The FTA Regional Office shall likewise verify the data before forwarding it to the Department of Labor for processing. The letter should be accompanied by a complete copy of the Project application (which should contain the information required by DOL for processing a waiver request application). Indicate a return address and include a telephone number of an appropriate contact person.

The request for waiver should assert that there are no existing employees of the Recipient or of any other transportation service provider eligible for funding in the transportation service area of the Project as of the date of the requested waiver, or those employees of eligible transportation service providers cannot be potentially affected by the Federal assistance. In the latter cases, the waiver requesting party must explain why employees cannot be potentially affected. In order for such employees to be affected, it is not necessary that the anticipated effect upon their interests be adverse.

Applications should include the following information in cases of waiver requests:

1. The name of the eligible providers in the transportation service area of the Project;
2. A description of the nature of the transportation services provided in the area including the population served;
3. The frequency of the services;
4. A description of the vehicles used in providing the services;
5. The geographical service areas of the services;
6. The fare structures of the services;
7. The number of employees involved in providing the services;
8. Any labor organization representing such employees;

9. Previous Federal assistance received from the U. S. Department of Transportation by any of the providers;
10. Revenue figures, where available, for the previous year attributable to the various categories of transportation services performed by the providers;
11. Names and mailing addresses of any transportation regulating body in the transportation service area;
12. The name, address and telephone number of a contact person from the waiver requesting party who could respond to questions concerning the information supplied;

The above information must be submitted in a chart format.

DOL Processing Of Requests For Waiver

The Department of Labor will expeditiously process all applications for waivers or substitute arrangements under the Section 5311 Program. Special handling procedures have been formulated that will expedite the processing of these types of applications, particularly where necessary information accompanies the waiver request. DOL recognizes the special and distinct nature of many small urban and rural transportation services and will attempt to process requests with due consideration to these special characteristics.

Waiver requests will be presumably based on an assertion that there are no existing providers of transportation in the transportation service area, or, in cases where there are existing providers, an assertion that there are no existing employees who could be potentially affected. In such situations, it is not necessary that the anticipated effect upon individuals be adverse for them to be considered potentially affected.

Where DOL determines that there are no employees in the transportation service area that could potentially be affected by the Project, it will publish a notice of proposed waiver in the Federal Register and simultaneously publish notification in local general circulation newspapers in the transportation service area. If no objections are received during the 30-day notice period, the waiver will be granted at the end of the notice period. If, however, timely objections are received, the Department of Labor will review the objections and determine whether a waiver should be granted or denied.

Upon completion of the 30-day notice period and review of any timely objections, DOL will inform by telephone the waiver requesting party, the Federal Transit Administration, (FTA) and affected parties, if any, of DOL's findings. DOL will then issue its written decision granting or denying the request for waiver to the waiver requesting party, FTA and any other involved parties.

The format to be used by DOL for publication of a notice of proposed waiver in the Federal Register and local general circulation newspapers is contained in the "Rural Transportation Employer Protection Guidebook" (page 51).

Objections should specify the name of the objecting party, a complete return address, the names of any transit providers in the Project area, the nature of transit services (e.g., service to elderly and disabled), the number of employees of the providers, if known, the name(s) of any labor organization(s) representing such employees and an explanation of how the Project will affect the rights and interests of employees. The objections should be submitted in writing to the Office of Labor-Management Relations Services, Room N-5653, Attn: Division of Employee Protection, 200 Constitution Avenue, NW, Washington, D.C. 20210. If objections are filed within the 30 day notice period, the Department of Labor will review them to determine whether a waiver will be granted. If no objections are received, the waiver will become final at the end of the 30 day notice period.

County Names with Corresponding Numbers

STATE OF OKLAHOMA

01 Adair	40 Le Flore
02 Alfalfa	41 Lincoln
03 Atoka	42 Logan
04 Beaver	43 Love
05 Beckham	44 McClain
06 Blaine	45 McCurtain
07 Bryan	46 McIntosh
08 Caddo	47 Major
09 Canadian	48 Marshall
10 Carter	49 Mayes
11 Cherokee	50 Murray
12 Choctaw	51 Muskogee
13 Cimarron	52 Noble
14 Cleveland	53 Nowata
15 Coal	54 Okfuskee
16 Comanche	55 Oklahoma
17 Cotton	56 Okmulgee
18 Craig	57 Osage
19 Creek	58 Ottawa
20 Custer	59 Pawnee
21 Delaware	60 Payne
22 Dewey	61 Pittsburg
23 Ellis	62 Pontotoc
24 Garfield	63 Pottawatomie
25 Garvin	64 Pushmataha
26 Grady	65 Roger Mills
27 Grant	66 Rogers
28 Greer	67 Seminole
29 Harmon	68 Sequoyah
30 Harper	69 Stephens
31 Haskell	70 Texas
32 Hughes	71 Tillman
33 Jackson	72 Tulsa
34 Jefferson	73 Wagoner
35 Johnston	74 Washington
36 Kay	75 Washita
37 Kingfisher	76 Woods
38 Kiowa	77 Woodward
39 Latimer	