

Georgia State Management Plan



Job Access & Reverse Commute and New Freedom Programs



***FY 2006 Call for Projects
Guidance***



Georgia Department of Transportation

Office of Intermodal Programs

276 Memorial Drive SW

Atlanta, Georgia 30303

TRANSIT UNIT MEMORANDUM

February 29, 2008

RE: 5316 & 5317 CALL FOR PROJECTS

The Georgia Department of Transportation (GDOT), Transit Unit, is pleased to announce a call for projects for the Job Access & Reverse Commute (JARC) and New Freedom Federal Transit Administration (FTA) grant programs for Federal Fiscal Year 2006:

Section 5316 – Job Access and Reverse Commute Program

- Estimated statewide funding for urbanized areas 50,000 to 199,999 in population is \$872,603
- Estimated statewide funding for nonurbanized areas under 50,000 in population is \$1,083,301
- For additional information, please reference the revised Georgia State Management Plan or review Circular Guidance, [FTA C 9050.1](#) (May 1, 2007)

Section 5317 – New Freedom Program

- Estimated statewide funding for urbanized areas 50,000 to 199,999 in population is \$464,641
- Estimated statewide funding for nonurbanized areas under 50,000 in population is \$619,246
- For additional information, please reference the revised Georgia State Management Plan or review Circular Guidance, [FTA C 9045.1](#) (May 1, 2007)

Applications are due to the Office of Intermodal Programs no later than **5:00pm, Tuesday, April 1, 2008**. Completed applications should be submitted via hard copy and email, requesting a read receipt from your Transit Planner.

Applicants selected to participate during this round of funding will be notified no later than Tuesday, April 15, 2008. Upon notification, these applicants should be ready to submit a full GDOT grant application, including all budgets and appendix items, no later than **Tuesday, May 6, 2008**.

Should you have any questions or need additional information, please contact your Transit Planner at (404) 651-9200. Thank you and we look forward to working with you soon.

Sincerely,

Steven J. Kish

Steven J. Kish

Transit Program Manager

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*Georgia Department of Transportation
Office of Intermodal Programs*

**STATE MANAGEMENT PLAN FOR THE JOB ACCESS
AND REVERSE COMMUTE (JARC) (SECTION 5316)
AND NEW FREEDOM (SECTION 5317) PROGRAMS**

INTRODUCTION

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation enacted on August 10, 2005 authorized the Section 5310 (Elderly Individuals and Individuals with Disabilities), Section 5316 Program – Job Access and Reverse Commute, and Section 5317 (New Freedom) Programs. Under this legislation, the U.S. Secretary of Transportation is authorized to apportion funds to each state for grants to these programs.

The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) that administers the JARC and New Freedom Programs issued Program Guidance Circulars C 9050.1, and C 9045.1 for the two programs, respectively on May 1, 2007. These circulars incorporate the current statutory and programmatic requirements and use citations based on the codification of the Federal Transit Act, as amended, and other related federal transit laws into the United States Code.

FTA Circulars C 9050.1 (JARC) and C 9045.1 (New Freedom) state that designated recipients are required to have an approved State Management Plan (SMP) that describes the State's policies and procedures for administering the Section 5310 Program and the State-managed portions of the JARC and New Freedom Programs. The Governor has designated the Georgia Department Transportation (GDOT) and its Office of Intermodal Programs (OIP) as the agency for administration of the JARC and New Freedom Programs in areas of the state outside the large urbanized areas of over 200,000 in population (that are direct recipients of FTA funding). In Georgia, the Department of Human Resources (DHR) is the agency designated by the Governor to administer the Section 5310 program, and produces a separate SMP.

PURPOSE OF THE STATE MANAGEMENT PLAN

The JARC/New Freedom SMP is intended to facilitate both GDOT's management and FTA oversight by documenting the State's procedures and policies for administering both programs in a single reference. While the SMP is intended to be useful to GDOT as well as to sub-recipients, its primary purpose is to serve as the basis for the FTA to perform designated recipient-level management review of the JARC and New Freedom Programs, and to provide public information on the GDOT's administration of the two programs and the coordination of these programs with the Section 5310 program under DHR.

PROGRAM GOALS AND OBJECTIVES

Through the administration of the JARC and New Freedom Programs, it is the objective of GDOT to:

1. Encourage the maintenance and improvement of existing elderly and disabled transportation providers in the State of Georgia through reliable programming of federal financial assistance;
2. Help to maximize the efficiency, effectiveness, and safety of existing human service transportation providers and nonurbanized public transportation systems through capital and technical assistance;
3. Enhance the access of all citizens in nonurbanized areas of Georgia and especially the transportation disadvantaged for trip purposes such as health care, shopping, education, recreation, and employment, through the introduction of new transportation services and the protection of existing services;
4. Encourage efforts to avoid service duplication and improve the reliability of human service transportation providers;
5. Maintain administrative and technical assistance capabilities at the State level to assist human service transportation providers and local governments in the management of their systems;
6. Ensure that there is a fair and equitable distribution of Section 5310/JARC/New Freedom program funds;
7. Ensure a process whereby private transit operators are provided an opportunity to participate to the maximum extent feasible; and
8. Provide for maximum feasible coordination of public transportation assisted by FTA with transportation services assisted by other federal sources.

Specific goals for each of these programs are as follows:

1. JARC Program

The goal of the JARC Program is 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 the small urbanized areas (50,000 to 200,000) and nonurbanized areas (under 50,000) to employment opportunities. GDOT administers this program for individuals living in the rural and small urban areas of the state (population under 200,000).

2. New Freedom Program

The goal of the New Freedom Program is to support 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 designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services. GDOT administers this program for individuals living in the rural and small urban areas of the State (population under 200,000).

Within each of these processes for the long-term goal setting relating to services for individuals with disabilities, the designated recipient ensures local coordination and consultation with elected officials via procedures that take place during state transportation program planning and human services coordination planning. These procedures also entail direct input from individual members of the public which are impacted by JARC and New Freedom provisions and rely upon public transportation services.

ROLES AND RESPONSIBILITIES

GDOT is the agency designated by the Governor to administer the Section 5316 and Section 5317 Program, and the Commissioner of GDOT has identified the Office of Intermodal Programs (OIP) as the unit responsible for oversight of the Section 5316 and Section 5317 Programs. Exhibit 1 presents the overall organizational structure of GDOT, including the location of OIP in the Division of Transportation Planning, Data & Intermodal Development. Within the OIP, the Transit Programs section (see Exhibit 2) manages the Section 5316 and 5317 programs. Transit program responsibilities and roles are described in the following section. GDOT will follow both the prescribed procedures published by the U.S. DOT (CFR Title 23, Subchapter 1, and Part 825) and the existing federal and State regulations pertaining to the administration of federal grants.

GDOT Roles and Responsibilities

As the designated recipient of Section 5316 and 5317 funding, **GDOT functions as a conduit for funds and financial programming.** It is responsible for performing the following functions in the management and oversight of the program:

- X Development of grant application and program guidance materials,
- X Development of program information materials and dissemination to prospective applicants,
- X Allocation of available funds in a fair and equitable manner,
- X Development and application of evaluation criteria to select projects for funding,
- X Preparation of the Rural Transportation Improvement Program (RTIP) as the rural component of the Statewide Transportation Improvement Program (STIP), and the Section 5316 and 5317 Program of Projects (POP),
- X Negotiation and execution of grant contracts between GDOT and local subrecipients,
- X Processing reimbursement payment requests from subrecipients, and preparing requests for federal reimbursement,
- X Monitoring and evaluation of the local provision of transportation under the program, including data collection and compilation, reporting to FTA, and ensuring compliance with state and federal regulations,
- X Provision of technical assistance to subrecipients to assist them in grants management, compliance, and the provision of safe, effective, and efficient services.

Exhibit 3 provides an overview of the process for administering the Section 5316 and 5317 Grant Programs.

Program administration by GDOT follows all FTA requirements for this program, including those contained in FTA Circulars 9045.1 (New Freedom Program Guidance and Application Instructions) and Circular 9050.1 (JARC Program Guidance and Application Instructions), FTA Circular 4220.1E (Third Party Contracting Requirements), and 49 CFR Part 18, the Common Rule “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” among other requirements. A complete list of applicable regulations is provided as Appendix A to this program management plan. GDOT’s program management activities also conform to the requirements of the State Legislature and Georgia State regulations.

Coordinated Planning Requirements

SAFETEA-LU requires that projects funded through the Section 5310, JARC, and New Freedom Programs “must be derived from a locally developed, coordinated public transit-human services transportation plan”. **In partnership with the Georgia DHR Statewide Coordinated Transportation Program, GDOT has supported the development of Coordinated Public Transit-Human Services Transportation Plans (Coordinated Services Plans) through a statewide process utilizing the existing Regional Transportation Coordinating Committees, which include representatives of human service agencies, transportation providers, user groups, and both DHR and GDOT.** The locally developed Coordinated Services Plans that meet the new coordinated planning requirements have been completed, and will serve as the basis for selection of future projects to be funded through the (DHR administered) Section 5310, JARC, and New Freedom Programs. **These plans do include the identified transportation needs of individuals with disabilities, older adults, and people with low incomes, strategies for meeting these local needs, and potential projects that correspond to each strategy.**

Development of the Coordinated Services Plans involved a variety of key stakeholders throughout the State, and included:

- ***Community Services Boards (CSBs)*** and Behavioral Health Authorities (BHAs). These boards provide or arrange for mental health, mental retardation, and substance abuse services within each locality.
- ***Georgia Department of Social Services (GDSS)***. GDSS programs and services help people triumph over poverty, abuse and neglect, achieve self-sufficiency, and shape strong futures for themselves, their families, and their communities.
- ***Employment Support Organizations (ESOs)***. These organizations provide employment services for persons with disabilities within localities around the State.
- ***Area Agencies on Aging (AAAs)***. These organizations offer a variety of community-based and in-home services to older adults, including senior centers, congregate meals, adult day care services, home health services, and Meals-on-Wheels.
- ***Public Transit providers***. These include publicly or privately-owned operators that provide transportation services to the general public on a regular and continuing basis. They have clearly published routes and schedules, and have vehicles marked in a manner that denotes availability for public transportation service.

- **Disability Services Boards.** These boards provide information and resources referrals to local governments regarding the ADA, and develop and make available an assessment of local needs and priorities of people with physical and sensory disabilities.
- **Centers for Independent Living (CILs).** These organizations serve as educational/resource centers for persons with disabilities.
- **Brain Injury Programs** that serve as clubhouses and day programs for persons with brain injuries.
- Other appropriate associations and organizations, including *Alzheimer's Chapters, Association of Retarded Citizens (ARC), American Association of Retired Persons (AARP), and the Georgia Association of Community Services Boards (GACSB).*

State Level Coordination Activities and Efforts

GDOT will work with the following agencies: Departments for the Aging, Blind and Vision Impaired; Social Services; Medical Assistance Services; Mental Health, Mental Retardation and Substance Abuse Services; Rehabilitative Services, the Georgia Board for People with Disabilities, and the Office of Community Integration, to optimize coordination. **Members of these state agencies are invited to participate during the review process for the Section 5310, JARC, and New Freedom applications.**

ELIGIBLE SUBRECIPIENTS

Eligible Subrecipients -- JARC and New Freedom Programs

Under the GDOT programs, **there are three categories of eligible subrecipients of JARC and New Freedom funds:**

- State or local governmental bodies (cities, counties, and Regional Development Centers or other public regional commissions).
- Public operators of public transportation services.
- Private non-profit or private for-profit applicants can partner with an eligible subrecipient and receive federal funds, *however, they cannot be a direct subrecipient in the State of Georgia.*

All public bodies that apply for funding are required to provide an adequate opportunity for public review and comment on a project, and, after providing notice, must provide an opportunity for a public hearing if it is requested. This notice must be advertised in the local newspaper and should appear at least 14 days before the application submittal deadline.

In addition, applicants for JARC and New Freedom funds are expected to reasonably meet technical capacity requirements for grant administration and program management. These requirements are included as an appendix in the appropriate Program Information and Instructions Packet.

Eligible JARC and New Freedom Projects

Project eligibility for funding through the JARC and New Freedom Programs is consistent with FTA guidance on these programs. To use funds through the programs most effectively, new and innovative projects to meet the unmet transportation needs of older adults, people with disabilities, and individuals with low incomes are encouraged. **In addition, projects must respond to one or more of the strategies identified in the regional Coordinated Service Plans.**

Examples of eligible projects for specific programs include, but are not limited to the following:

a. JARC Projects:

Operating Activities

- Late night and weekend service
- Guaranteed ride home service
- Shuttle service
- Expanded fixed-route public transit routes
- Demand-responsive service (including expanded hours or coverage)
- Ridesharing and carpooling activities
- Voucher programs

Capital Activities

- Intelligent Transportation Systems (ITS)
- Promotion of operating activities
- Vehicles
- Mobility management activities

b. New Freedom Projects:

Operating Activities

- Expansion of par transit service beyond the minimum requirements of ADA
- Expansion of current hours for par transit service
- Enhancement of services
- Voucher programs
- Volunteer driver programs

Capital Activities

- Acquisition of accessibility equipment beyond ADA requirements
- Purchasing accessible vehicles to support taxi, vanpooling, and/or ridesharing programs
- Mobility management activities

LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

Local share requirements for the Section 5310, JARC, and New Freedom Program funds are consistent with FTA matching requirements. The federal share of eligible capital expenses may not exceed 80% of the net project costs, and the federal share of eligible operating expenses may not exceed 50% of the net operating costs.

Match Requirements		
<i>Type of Funding</i>	<i>Federal Share</i>	<i>Local Share</i>
Capital	80%	20%
Vehicles*	80%	5%
Operating	50%	50%

**Georgia state funding can be provided for up to 15% of the capital cost for vehicles, thus the remaining local share would be 5% of the total cost. However, the current 15% level is subject to change from year to year making it necessary to gain a clear understanding of contract terms as reimbursement levels will reflect the parameters of each fiscal year.*

All of the local share must come from sources other than Federal DOT program funds. Applicants are encouraged to develop partnerships for accessing local match monies from other non-DOT Federal funds, and are provided with a list of possible sources. In addition, dedicated tax revenues, private donations, revenue from human service contracts, and net income generated from advertising and concessions are eligible match sources.

PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

The procedures for selecting projects for funding through the JARC and New Freedom Programs involve the application review, evaluation and selection processes. The review process begins when the GDOT OIP receives the completed Section 5316/5317 applications by the cut-off date. For FY 2008 projects, this will be March 1, and after that it will be December of each year. All applicants are screened to ensure that agencies have complied with the administrative requirements of the JARC and New Freedom Programs.

In the JARC and New Freedom application narratives, applicants should exhibit a high probability of success by presenting a sound managerial and operating strategy, and reflect their capability to properly monitor, maintain, and repair equipment to ensure safe and reliable transportation. They should also reflect cooperative planning and coordination efforts. Coordination is defined as the joint action of two or more organizations to provide transportation services to the elderly and disabled. Such joint actions can include the common sharing of transportation facilities and/or equipment or cooperative arrangements, which improve service efficiency levels.

GDOT is required by FTA to assure that grant recipients have provided for maximum coordination of transportation services. GDOT is making coordination of transportation services the most important goal and priority of Georgia's JARC and New Freedom Programs.

As part of the annual application process, GDOT will identify core emphasis areas that will be used to evaluate and prioritize JARC and New Freedom applications and in the development of the Annual POP (Program of Projects). **These emphasis areas and how they will be used to evaluate and prioritize JARC and New Freedom applications will be explained in detail within the annual application process, so that all applicants are aware of how their application will be reviewed and prioritized.** The point system for grading each year's application for JARC and New Freedom Programs may vary depending on the emphasis areas chosen that particular year.

The JARC/New Freedom applications will become part of GDOT's overall annual application process. The JARC/New Freedom application instruction section will show in detail the emphasis areas and the number of total points available in each emphasis area.

In general each application will be awarded points based on answers provided to questions concerning management of operations, preventive maintenance practices, coordination of transportation services with other transportation providers, etc. Questions may include the following:

- Identify the staff involved in the project, and the number of hours each person will be devoting to the project over the course of the year, and in what capacity (administration, supervision, service delivery, etc.),

- Training courses completed by drivers and management staff,
- Preventive Maintenance Program and maintenance schedule,
- Checklist forms such as pre-trip inspection practices,
- Insurance (level and amount),
- Financial management.

Additional questions addressing coordination may include:

- Relationship of the project to the Coordinated Service Plan strategies and potential projects, and relationship of the applicant agency to that planning process
- Detailed description of the agency's coordination program, including:
 - Specific agencies or programs involved in coordination with the applicant,
 - Specific actions or services provided in a coordinated manner,
 - Participation in ongoing transportation coordination planning process.

Applications will be evaluated by a subcommittee of the State-Level Coordinating Committee, which includes agency staff from GDOT, DHR, Department of Community Health (DCH-which administers Medicaid transportation funding), and the Georgia Department of Labor. Evaluation subcommittee members will be selected to make sure that there are no potential conflicts of interest. All applicants not awarded a grant will receive a letter, at minimum, and/or a phone review detailing the shortfalls of the application and areas to improve upon for future submittals.

JARC and New Freedom Selection Criteria

Projects applied for through JARC and New Freedom will be selected through a competitive review and selection process. Each JARC and New Freedom project must be derived from a locally developed Coordinated Service Plans. As the designated recipient of JARC and New Freedom funds in areas under 200,000 in population, GDOT has developed the following evaluation criteria for JARC and New Freedom projects.

Eligible applications will be evaluated and scored for the following criteria:

1. Project Needs/Goals and Objectives (15 points)
2. Implementation Plan (25 points)
3. Ability of Applicant (25 points)
4. Coordination Efforts (35 points)

Each JARC and New Freedom application will be scored up to a maximum of 100 points, based upon the score for each of the four criteria.

Although each applicant may apply for funding for more than one project, it is possible awards could be made for one proposed activity and not another. Furthermore, projects may not be fully funded up to the dollar amount requested on the application.

Appeals Process

An applicant whose application was not approved by GDOT may file a protest to GDOT within 60 days following notification of non-acceptance.

An applicant that files a protest must send a letter to GDOT Transit Program Manager explaining the reason for the protest and including a copy of the applicant's FTA Section JARC or New Freedom application. The Transit Program Manager will officially respond to the JARC/New Freedom protest within 30 days.

ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

Application requirements are described in the current Fiscal Year edition of the FTA Program Information Package that is developed and updated on an annual basis. The Program Information package is transmitted to all current Section 5310, JARC, and New Freedom subrecipients on or around November 1st of each year. A public notice is published in all major newspapers in Georgia announcing to the general public and any public or private agency interested in the program (Appendix D). Forms and instruction for completing the forms to apply are included within this SMP encompassing the exhibits and appendices necessary for submission.

Applications are submitted to GDOT in writing. Additional information that may need to be submitted includes, but is not limited to:

- Articles of Incorporation/profit non-profit (for private non-profit or for-profit partners of eligible public applicants)
- Copy of Letter of Exemption IRS Section 501 C (for private non-profit or for-profit partners of eligible public applicants)
- Copies of public notice
- Public hearing information (public applicants only)
- Letter of notice to human service agencies
- List of agencies sent notice
- Letter of notice to Regional Development Centers (RDC)/MPO
- Signed FTA Certifications and Assurances
- Completed Title VI Civil Rights Forms
- Copy of Vehicle Insurance Package

Upon submission, each application will reviewed to ensure that it complies with program requirements. Only those applications that are complete will be scored and eligible to receive FY 2006 funds.

Those projects that are selected are included in the draft FTA POP through the following process:

The Draft FTA JARC/New Freedom POP is then presented to the Transit Program Manager for preliminary review. A Final JARC/New Freedom POP is inserted in the Statewide Transportation Improvement Program (STIP) and is adopted by the GDOT Board.

After developing the proposed POP, the Transit Planners will inform all applicants in their areas by correspondence as to whether or not their project(s) are to be funded. Those applicants selected for funding will be notified of their local match requirements after FTA approves the POP in September of the applicant year.

Upon authorization, the application is submitted to FTA in June. Following execution of the FTA Section 5316/5317 contracts in September, GDOT contracts are prepared and executed with each subrecipient in October.

The JARC/New Freedom Annual POP is included as part of the GDOT's (STIP).

STIP/Transportation Improvement Program (TIP) Requirement

Proposed projects must be a product of the metropolitan planning process and/or the statewide planning process specified in 49 CFR Part 613 and 23 CFR Part 450. That is, all transit projects for which Federal funds are expected to be used and that are within metropolitan planning boundaries must be included in a metropolitan TIP approved by the MPO and the chief executive officer of a State and in a STIP that has been approved by FTA and Federal Highway Administration (FHWA). Projects not within metropolitan planning boundaries are required only to be in the STIP. The project application identifies the latest approved STIP (or amendments) containing the project(s), the appropriate page numbers, and a statement identifying the date that FTA and FHWA approved the STIP (or STIP amendment) that contains the proposed project(s). Projects listed in the TIP and STIP must be derived from and consistent with the State's Long- Range Plan. If a project is selected and is part of an MPO, it must be included in the local TIP. However, if a project is outside of an MPO, GDOT ensures that the project is included in the STIP.

ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE

The GDOT Transit Program will use funds from the JARC and New Freedom programs up to the 10 percent limitation for program administration, planning and technical assistance. These funds will be utilized for staff salaries for time related to the planning and administration of these programs. In addition, funding may be used for outside consultants to perform tasks related to the implementation of these programs, including activities related to the development of state procedures for review and evaluation, reporting and reimbursement, FTA program compliance review, contract development, training, and drug and alcohol review/compliance.

The GDOT Transit Planners that will be administering these programs will be available to provide technical assistance to subrecipients, and subrecipients will be eligible for the ongoing GDOT training for rural and small urban transit systems, including required Passenger Assistance training conducted by the GDOT staff, drug and alcohol training, and appropriate specialized training provided on an as needed basis. If subrecipients need additional local project planning or assistance, they can apply to GDOT for additional funding.

TRANSFER OF FUNDS

For issues pertaining to GDOT's policy addressing the possibility of transferring JARC or New Freedom funds to Section 5311 or 5307 Programs, or for the transfer of flexible funds, please contact your Transit Planner for assistance as GDOT does not currently have a written policy pertaining to this matter.

PRIVATE SECTOR PARTICIPATION

Each JARC/New Freedom applicant is required to publish a public notice of intent to apply for a JARC or New Freedom grant. This notice must be advertised in the local newspaper and **should appear at least 14 days before the application submittal deadline** to transportation providers in their service area of their intention to apply for JARC or New Freedom program financial assistance.

Public entities that apply for the JARC or New Freedom Program are required to hold a public hearing on the application to receive comments from the general public. A copy of a public notice announcing the applicant's public hearing, published in a major newspaper, must be attached to the JARC/New Freedom application. Such notice must be published at least 14 calendar days in advance of the date of the hearing. A verbatim transcript of the public hearing proceedings must be available, and a summary of the proceedings must be submitted with the JARC/New Freedom application.

In the event a private provider has indicated that they can provide the same service, the applicant must examine the feasibility of purchasing transportation services from the public sector. Should private transportation providers raise any objections, the applicant will address them during the application process. GDOT staff will review all objections to the application/program as well as the applicant's response.

If a resolution cannot be found during the application process or the private operator is not satisfied with the response provided by the applicant, then the private operator may request that GDOT staff meet with both parties to review the objection, and if appropriate, to develop a compromise agreement that will resolve the objection.

If a compromise agreement cannot be reached between the private operator and the applicant, GDOT will recommend one of the following three actions:

1. The statement of objection will be declared invalid or unresolved;
2. The statement of objection will be declared valid and resolvable, and the project applicant will be required to modify its project proposal; or
3. The statement of objection will be declared valid, and the applicant will be required to withdraw its project proposal until such time as the issue of coordination with private operators is adequately addressed.

Any of the three actions identified will be subsequent to the approval by the Transit Program Manager. The Transit Program Manager will hear any appeals by either the private operator or the applicant with regard to any one of the three actions. The decision of the Transit Program Manager will be final; however, the applicant and the private operator retain the right to appeal the decision to a Court of Jurisdiction.

FTA will review objection only upon procedural grounds and only after disposition of complaints at the local and state level. GDOT administered grants are issued to subgrantees on a reimbursement basis. Costs must be incurred before payment is made. All costs charged to GDOT assisted projects must be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges. Operating assistance funds will be paid by GDOT quarterly.

CIVIL RIGHTS

GDOT requires that all JARC and New Freedom applicants certify through the annual application process that they are in compliance with all Civil Rights requirements associated with either program. Specifically:

1. ***Title VI Program Requirements:*** Each applicant submitting an application will be required to sign an Assurance as outlined in FTA Circular 4702.1.

2. Civil Rights Requirements: Each applicant submitting an application will be required to sign an Assurance as outlined in FTA Circular 4702.1.
3. Each **applicant is requested to state if their agency is a minority organization** as defined in FTA circular 4702.1.
4. Each applicant is requested to show **racial breakdown of anticipated ridership**.
5. **GDOT's RMIS system collects ridership data** that includes racial and ethnic breakdowns of ridership.

Because GDOT has limited eligibility to public entities, it will not submit a record of approved and rejected funding requests from minority organizations in its JARC or New Freedom Annual POP, however, **if the public entities have conducted their own competitive processes to select among project proposals, GDOT will require them to provide information on the selected and rejected requests from minority organizations.**

SECTION 504 AND ADA REPORTING

Each applicant will sign a certification that it has reviewed the policies, practices, and facilities used in the provision of transportation services in order to fulfill the requirements of the ADA, 49 U.S.C. 322, and the implementing regulations of the FTA, 49CFR Part 37 and 38.

PROGRAM MEASURES

DOT's Rural Management Information System (RMIS) reporting form and the GDOT Reimbursement Form will together be used as the basic data collection form for operating and vehicle capital projects, as it is specifically designed to collect these types of data.

Operating Grant

All grant recipients must submit financial and operating data to GDOT. Financial data must accompany the Reimbursement Form, which can be submitted on a quarterly basis. This data is to be submitted as backup documentation with each request for payment. The Reimbursement Form backup (and the RMIS system) includes data on:

- Total operating costs (including maintenance and administration) - line item expenditures for the period.
- Total farebox receipts
- Other local operating revenue (contract revenue, fare subsidies from local organizations, and local government support or contributions)

In addition, the RMIS reporting system collects monthly data that includes:

- Total passenger trips
- Total service miles
- Total service hours
- Trip purpose
- Racial composition of ridership

The RMIS reporting system collects data by vehicle, so operating data will be available by vehicle purchased under either the JARC or New Freedom programs. In addition, GDOT maintains a current database of all vehicles purchased through the GDOT transit programs, which include:

- Vehicle identification numbers
- Vehicle year
- Vehicle location
- Number of seats
- Number of wheelchair placements
- Procurement details

This data is collected to support the program measures established by FTA for the JARC/New Freedom Programs. The basic data source for these items and related vehicle information is information collected during the annual inspection of the vehicles by GDOT staff, using the GDOT vehicle inspection form.

In addition to the data items listed above, which are to be reported monthly or quarterly, GDOT will collect specific data to be used in developing measures for each program. Items not listed above will be collected on a separate reporting form to be submitted quarterly to GDOT. Additional data for the measures below will be collected in a supplemental questionnaire that will be provided to subrecipients (supplemented with data from either the monthly report forms or the quarterly JARC/New Freedom supplement).

JARC Program Measures

- 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.
- 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 Program Measures

- 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.

- Additions or changes to environmental infrastructure (e.g., transportation facilities, sidewalks, etc), technology, and vehicles that impact availability of transportation services as a result of the New Freedom projects implemented in the current reporting year.
- 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.

DESIGNATED RECIPIENT PROGRAM MANAGEMENT

GDOT has the responsibility for the State's JARC and New Freedom programs. The Transit Program of the OIP has been assigned this responsibility and the Transit Program Manager has the overall responsibility for the JARC and New Freedom Programs. At GDOT the OIP organization performs program management functions through the efforts of a staff that includes both regionally-based staff in the GDOT District Offices around the State, and the program staff in the Atlanta headquarters office. GDOT staff involved with the Section 5316 and Section 5317 programs include the Transit Program Manager, three Transit Planners, and the Transit Vehicle Operations Technician (TVOT). A Section 5316 and Section 5317 program organization chart is shown in Exhibit 4. As illustrated in the organizational chart, Section 5316 and Section 5317 program staff are located within two GDOT divisions, the Division of Transportation Planning, Data, and Intermodal Development, within the OIP; and within the Division of Field Districts. Each position's key Section 5316 and Section 5317 Program responsibilities are summarized below.

Transit Program Manager

The Transit Program Manager has oversight responsibility over the entire program, supervises staff, submits FTA quarterly reports and grants, and makes policy decisions.

Transit Planners

There are three Transit Planner positions that have varying roles in the Section 5316 and Section 5317 program as well as other transit programs. All three Transit Planners serve as GDOT transit representatives for several assigned urban MPOs, spend a portion of their time on the Section 5311 Rural Program, support the Section 5316 and 5317 Programs. As can be seen, they perform specialized overall program functions and have geographic coverage responsibilities. The Transit Planners perform the following state-level roles with regard to the Section 5316 and Section 5317 Program:

- Updating the RTIPs with regard to Section 5316 and Section 5317 projects;
- Distributing the local grant application package;
- Compilation of the statewide Section 5316 and Section 5317 POP and application to FTA,

- Project review to ensure consistency with adopted Coordinated Service Plans
- Management of the project evaluation and selection process for Section 5316 and 5317 projects
- Conveying program requirements to local grantees and third-party operators - Notification of the non-participating but eligible agencies of availability of Section 5316 and Section 5317 funding for the upcoming year,
- Amendments to and revisions of grant budgets within FTA's Transportation Electronic Award and Management (TEAM) system,
- Updating of the GDOT Transit website and fact book (of which Section 5316 and Section 5317 is a portion of the information in each),
- Fair and equitable distribution assessment from RTIP data,
- RMIS and Financial and Accounting System (FAS) reporting on Section 5316 and Section 5317 projects, and review of reimbursement requests for projects under these programs
- Updating the Section 5316 and Section 5317 SMP, administrative guidance for these programs, and the schedule of program activities,
- Preparation of the annual list of Section 5316 and Section 5317 projects for FTA Section 5333(b) labor requirements to FTA and U.S. Department of Labor,
- Provision of technical assistance to local subrecipients on questions and issues that arise during the course of program administration
- Coordination with DHR Coordinated Transportation program administration of the Section 5310 program, and with other aspects of the Coordinated Transportation program that may be involved in Section 5316 and 5317 projects
- Monitoring compliance with FTA and GDOT program requirements, including Drug and Alcohol program compliance; insurance compliance; reporting and financial compliance, and
- Attending regional coordination meetings with the DHR when required to support projects under Section 5316 and 5317

Communication between the Transit Program Manager and the Transit Planners includes weekly face-to-face meetings of the entire headquarters program staff, monthly teleconferences with the Public Transit Coordinators (located in GDOT District offices, they oversee the implementation of the Section 5311 program), and continuous e-mail and telephone contact—in addition to the formal reporting mechanisms related to the various program elements (RTIP, grant applications,

monthly reporting in RMIS, monthly reimbursement requests, compliance monitoring, drug and alcohol compliance, etc.).

Public Transit Coordinators

GDOT also implements public transportation programs through the efforts of six Public Transit Coordinators (PTCs—also known as District Representatives or Reps), who work for the District Engineers in the District offices around the State. Their primary role is the implementation of the Section 5311 program of rural public transportation. Their primary role with regard to JARC and New Freedom arises from their role representing GDOT on the Regional Transportation Coordinating Committees (RTCC's) across the State, and through their work supporting local Section 5311 applications, contracts, reimbursements, vehicle inspections, and compliance monitoring—to the extent that JARC and New Freedom projects are operated by or involve Section 5311 operations. The PTC's may be involved in performing their functions with regard to JARC and New Freedom as well as Section 5311.

Transit Vehicle Operations Technician

The TVOT is the Section 5316 and Section 5317 vehicle Program Manager and reports to the Transit Program Manager. This position is responsible for central procurement of all Section 5316 and Section 5317 vehicles and it involves working with the Georgia Department of Administrative Services (DOAS) on the procurement process, including development of vehicle specifications, inclusion of FTA required language in the solicitation and contract documents, pre- and post-delivery vehicle certifications, Buy America certification, post-delivery inspections and paperwork, maintaining the statewide vehicle inventory in the RMIS, processing vehicle dispositions, and managing and maintaining the statewide lease fleet.

Other Roles of the Office of Intermodal Programs: Contracts and Fiscal Services

The Contracts and Fiscal Services unit parallels the Transit Program and other modal programs as an administrative unit under the OIP. The Contracts and Fiscal Services Manager and the Grants Administrator (who also perform these functions for all GDOT transit programs in addition to Section 5316 and Section 5317) have key roles in financial administration for the Section 5316 and Section 5317 program, including accounting, local contract (grant agreement) preparation, local payment processing, FTA billing, and grant close-out. Specific activities under each of these functions are described elsewhere in this document.

Rural Management Information System (RMIS)

GDOT has an electronic RMIS that staff use to compile and monitor vehicle, financial, and operating data on the local subrecipients, which will include the Section 5316 and 5317 programs. The RMIS structure and functioning are described in more detail in the GDOT Section 5311 State Management Plan.

Roles and Responsibilities—Local Role in Program Administration and Operations

The GDOT shares a partnership role with local governments committed to operating rural public transportation programs. Local city and county governments and Regional Development Centers are eligible recipients for the Section 5316 and Section 5317 Program in the GDOT program—private non-profit or for-profit agencies can participate in the programs by applying through one of the eligible public agencies, or as a third-party contractor (TPO) to subrecipient. The public agency may elect to operate services or other functions under a contract with a TPO. If the TPO is used, or if another private non-profit or for-profit agency is applying through a public agency, the public agency continues to have full contract responsibility and fiscal accountability.

The public agency is accountable for all financial matters and for compliance with federal and State program requirements. These are outlined in the following documents:

1. Georgia State Management Plan for Section 5316 and 5317;
2. GDOT Administrative Guides;
3. FTA Circular 9045.1 and Circular 9050.1
4. FTA Circular 4220.1E

Program administration by the subrecipient public agency is required to follow directions in FTA Circulars 9045.1 and 9050.1 regulations calling for continuous administrative and management oversight of project operations. In part, this administrative and oversight responsibility also involves maintaining separate accounts for the projects and conducting an annual independent audit report which reflects the revenues and expenses incurred and supported to the project.

The public agency is responsible for the conduct and submission of an annual audit under the Single Audit Act of 1984, as amended, following the guidelines set forth in OMB Circular A-133. The audit should be performed by an independent Certified Public Accountant and should include; 1) a report of federal financial assistance, 2) the auditor's report on the study and evaluation of internal control systems, 3) compliance with applicable laws and regulations and, 4) a report of any findings or questioned costs. The public agency is responsible for the submission of the audit report to the Department within 30 days of its completion and not later than nine months from the fiscal period covered by the audit. The public agency has six months to file notice of corrective action it has taken upon notification of any findings or questioned costs. Requests for payment by local subrecipients must be made using the GDOT reimbursement form developed for Section 5316/5317 projects, presented in Exhibit 5. This form is updated periodically, with the most recent revision dated 10/31/07.

GDOT will perform a site inspection of each JARC or New Freedom recipient at its discretion, up to a period of every three years or less, to monitor activities and ensure compliance with federal and State requirements.

Specific Areas of Program Management

The following paragraphs also describe how GDOT administers the major management responsibilities:

a. Procurement

All procurements made within the JARC and New Freedom programs will be in accordance with applicable state law. Additionally, all procurements will include all federal – required clauses (Appendix B) in procurement documents as outlined in Section 36 of the FTA Master Agreement.

GDOT requires JARC and New Freedom sub-recipients to purchase vehicles from Georgia procurement contracts. However, if the sub-recipient is an existing FTA Section 5307 funded transit system in a small urban area, they have the option of procuring vehicles independently, though they must still follow the FTA procurement process. Through annual discussions with vendors and sub-recipients, GDOT develops bid specifications for the state procurement contract. GDOT prepares the bid package including the bid specifications, and a list of federally required clauses. GDOT sends to the DOAS a copy of the bid package. GDOT provides DOAS with a list of potential bidders to whom notification of the invitation should be mailed. Before advertising the invitation for bid, DOAS attaches a copy of the State's standard terms and conditions to the bid package.

GDOT works in conjunction with DOAS to determine if bids received from vendors meet the specifications. DOAS makes the final determination of the lowest bidder to meet the specification and notifies the winner. Once the contract is awarded, GDOT deals directly with the vendor. GDOT issues all purchase orders and receives all vendor invoices. Subrecipients submit the local share to GDOT in advance of official purchase order.

GDOT inspects the vehicles purchased from the state contract and makes the final acceptance to ensure that the vehicles meet the vehicle bid specifications.

b. Financial Management

GDOT is responsible for keeping detailed records on individual projects within the POP of each JARC or New Freedom grant. This includes all supporting documentation such as budget revisions, contract amendment justifications, and related contract correspondence. JARC and New Freedom recipients will be instructed in the proper maintenance and retention of contract and program documentation.

All records pertinent to each FTA grant and the subrecipients' POP are retained and are available to authorized representatives of the U.S. DOT and Comptroller General of the United States for three years following the date of forwarding of the final financial status report (SF-269) and request for the project closeout. The financial records present adequate documentation of the computation of the federal share and the provision of the local share.

GDOT shall submit to FTA an annual program status report for the POP for each active grant. These reports cover the 12-month period ending September 30th and will be sent to the FTA Region IV office within 30 days after the end of the reporting period.

Reports will consist of:

- a. An updated POP and revised budget for each active project reflecting revised project descriptions, changes in projects from one category to another, and adjustments within budget categories.
- b. Revised FTA grant project budget.
- c. Grants Management: FTA Section 5316 and Section 5317 grant files and information will be maintained through GDOT's central grant filing system. JARC and New Freedom files include the following:

File Structure:

1. FTA Federal Grant File
 - a. TEAM Application
 - b. Any amendments
 - c. FTA correspondence
2. File for each Bid
 - a. DOAS Bid documents (or reference to the particular DOAS/GDOT procurement files)
 - b. Any correspondence
3. Vendor File
 - a. Purchase Order
 - b. Factory Inspection checklist
 - c. Invoices
 - d. Any correspondence
4. Individual Grantee Files
 - a. Application
 - b. Grant Agreement
 - c. Vehicle Inspection Certification
 - d. Invoices
 - e. Any correspondence
5. Vehicle Titles

6. Master Monitoring File
 - a. Monitoring selection criteria
 - b. Monitoring schedule
 - c. Monitoring checklist

7. Individual Grantee Monitoring Files
 - a. Monitoring notification letter
 - b. Completed Monitoring checklist
 - c. Any Correspondence

c. Property Management

All sub-recipients receiving FTA JARC or New Freedom capital assistance will receive an on-site inspection of equipment to be scheduled during the useful life of the equipment. GDOT's useful vehicle life guidelines for Section 5311 will also apply for Section 5316 and 5317—replacement only after a minimum of five years or 100,000 miles. FTA guidelines will apply in the case of vehicles procured locally by subrecipients in the Small Urbanized Areas (50,000 to 200,000 population).

GDOT is the first lien holder on all JARC/New Freedom equipment. After the equipment has reached the minimum of five years or 100,000 miles (for vehicles on the state procurement list) the subrecipient can apply for a replacement vehicle in the next JARC/New Freedom cycle. The equipment will still remain in GDOT control and will remain on the GDOT vehicle inventory.

The subrecipient will be required to report to GDOT when the vehicle is in an accident, stolen or other property damage. When the subrecipient is ready to dispose of the vehicle and the vehicle is past its useful life, a written request must be made to GDOT, and GDOT will make arrangements to retrieve the vehicle and dispose of it through DOAS auction. If a subrecipient no longer needs the vehicle for the purpose for which it was acquired, GDOT will seek to have the vehicle transferred to another eligible subrecipient. The original subrecipient will be reimbursed for the local match percentage of the fair market value of the vehicle by the new subrecipient.

All subrecipients are also required to submit monthly reports (Appendix C) on their transportation program. Also all JARC/New Freedom sub-recipients are required to maintain adequate insurance coverage in an amount and form satisfactory to GDOT and in accordance with the laws of the state of Georgia. GDOT receives a copy of the insurance policy or certificate of insurance with each JARC/New Freedom application and reviews the policies during on-site visits.

d. Vehicle Use

GDOT will ensure through on-site inspections and compliance reviews that all equipment purchased through the JARC and New Freedom programs is being used primarily for the provision of elderly and disabled transportation. The JARC/New Freedom sub-recipient agreement sets forth requirements for use of project equipment. The agreement requires sub-recipients to inform GDOT if any project equipment is not used in the manner described in the project description or is withdrawn from transportation service.

e. Maintenance and Disposition

The JARC/New Freedom sub-recipient agreement requires the sub-recipient to maintain the project equipment at a high level of cleanliness, safety, and mechanical soundness. Maintenance practices must be in accordance with the detailed maintenance and inspection schedules provided by the manufacturer.

With their applications, JARC/New Freedom sub-recipients must submit an assurance that they will perform maintenance of all vehicle and equipment. The maintenance program must be described in detail, in a written maintenance plan document.

GDOT monitors subrecipients' maintenance of equipment through inspections. These inspection reports include preventive maintenance information. Maintenance records are also reviewed during the on-site compliance review by GDOT.

GDOT provides opportunities for sub-recipients to attend training classes on maintenance procedures and practices, including lift maintenance, air-conditioning maintenance, preventive maintenance, and diesel mechanics.

f. Accounting Systems

GDOT must expend and account for federal funds in accordance with State laws and procedures for expending and accounting State funds.

GDOT Fiscal Section requests the drawdowns of federal funds. The drawdowns are made on a reimbursement basis.

Vendors submit invoices directly to the GDOT/OIP Fiscal Services Section and are reviewed and approved by the Transit Program Manager.

g. Audit

The State of Georgia has annual audits conducted in accordance with OMB Circular A-133. GDOT subrecipients must have annual independent audits conducted in accordance with the requirements found in the FTA Circulars 9050.1 and 9045.1. It should be noted that FTA has not required an annual financial audit of a subrecipient when the assistance provided is solely in the form of capital equipment procured by the designated recipient.

h. Closeout

GDOT initiates closeout of JARC and New Freedom grants when all line items in the POP have been spent, vendors have been reimbursed, and GDOT has completed drawdowns from FTA.

OTHER PROVISIONS

To ensure compliance with other federal requirements, subrecipients of JARC and New Freedom funds are required to sign Federal Certifications and Assurances for FTA Assistance Programs as part of the annual application, and these are reviewed as part of the overall application review process. For monitoring compliance by subrecipients, GDOT performs a site review every three years for each grant recipient.

A grant applicant applying for assistance under any FTA grant program must annually submit certifications and assurances that are applicable to the grant applicant's grant request during the fiscal year. FTA's annual Certifications and Assurances include basic program requirements for the JARC and New Freedom programs. **It is GDOT's responsibility to competitively select projects and certify that they are derived from a coordinated plan and that the local applicant's authorized representative has signed the affirmation page binding the applicant's compliance.** (Located in the Application Packet)

Twenty-four categories of Certifications and Assurances are listed. Category I applies to all Applicants. Category II applies to all applications exceeding \$100,000. Categories III through XXIII will apply to and be required for some, but not all, applicants and projects. FTA and the applicant understand and agree that not every provision of these certifications and assurances will apply to every applicant or every project for which FTA provides federal financial assistance through a Grant Agreement or Cooperative Agreement. The type of project and the section of the statute authorizing federal financial assistance for the project will determine which provisions apply.

Category I: Assurances Required for Each Applicant

- A. Assurance of Authority of the Applicant and its Representative
- B. Standard Assurances
- C. Intergovernmental Review Assurance
- D. Nondiscrimination Assurance
- E. Assurance of Nondiscrimination on the Basis of Disability
- F. U.S. Office of Management and Budget (OMB) Assurances

Category II: Lobbying Certification (Required for Each Application Exceeding \$100,000)

Category III: Procurement Compliance

Category IV: Private Providers of Public Transportation

Category V: Public Hearing

Category VI: Acquisition of Rolling Stock for Use in Revenue Service

Category VII: Acquisition of Capital Assets by Lease

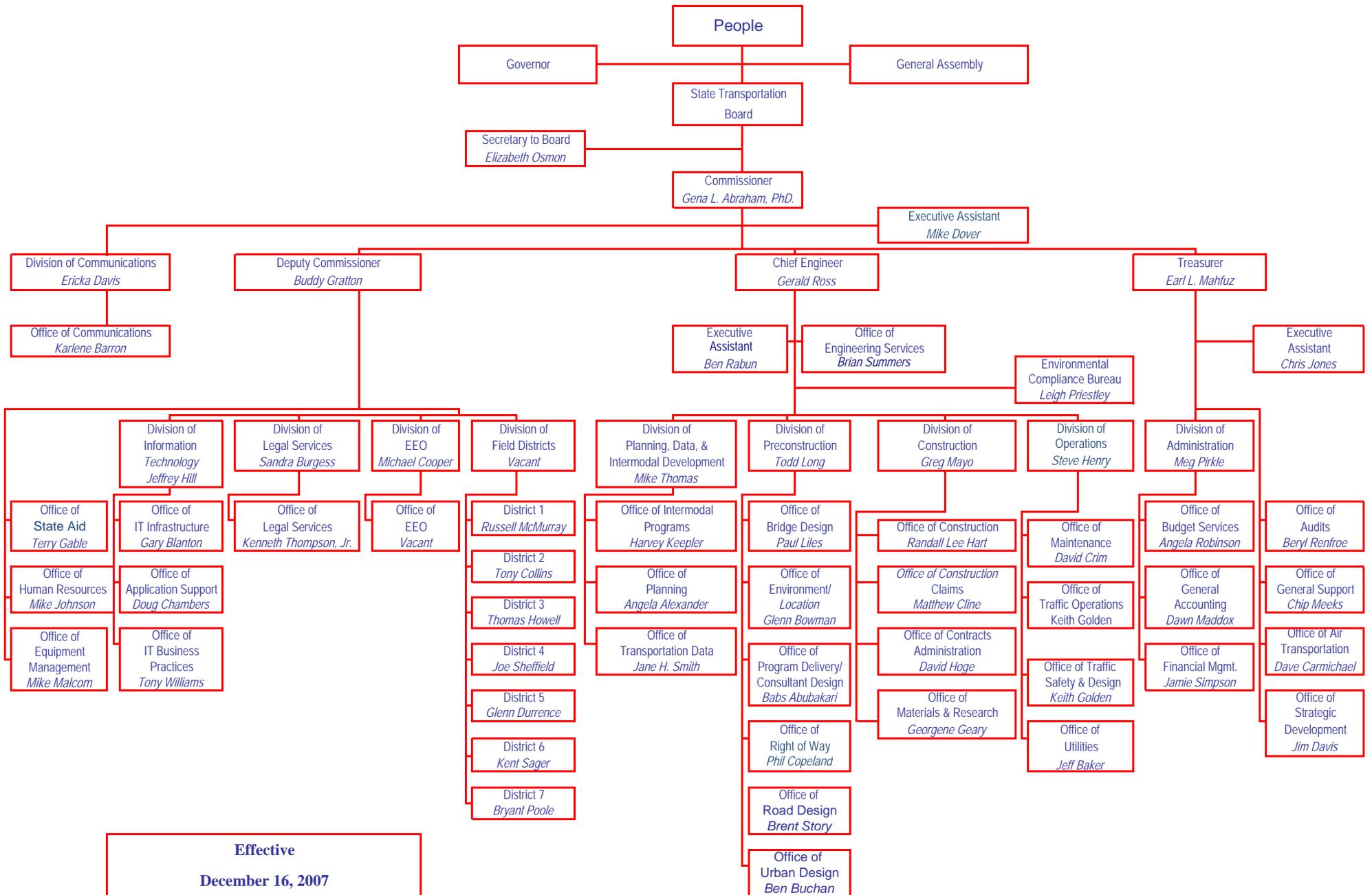
- Category VIII: Bus Testing
- Category IX: Charter Service Agreement
- Category X: School Transportation Agreement
- Category XI: Demand Responsive Service
- Category XII: Alcohol Misuse and Prohibited Drug Use
- Category XIII: Interest and Other Financing Costs
- Category XIV: Intelligent Transportation Systems
- Category XV: Urbanized Area Formula Program
- Category XVI: Clean Fuels Grant Program
- Category XVII: Elderly Individuals and Individuals with Disabilities Formula Grant Program and Pilot Program
- Category XVIII: Nonurbanized Area Formula Program for States
- Category XIX: Job Access and Reverse Commute Formula Grant Program
- Category XX: New Freedom Program
- Category XXI: Alternative Transportation in Parks and Public Lands Program
- Category XXII: Tribal Transit Program
- Category XXIII: Infrastructure Finance Projects
- Category XXIV: Deposits of Federal Financial Assistance to State Infrastructure Banks

Some of the particular Federal requirements are addressed through the fact that GDOT performs the vehicle procurements for these programs, thus the state procurement will deal with Buy America, pre- and post-delivery reviews, etc. Drug and alcohol testing is also addressed by having subrecipients and their contractors attend GDOT training in FTA Drug and Alcohol policies and testing requirements, and through annual Drug and Alcohol site reviews. In general, GDOT does not utilize these programs for the development of facilities, so many of the environmental requirements associated with facilities are moot.

Exhibit 1

Georgia Department of Transportation

ORGANIZATIONAL CHART



Effective
December 16, 2007

**Exhibit 2
Transit Unit of OIP**

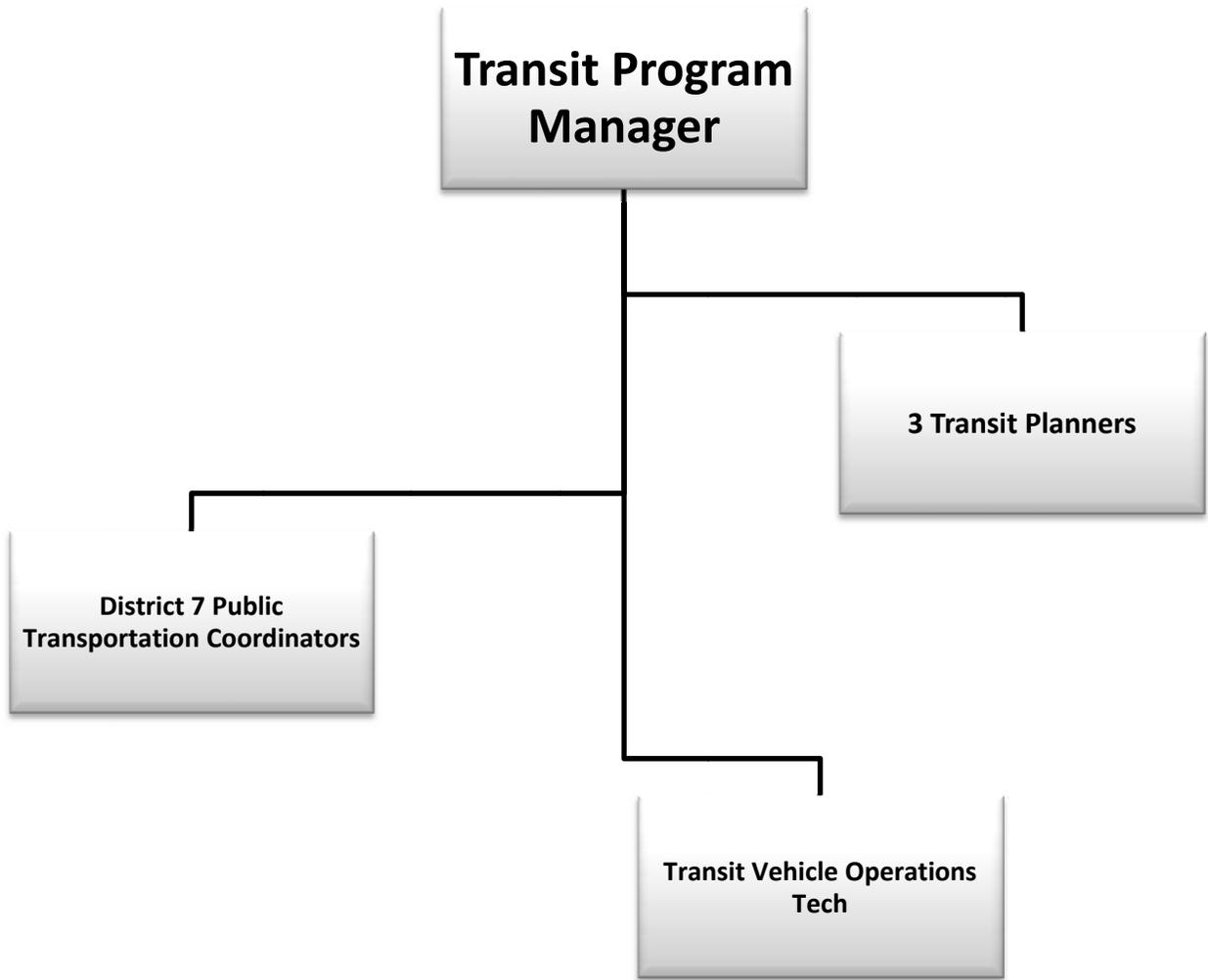


Exhibit 3

Overview of the 5316 & 5317 Process

Call for Projects

- Monday, March 3rd, A Special Guidance SMP will be sent out to advise on the process of obtaining FY 2006 JARC & New Freedom Funds
- Along with this guidance, GDOT and DHR will begin the official "Call for Projects" for these funds
- Applicants who have already created a Coordinated Human Services Transportation Plan and identified potential projects eligible for JARC and New Freedom funds are encouraged to apply

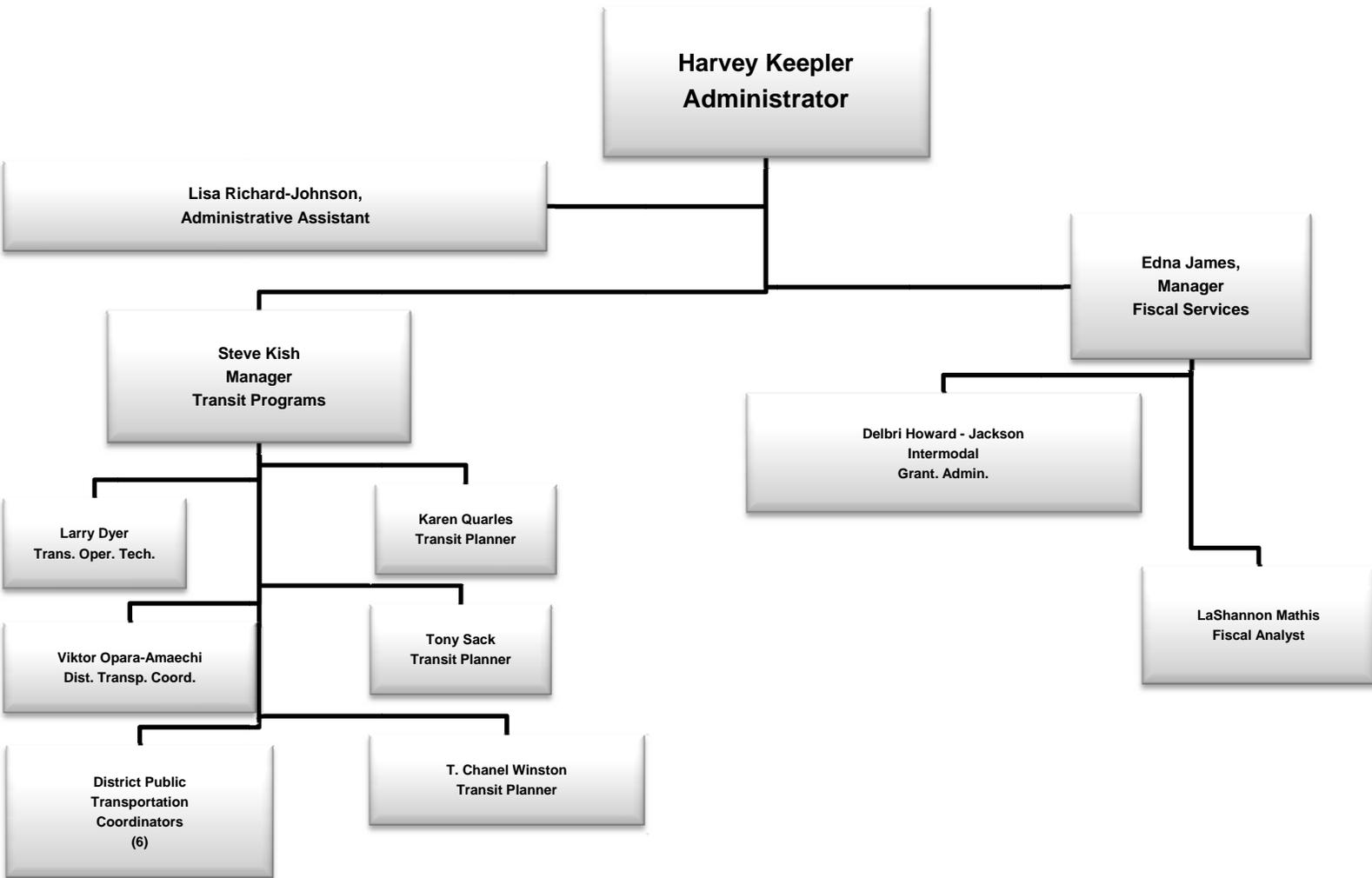
Project Evaluation

- Tuesday, April 1st will be the deadline for submitting applications for FY 06 funds
- Be sure to submit your materials to your Transit Planner via email AND hard copy. We are also asking that you request a read receipt to provide confirmation that your information was received
- Monday, April 7th representatives from GDOT, DHR, and those agencies with an acknowledged interest choosing to participate will meet to begin ranking project submissions
- Apportionments and Allocations for the State of Georgia can be found within the FY 2006 Federal Register (Federal Register / Vol. 71, No. 23 / Friday, February 3, 2006 / Notices)
- Please refer to the **PROJECT SELECTION CRITERIA & METHOD OF DISTRIBUTING FUNDS** section of this SMP to review the details and scoring for the competitive evaluation process

Project Selection

- Upon the completion of competitive evaluation, projects will be scored and ranked for available funds
- GDOT Transit Planners will send out notice immediately to areas awarded to begin the process of generating state contracts
- Those areas that are not awarded funds will be contacted with both a letter in the mail and an email. Feel free to follow-up with your Transit Planner to discuss your application and appropriately prepare for the next Call for Projects as FY07 and FY08 funds are still available

Exhibit 4 GDOT 5316 & 5317 Organizational Chart



Appendix A

5316 Applicable Regulations



U.S. Department
of Transportation

**Federal Transit
Administration**

CIRCULAR

FTA C 9050.1

May 1, 2007

**Subject: THE JOB ACCESS AND REVERSE COMMUTE (JARC) PROGRAM
GUIDANCE AND APPLICATION INSTRUCTIONS.**

1. PURPOSE. This circular issues guidance on the administration of the JARC program under 49 U.S.C. 5316, and guidance for the preparation of grant applications.
2. CANCELLATION. This is a new circular. It does not cancel any existing directive.
3. AUTHORITY.
 - a. Federal Transit Laws, Title 49, United States Code, Chapter 53.
 - b. 49 CFR 1.51.
4. WAIVER. FTA reserves the right to waive any requirements of this circular to the extent permitted by law.
5. FEDERAL REGISTER NOTICE. In conjunction with publication of this circular, a *Federal Register* notice was published on March 29, 2007 (72 FR 14851), addressing comments received during the development of the circular.
6. AMENDMENTS TO THE CIRCULAR. FTA reserves the right amend this circular to update references to requirements contained in other revised or new guidance and regulations that undergo notice and comment procedures, without further notice and comment on this circular.
7. ACCESSIBLE FORMATS. This document is available in accessible format upon request. Paper copies of this circular as well as information regarding accessible formats may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

/S/ Original Signed by

James S. Simpson
Administrator

Distribution: FTA Headquarters Offices (T-W-2)
FTA Regional Offices (T-X-2)

OPI: Office of Program
Management

APPENDIX H

REFERENCES

- a. Federal Transit Laws, Title 49, United States Code, Chapter 53.
- b. Federal-aid highway and surface transportation laws, Title 23, United States Code.
- c. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144, Aug. 10, 2005).
- d. Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107, June 9, 1998).
- e. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914, Dec. 18, 1991).
- f. Federal Public Transportation Act of 1978 (Pub. L. 95-599, Nov. 6, 1978).
- g. Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq.
- h. Government Performance Results Act of 1993, as amended (Pub. L. 103-62, 107 Stat. 285, Aug. 3, 1993).
- i. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.
- j. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d.
- k. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e.
- l. Clean Air Act, as amended, 42 U.S.C. 7401 et seq.
- m. Section 404 of the Clean Water Act, as amended, 33 U.S.C. 1344.
- n. Policy on Lands, Wildlife, and Waterfowl Refuges, and Historic Sites, 49 U.S.C. 303.
- o. Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f.
- p. Internal Revenue Code, Non-profit Organizations, 26 U.S.C. 501.
- q. Lobbying Restrictions, 31 U.S.C. 1352.
- r. Disadvantaged Business Enterprises, 23 U.S.C. 101 note.
- s. Congressional Declaration of Policy Respecting Insular Areas, 48 U.S.C. 1469a.

- t. Program Fraud Civil Remedies Act, 31 U.S.C. 3801 et seq.
- u. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. 4601, et seq.
- v. Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.
- w. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq.
- x. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.
- y. Federal Funding Accountability and Transparency Act of 2006 (Pub. L 109–282, 120 Stat. 1186, Sept. 26, 2006).
- z. Davis-Bacon Act, as amended, 40 U.S.C. 3141 et seq.
- aa. Drug-Free Workplace Act of 1988, as amended, 41 U.S.C. 701 et seq.
- bb. U.S. DOT regulations, “Organization and Delegation of Powers and Duties,” 49 CFR part 1.
- cc. U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR part 18.
- dd. U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations,” 49 CFR part 19.
- ee. U.S. DOT regulations, “New Restrictions on Lobbying,” 49 CFR part 20.
- ff. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21.
- gg. U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs,” 49 CFR part 24.
- hh. U.S. DOT regulations “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.
- ii. U.S. DOT regulations, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs,” 49 CFR part 26.
- jj. U.S. DOT regulations, “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 27.

- kk. U.S. DOT regulations, “Governmentwide Debarment and Suspension (Nonprocurement),” 49 CFR part 29.
- ll. U.S. DOT regulations, “Governmentwide Requirements for Drug-Free Workplace (Financial Assistance),” 49 CFR part 32.
- mm. U.S. DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 CFR part 37.
- nn. U.S. DOT regulations, “Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles,” 49 CFR part 38.
- oo. U.S. DOT regulations, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs,” 49 CFR part 40.
- pp. FTA regulations, 49 CFR Subtitle B Chapter VI.
- qq. Joint Federal Highway Administration/FTA regulations, “Planning Assistance and Standards,” 23 CFR part 450 and 49 CFR part 613.
- rr. Joint Federal Highway Administration/FTA regulations, “Environmental Impact and Related Procedures,” 23 CFR part 771 and 49 CFR part 622.
- ss. Federal Motor Carrier Safety Administration regulations, “Controlled Substances and Alcohol Use and Testing,” 49 CFR part 382.
- tt. U.S. Department of Treasury regulations, “Rules and Procedures for Efficient Federal-State Funds Transfers,” 31 CFR part 205.
- uu. U.S. Environmental Protection Agency regulations, “Determining Conformity of Federal Actions to State or Federal Implementation Plans,” 40 CFR part 93.
- vv. Executive Order 12372, “Intergovernmental Review of Federal Programs,” July 14, 1982.
- ww. Executive Order 12898, “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations,” Feb. 11, 1994.
- xx. Executive Order 13330, “Human Service Transportation Coordination,” Feb. 24, 2004.
- yy. Office of Management and Budget Circular A-87, “Cost Principles for State, Local, and Indian Tribal Governments,” codified at 2 CFR part 225, Aug. 31, 2005.
- zz. Office of Management and Budget Circular A-94, “Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs,” Oct. 29, 1992.

- aaa. Office of Management and Budget Circular A-122, “Cost Principles for Non-Profit Organizations,” codified at 2 CFR part 230, Aug. 31, 2005.
- bbb. Office of Management and Budget Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” June 23, 2003.
- ccc. U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations, 62 FR 18377 (Apr. 15, 1997).
- ddd. U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087 (Dec. 14, 2005).
- eee. FTA Circular 4220.1E, “Third Party Contracting Requirements,” June 19, 2003.
- fff. FTA Circular 4702.1, “Title VI Program Guidelines for FTA Recipients,” Oct. 1, 1998.
- ggg. FTA Circular 5010.1C, “Grant Management Guidelines,” Oct. 1, 1998.
- hhh. FTA Circular 9030.1C, “Urbanized Formula Program Guidance and Application Instructions,” Oct. 1, 1998.
- iii. U.S. General Services Administration, “Excluded Parties List System,” www.epls.gov.
- jjj. FTA Master Agreement FTA MA(13), Oct. 1, 2006.
- kkk. FTA ECHO-Web System Operations Manual.
<http://www.fta.dot.gov/documents/ECHOWebGranteeUserManual.pdf>.

INDEX

SUBJECT AND LOCATION IN CIRCULAR

<u>Subject</u>	<u>Chapter/Page</u>
Activity Line Item (ALI)	VI-12; App. A-2; A-3; A-4; A-5; C-1; C-2
Codes.....	App. A-4; C-1
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Appendix C
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CIRCULAR

U.S. Department
of Transportation

**Federal Transit
Administration**

FTA C 9045.1

May 1, 2007

**Subject: NEW FREEDOM PROGRAM GUIDANCE AND APPLICATION
INSTRUCTIONS**

1. PURPOSE. This Circular issues new guidance on the administration of the New Freedom Program under 49 U.S.C. 5317, and guidance for the preparation of grant applications.
2. CANCELLATION. This is a new circular. It does not cancel any existing directive.
3. AUTHORITY.
 - a. Federal Transit Laws, Title 49, United States Code, Chapter 53.
 - b. 49 CFR 1.51.
4. WAIVER. FTA reserves the right to waive any requirements of this circular to the extent permitted by law.
5. FEDERAL REGISTER NOTICE. In conjunction with publication of this circular, a *Federal Register* notice was published on March 29, 2007 (72 FR 14851), addressing comments received during the development of the circular.
6. AMENDMENTS TO THE CIRCULAR. The Federal Transit Administration (FTA) reserves the right to amend this circular to update references to requirements contained in other revised or new guidance and regulations that undergo notice and comment procedures, without further notice and comment on this circular.
7. ACCESSIBLE FORMATS. This document is available in accessible format upon request. Paper copies of this circular as well as information regarding accessible formats may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

/S/ Original Signed by

James S. Simpson
Administrator

Distribution: FTA Headquarters Offices (T-W-2)
FTA Regional Offices (T-X-2)

OPI: Office of Program
Management

APPENDIX H

REFERENCES

- a. Federal Transit Laws, Title 49, United States Code, Chapter 53.
- b. Federal-aid highway and surface transportation laws, Title 23, United States Code.
- c. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144, Aug. 10, 2005).
- d. Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107, June 9, 1998).
- e. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914, Dec. 18, 1991).
- f. Federal Public Transportation Act of 1978 (Pub. L. 95-599, Nov. 6, 1978).
- g. Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq.
- h. Government Performance Results Act of 1993, as amended (Pub. L. 103-62, 107 Stat. 285, Aug. 3, 1993).
- i. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.
- j. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d.
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- l. Clean Air Act, as amended, 42 U.S.C. 7401 et seq.
- m. Section 404 of the Clean Water Act, as amended, 33 U.S.C. 1344.
- n. Policy on Lands, Wildlife, and Waterfowl Refuges, and Historic Sites, 49 U.S.C. 303.
- o. Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f.
- p. Internal Revenue Code, Non-profit Organizations, 26 U.S.C. 501.
- q. Lobbying Restrictions, 31 U.S.C. 1352.
- r. Disadvantaged Business Enterprises, 23 U.S.C. 101 note.
- s. Congressional Declaration of Policy Respecting Insular Areas, 48 U.S.C. 1469a.

- t. Program Fraud Civil Remedies Act, 31 U.S.C. 3801 et seq.
- u. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. 4601, et seq.
- v. Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.
- w. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq.
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- y. Federal Funding Accountability and Transparency Act of 2006 (Pub. L 109–282, 120 Stat. 1186, Sept. 26, 2006).
- z. Davis-Bacon Act, as amended, 40 U.S.C. 3141 et seq.
- aa. Drug-Free Workplace Act of 1988, as amended, 41 U.S.C. 701 et seq.
- bb. U.S. DOT regulations, “Organization and Delegation of Powers and Duties,” 49 CFR part 1.
- cc. U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR part 18.
- dd. U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations,” 49 CFR part 19.
- ee. U.S. DOT regulations, “New Restrictions on Lobbying,” 49 CFR part 20.
- ff. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21.
- gg. U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs,” 49 CFR part 24.
- hh. U.S. DOT regulations “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.
- ii. U.S. DOT regulations, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs,” 49 CFR part 26.
- jj. U.S. DOT regulations, “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 27.

- kk. U.S. DOT regulations, “Governmentwide Debarment and Suspension (Nonprocurement),” 49 CFR part 29.
- ll. U.S. DOT regulations, “Governmentwide Requirements for Drug-Free Workplace (Financial Assistance),” 49 CFR part 32.
- mm. U.S. DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 CFR part 37.
- nn. U.S. DOT regulations, “Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles,” 49 CFR part 38.
- oo. U.S. DOT regulations, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs,” 49 CFR part 40.
- pp. FTA regulations, 49 CFR Subtitle B Chapter VI.
- qq. Joint Federal Highway Administration/FTA regulations, “Planning Assistance and Standards,” 23 CFR part 450 and 49 CFR part 613.
- rr. Joint Federal Highway Administration/FTA regulations, “Environmental Impact and Related Procedures,” 23 CFR part 771 and 49 CFR part 622.
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- tt. U.S. Department of Treasury regulations, “Rules and Procedures for Efficient Federal-State Funds Transfers,” 31 CFR part 205.
- uu. U.S. Environmental Protection Agency regulations, “Determining Conformity of Federal Actions to State or Federal Implementation Plans,” 40 CFR part 93.
- vv. Executive Order 12372, “Intergovernmental Review of Federal Programs,” July 14, 1982.
- ww. Executive Order 12898, “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations,” Feb. 11, 1994.
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- yy. Executive Order 13330, “Human Service Transportation Coordination,” Feb. 24, 2004.
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- jjj. U.S. General Services Administration, “Excluded Parties List System,” www.epls.gov.
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- lll. FTA ECHO-Web System Operations Manual.
<http://www.fta.dot.gov/documents/ECHOWebGranteeUserManual.pdf>.
- mmm. *Olmstead v L.C.*, 527 U.S. 581 (1999).

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