

# APPENDIX A – 33

## *Regional Policies: Project Funding and Specific Funding Programs*

**FTA Enhanced Mobility for Seniors and Individuals with  
Disabilities Program Guidelines (Section 5310)  
for FY 2012-13 and FY 2013-14**

**MTC Resolution No. 4156**



Date: September 24, 2014  
W.I.: 1512  
Referred by: PAC

ABSTRACT  
Resolution No. 4156

This resolution adopts the program guidelines for the FY2012-13 and FY2013-14 Federal Transit Administration (FTA) Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. Section 5310), and directs that the program of projects be submitted to Caltrans with the request that the projects be funded by the Federal Transit Administration in the large urbanized areas of the San Francisco Bay Area.

The following attachment is provided with the resolution:

Attachment A – FY2012-13 and FY2013-14 Federal Transit Administration (FTA)  
Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program  
Guidelines for Large Urbanized Areas of the San Francisco Bay Area

Further discussion of this action is contained in the Programming and Allocations Committee Summary sheet dated September 10, 2014.

Date: September 24, 2014  
W.I.: 1512  
Referred by: PAC

Re: Guidelines for FY2012-13 and FY2013-14 Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program for Large Urbanized Areas of the San Francisco Bay Area

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION No. 4156

WHEREAS, Title 49 United States Code (U.S.C.) Section 5310 (49 U.S.C. 5310) authorizes and sets forth the provisions for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, which makes capital and operating grants to recipients for public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable; public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.); public transportation projects that improve access to fixed-route service and decrease reliance on complementary paratransit; and alternatives to public transportation projects that assist seniors and individuals with disabilities; and

WHEREAS, 49 U.S.C. §5310 apportions funds by formula to large urbanized areas, small urbanized areas, and non-urbanized areas; and

WHEREAS, pursuant to California Government Code Section 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, Caltrans is the designated recipient of the FY2012-13 and FY2013-14 Section 5310 funds for the San Francisco Bay Area region; and

WHEREAS, MTC has entered into a Memorandum of Understanding with Caltrans to jointly administer the FY2012-13 and FY2013-14 Section 5310 program; and

WHEREAS, MTC is responsible for conducting a competitive selection process; certifying a fair and equitable distribution of funds resulting from the competitive selection process; certifying that each project was included in a locally developed, coordinated public transit—human services transportation plan, and certifying that the plan was developed through a

process that included representatives of public, private, and non-profit transportation and human services providers and participation by the public; and

WHEREAS, MTC Resolution No. 468 states that “MTC shall not endorse a federal or state transportation grant request by private non-profit, or paratransit operators, including claimants under the FTA Elderly and Persons with Disabilities Program, unless the claimant shows to the satisfaction of the MTC evidence of willingness to participate in a countywide Paratransit Coordinating Council (PCC)”; and

WHEREAS, MTC has developed program guidelines for the FY2012-13 and FY2013-14 Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program, attached hereto as Attachment A, and incorporated herein as though set forth at length; now, therefore, be it

RESOLVED, that MTC adopts the FY2012-13 and FY2013-14 Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidelines as provided in Attachment A; and be it further

RESOLVED, that MTC will use these guidelines to conduct the competitive selection process for the FY2012-13 and FY2013-14 Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

METROPOLITAN TRANSPORTATION COMMISSION



Amy Rein Worth, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on September 24, 2014.



METROPOLITAN  
TRANSPORTATION  
COMMISSION

**FY2012-13 and FY2013-14 Federal Transit  
Administration (FTA) Section 5310  
Enhanced Mobility of Seniors and Individuals  
with Disabilities Program Guidelines  
for Large Urbanized Areas of the San  
Francisco Bay Area**

September 2014

**METROPOLITAN TRANSPORTATION COMMISSION**  
**FY2012-13 and FY2013-14 FEDERAL TRANSIT ADMINISTRATION (FTA)**  
**SECTION 5310 ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS**  
**WITH DISABILITIES PROGRAM GUIDELINES FOR LARGE URBANIZED AREAS**  
September 2014

The following guidelines reflect guidance included in the Federal Transit Administration (FTA) Circular C 9070.1G, the *Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions*. The FTA Circular is available at [http://www.fta.dot.gov/documents/C9070\\_1G\\_FINAL\\_circular\\_-3.pdf](http://www.fta.dot.gov/documents/C9070_1G_FINAL_circular_-3.pdf).

1. **INTRODUCTION.** In March 2013, MTC adopted an updated Coordinated Public Transit–Human Services Transportation Plan (Coordinated Plan). Pursuant to federal requirements, projects funded through the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities must be included in a Coordinated Plan. FTA describes the Coordinated Plan as a “unified, comprehensive strategy for public transportation service delivery that identifies the transportation needs of individuals with disabilities, older adults, and individuals with limited income, laying out strategies for meeting these needs, and prioritizing services.”

The Coordinated Plan update considers projects or solutions to directly address transportation gaps for seniors, low-income persons and persons with disabilities, as well as strategies to deliver services more efficiently. One of the key coordination strategies was to strengthen “mobility management” throughout the Bay Area. Mobility Management is a strategic, cost-effective approach to encourage the development of services and best practices in the coordination of transportation services connecting people needing transportation to available transportation resources within a community. Through partnerships with many transportation service providers, mobility management enables individuals to use a travel method that meets their specific needs, is appropriate for their situation and trip, and is cost-efficient. Strategies that can strengthen mobility management in the Bay Area include:

- Identifying and designating Consolidated Transportation Service Agencies (CTSAs) to facilitate subregional mobility management and transportation coordination efforts
- Providing information and managing demand across a family of transportation services
- Coordinating advocacy with human service agencies to identify resources to sustain coordinated transportation service delivery

All activities that meet federal eligibility requirements, as described in section 6 below, are eligible to receive funding in this call for projects, including mobility management, operations and capital projects; however, in the FY13 & FY14 Section 5310 application form and scoring criteria, there is increased emphasis on mobility management and coordination. Refer to Chapters 7 & 8, and Appendix C of the Coordinated Plan, available at [www.mtc.ca.gov/planning/pths/](http://www.mtc.ca.gov/planning/pths/) for several examples of mobility management projects.

A variety of mobility management activities are currently taking place throughout the Bay Area. Some efforts are well-developed, while others are in their infancy. In areas where mobility

management activities are well-developed, applicants are encouraged to consider how their project can be coordinated with existing efforts, and/or how existing efforts can be maintained or expanded. In areas where mobility management activities are just beginning and/or are taking place in a fragmented manner, applicants are encouraged to consider how existing activities can be better coordinated or enhanced.

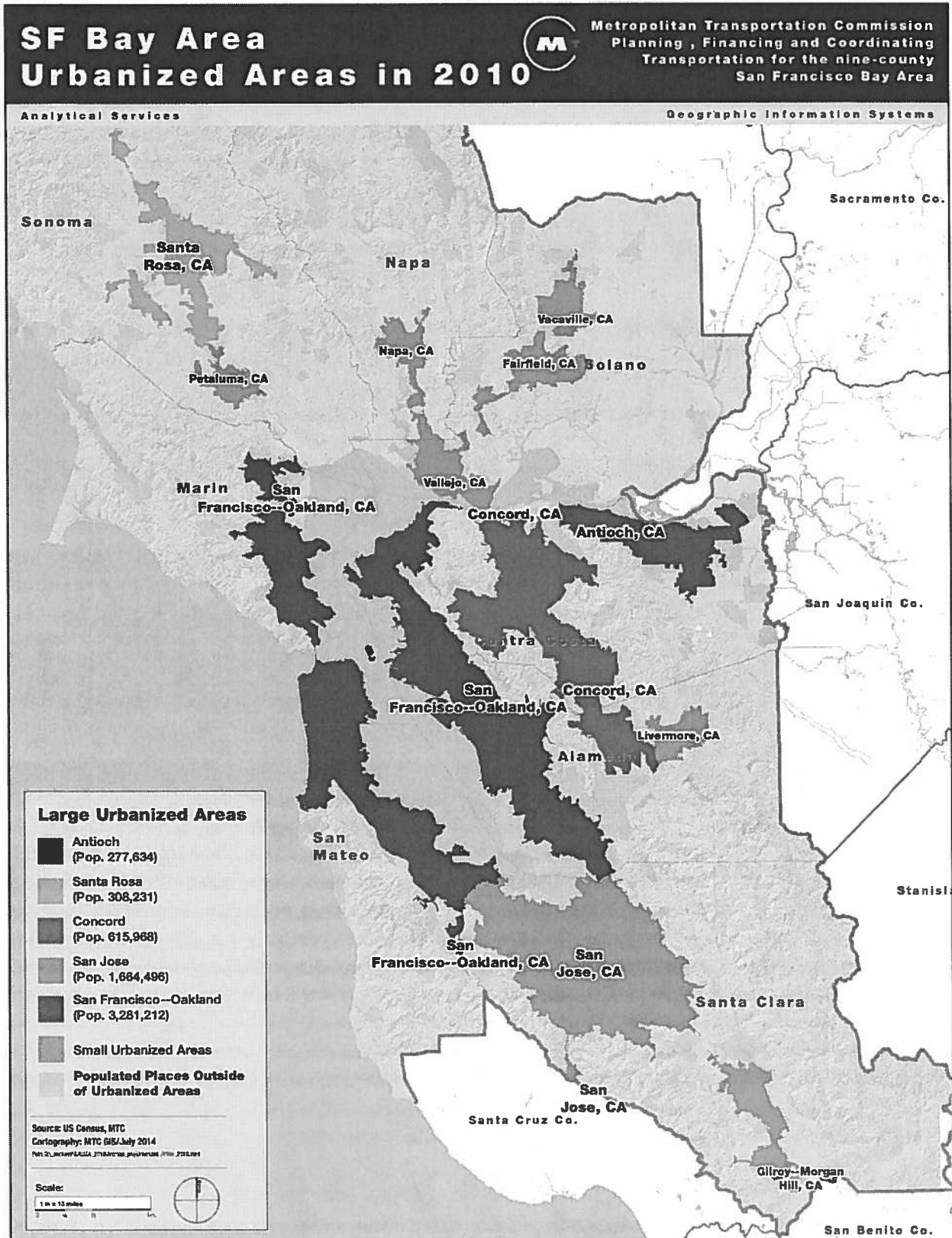
Even those applicants who are not proposing a mobility management project per se should consider how their project might be better coordinated with local mobility management efforts and/or other transportation services in the area. For example, an applicant proposing an operations project should aim to integrate that service with a coordinated “family of transportation services,” by participating in available and related local coordination activities (e.g., information and referrals, shared driver training).

2. STATUTORY AUTHORITY. The Section 5310 Program is authorized under the Moving Ahead for Progress in the 21st Century Act (MAP-21), enacted on July 6, 2012, authorizing funding for federal surface transportation programs for fiscal years (FY) 2013 and 2014. As codified under 49 U.S.C. 5310, this program authorizes the formula assistance program for the Enhanced Mobility of Seniors and Individuals with Disabilities Program and provides formula funding to states and designated recipients (recipients) to improve mobility for seniors and individuals with disabilities.
3. PROGRAM GOAL. The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available. FTA provides financial assistance for such services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in large urbanized, small urbanized, and rural areas. The program requires coordination with other federally assisted programs and services to make the most efficient use of federal resources.
4. FUNDING APPORTIONMENT AND AVAILABILITY. Of the total Section 5310 funds available, FTA apportions 60 percent to large urbanized areas<sup>1</sup> (UZAs), 20 percent to the states for small UZAs, and 20 percent to the states for rural areas with less than 50,000 in population. Section 5310 funds are apportioned among the recipients by formula. The formula is based on the number of seniors and individuals with disabilities in each such area as a percentage of the number of seniors and individuals with disabilities in all such areas. **Figure 1** shows the Bay Area’s five large UZAs. (Note that the names given to the urbanized areas correspond to the most populated city/cities within the area, and that the urbanized areas themselves are larger than the cities for which they are named.) **Table 1** shows actual large UZA apportionments for FY 2013 and FY 2014. Funds are available for obligation during the fiscal year of apportionment plus two additional years. See Section 7 and Table 2 for amounts available for programming, which differ slightly from the apportionments due to administrative reductions.

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<sup>1</sup> An urbanized area is an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an “urbanized area” by the Secretary of Commerce. Large urbanized areas as used in the context of FTA formula grant programs are urbanized areas with a population of greater than 200,000, and small urbanized areas are those with a population of at least 50,000 but less than 200,000.

Figure 1. Map of Urbanized Areas





**Table 1. Section 5310 Apportionments**

Area	Actual FY13	Actual FY14	2-Year Total
<b>Bay Area Large UZAs</b>	<b>\$4,664,054</b>	<b>\$4,544,537</b>	<b>\$9,208,591</b>
Antioch	\$188,392	\$202,016	\$390,408
Concord	\$457,727	\$467,290	\$925,017
San Francisco-Oakland	\$2,674,483	\$2,537,064	\$5,211,547
San Jose	\$1,089,650	\$1,089,774	\$2,179,424
Santa Rosa	\$253,802	\$248,393	\$502,195

Notes:

UZA = Urbanized Area

- 5. ROLE OF THE DESIGNATED RECIPIENTS.** For the Bay Area’s large UZA funding apportionment, Caltrans is the designated recipient, but MTC is responsible for conducting the competitive project selection process. For the small and non-UZA apportionment, the competitive selection is conducted by Caltrans on a statewide basis. More information on the small and non-UZA call for projects is available at <http://www.dot.ca.gov/hq/MassTrans/5310.html>.

Once projects in the large UZA are selected, MTC will submit a program of projects consistent with the FTA Circular C 9070.1G, and Caltrans will submit the grant application directly to FTA as the direct recipient of the funds. Caltrans will execute Standard Agreements with the region’s successful applicants, and oversee all aspects of program and grant management, including monitoring subrecipient compliance with federal requirements, procurement oversight, FTA compliance and reporting, and invoicing and reimbursements.

- 6. ELIGIBLE ACTIVITIES.** Section 5310 funds are available for capital and operating expenses to support the provision of transportation services to meet the specific needs of seniors and individuals with disabilities. See Appendix 1 for a detailed list of these activities.

*Traditional Section 5310 Projects:* Section 5310 provides that of an area’s apportionment, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Support for mobility management activities is eligible as a traditional Section 5310 capital project.

*Expanded Section 5310 Projects:* In addition to the above required capital projects, up to 45 percent of an area’s apportionment may be utilized for additional public transportation projects that exceed the ADA minimum requirements, improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service, or provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation. Such projects must be targeted toward meeting the

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

MTC must clearly identify the projects that are part of the required 55 percent capital projects as part of the program of projects submitted to Caltrans. Many projects may be eligible under both the required and optional criteria, but a discrete set of projects that meet the required criteria constituting at least 55 percent of the grant amount in each urbanized area, exclusive of administrative expenses, must be identified.

Mobility Management Emphasis. Consistent with the Bay Area's Coordinated Plan, the FY13 and FY14 Section 5310 Program will prioritize projects and activities consistent with the mobility management strategies detailed in Chapter 8 of the plan, available at [www.mtc.ca.gov/planning/pths/](http://www.mtc.ca.gov/planning/pths/). Mobility management is a strategic, cost-effective approach to connect people to transportation resources within a community including services provided by human services agencies and other community sponsors. The strategy is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Through partnerships with many transportation service providers, mobility management enables individuals to use a travel method that meets their specific needs, is appropriate for their situation and trip, and is cost-effective.

All activities that meet federal eligibility requirements are eligible to receive funding in this call for projects, including mobility management, operations and capital projects; however, in the application form and scoring criteria, there is increased emphasis on mobility management and coordination.

Illustrative List of Eligible Activities. Following is an illustrative list of activities that are eligible for funding under the FY13 and FY14 Section 5310 Program:

Traditional Section 5310 Capital Projects

- (1) Acquisition of expansion or replacement buses or vans,
- (2) Radios and communication equipment; and
- (3) Computer hardware and software;
- (4) Transit-related intelligent transportation systems (ITS);
- (5) Wheelchair restraints;
- (6) Dispatch systems; and
- (7) Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation.

Expanded Section 5310 Projects

- (1) Public transportation projects that exceed the requirements of ADA;
  - (2) Public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service;  
or
  - (3) Alternatives to public transportation that assist seniors and individuals with disabilities with transportation.
  - (4) Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation.
7. FUNDING DISTRIBUTION. Projects may compete for funding that is apportioned to the UZA in which the project will provide services. Projects that will provide services in multiple UZAs may compete for funding from all of the affected UZAs. This call for projects is for large UZAs only.

**Large UZA Programming Targets.** The total funding available for the Bay Area’s large UZAs in the FY13 and FY14 Cycle is approximately \$8.3 million. This consists of the FY 2013 and FY 2014 apportionments, less a five percent set-aside for Caltrans program administration and an additional set-aside of up to five percent set-aside for regional mobility management and Coordinated Plan implementation activities.<sup>2</sup> The state and regional administrative set-aside amounts are shown in **Table 2.**

**Table 2. Two-Year Programming Target and Administrative Set-Asides**

Programming Target	\$8,287,732
Caltrans Administrative Set-Aside	\$460,430
Regional Mobility Management and Coordinated Plan Implementation Set-Aside	\$460,429
<b>Total</b>	<b>\$9,208,591</b>

The target programming amount for each large UZA is shown in **Table 3.** There is no minimum or maximum grant request, except that applicants should not request more than the target amount for the large UZAs in which their projects will provide services.

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<sup>2</sup> MTC will submit a project to use 5 percent of the eligible operating apportionment to fund planning and technical assistance.

**Table 3. Programming Targets**

<b>Bay Area Large UZAs</b>	<b>Traditional Capital Programming Targets</b>	<b>Expanded Operations Programming Targets</b>
Antioch UZA	\$214,724	\$136,643
Concord UZA	\$508,759	\$323,756
San Francisco--Oakland UZA	\$2,866,351	\$1,824,041
San Jose UZA	\$1,198,683	\$762,798
Santa Rosa UZA	\$276,207	\$175,768
<b>Subtotals</b>	<b>\$5,064,725</b>	<b>\$3,223,007</b>
<b>Total Two Year Programming Target</b>		<b>\$8,287,732</b>

Notes:

UZA = Urbanized Area

8. ELIGIBLE SUBRECIPIENTS. There are three categories of eligible subrecipients of Section 5310 funds: a) private non-profit organizations; b) state or local governmental authorities; and c) operators of public transportation services.

Section 5310 provides that of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Further, the law provides that, for these projects, a recipient may allocate the funds apportioned to it to:

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

These provisions, found at 49 U.S.C. 5310(b)(1) and (b)(2), essentially maintain the status quo for traditional Section 5310 projects as defined in Federal law.

Governmental authorities eligible to apply for Section 5310 funds as “coordinators of services for seniors and individuals with disabilities” are those designated by the state to coordinate human service activities in a particular area. Examples of such eligible governmental authorities include a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation services funded by multiple federal or state human service programs.

In addition to the above required capital projects, up to 45 percent of an area’s apportionment may be utilized for Expanded Section 5310 projects—additional public transportation projects that exceed the ADA minimum requirements, improve access to fixed-route service

and decrease reliance by individuals with disabilities on ADA-complementary paratransit service, or provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation. Eligible subrecipients for Expanded Section 5310 activities include a state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a Section 5310 grant indirectly through a recipient.

All recipients/subrecipients will be required to have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number and provide it during the application process.<sup>3</sup> A DUNS number may be obtained from D&B by telephone (866-705-5711) or the Internet (<http://fedgov.dnb.com/webform>).

9. ROLE OF SUBRECIPIENTS. Section 5310 subrecipients' responsibilities include:
- Making best efforts to execute selected projects;
  - Meeting program requirements and grant/funding agreement requirements including, but not limited to, Title VI reporting requirements; and
  - Complying with other applicable local, state, and federal requirements.

10. FEDERAL/LOCAL MATCHING REQUIREMENTS.

- a. General. Section 5310 funds may be used to finance capital and operating expenses. The federal share of eligible capital costs shall be in an amount not to exceed 80 percent of the net cost of the activity. The federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity.

The local share of eligible capital costs shall be not less than 20 percent of the net cost of the activity, and the local share for eligible operating costs shall be not less than 50 percent of the net operating costs. The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; transportation development credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for Section 5310 operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. All sources of local match must be identified and described in the grant application at the time of grant award.

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<sup>3</sup> A Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is a unique, non-indicative 9-digit identifier issued and maintained by D&B that verifies the existence of a business entity. The DUNS number is a universal identifier required for Federal financial assistance applicants, as well as recipients and their direct subrecipients.

In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than DOT programs, or from DOT's Federal Lands Highway program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services.

- b. Exceptions. The federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with the Americans with Disabilities Act (ADA) or the Clean Air Act. *Applicants wishing to apply for assistance at the higher match ratio should inform MTC before submitting an application, as MTC would need to consult the FTA regional office for further guidance regarding methods of computing the incremental cost.*

11. COORDINATED PLANNING. Title 49 U.S.C. 5310, as amended by MAP-21, requires a recipient of Section 5310 funds to certify that projects selected for funding under this program are included in a locally developed, coordinated public transit-human service transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, nonprofit transportation and human service providers; and other members of the public. A locally developed, coordinated, public transit-human services transportation plan ("coordinated plan") identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, and provides strategies for meeting those local needs. The Bay Area's Coordinated Plan was updated in March 2013 and is available at <http://www.mtc.ca.gov/planning/pths/>.

Agencies and organizations interested in applying for Section 5310 funds must consider the transportation needs, proposed solutions, and enhanced coordination strategies presented in the Coordinated Plan in developing their project proposals. Applicants will be asked to demonstrate their proposed project's consistency with the Coordinated Plan. Following is a list of the solutions and strategies that are identified in Chapters 7 and 8, respectively, of the plan.

#### *Solutions to Gaps*

1. Mobility management, travel training, and transportation coordination activities
2. Additions or improvements to paratransit that exceed ADA requirements, and demand-responsive services other than ADA paratransit
3. Additions or improvements to public transit services and transit access
4. Solutions to address affordability barriers

#### *Strategies to Enhance Coordination of Service Delivery*

1. Strengthen mobility management in the Bay Area, by:
  - a. Identifying and designating Consolidated Transportation Service Agencies (CTSAs) to facilitate subregional mobility management and transportation coordination efforts

- b. Providing information and managing demand across a family of transportation services
  - c. Promoting coordinated advocacy with human service agencies to identify resources to sustain ongoing coordination activities
2. Promote walkable communities, complete streets, and integration of transportation and land use decisions

12. APPLICATION FORMS AND TECHNICAL ASSISTANCE. The application form will be available at <http://www.mtc.ca.gov/funding/FTA/5310.htm>. MTC and County Paratransit Coordinating Councils (PCCs) will host one applicant workshop following the release of the Call for Projects and provide technical assistance to applicants during the call for projects.

13. APPLICATION EVALUATION. Following an initial eligibility screening by MTC and PCC staff, eligible projects will be evaluated by a panel consisting of Bay Area representatives of paratransit coordinating councils, transit accessibility staff, disabled population interests, MTC Policy Advisory Council Equity and Access Subcommittee member, and MTC staff. Applications will be evaluated on a range of qualitative and quantitative criteria, including project readiness, extent of coordination and outreach, useful life of existing vehicles, utilization information for service expansion or other equipment, and other needs and benefits including the extent to which the project eliminates barriers and improves access for seniors and individuals with disabilities.

14. COMPLIANCE WITH FEDERAL REQUIREMENTS. Applicants should be prepared to abide by all applicable federal requirements as specified in 49 U.S.C. Section 5310, FTA Circulars C 9070.1G ([http://www.fta.dot.gov/documents/C9070\\_1G\\_FINAL\\_circular\\_-3.pdf](http://www.fta.dot.gov/documents/C9070_1G_FINAL_circular_-3.pdf)) and 4702.1B ([http://www.fta.dot.gov/documents/FTA\\_Title\\_VI\\_FINAL.pdf](http://www.fta.dot.gov/documents/FTA_Title_VI_FINAL.pdf)), the most current FTA Master Agreement (<http://www.fta.dot.gov/documents/20-Master.pdf>), and the most current Certifications and Assurances for FTA Assistance Programs ([http://www.fta.dot.gov/documents/2014\\_Certs\\_and\\_Assurances.pdf](http://www.fta.dot.gov/documents/2014_Certs_and_Assurances.pdf)).

Caltrans includes language regarding these federal requirements in its standard agreements with subrecipients and requires each subrecipient to execute a certification of compliance with the relevant federal requirements. Subrecipient certifications are required of the subrecipient prior to the execution of a standard agreement by Caltrans and annually thereafter when FTA publishes the annual list of certifications and assurances.

15. REPORTING REQUIREMENTS. Subrecipients to Caltrans will be required to submit regular reports to Caltrans on the following, but not limited to:

- a. Budget or schedule changes, if any
- b. Progress toward meeting milestones
- c. Quantitative or qualitative information, as available
- d. Financial status report
- e. Disadvantaged Business Enterprise (DBE) participation as applicable

In addition, MTC may hold an initial meeting, with follow-ups as needed, regarding successful applicant implementation (related to Title VI, project scope, annual reporting).

16. TITLE VI.

As a condition of receiving Federal Transit Administration Section 5310 Program funds, subrecipients must comply with the requirements of the US Department of Transportation's Title VI regulations. The purpose of Title VI is to ensure that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Subrecipients are also responsible for ensuring compliance of each of their subrecipients (if any), including collecting Title VI Programs, and for ensuring that their third-party contractors are complying with Title VI and the subrecipient's Title VI Program. (See FTA C 4702.1B Chapter II (6) and Appendix L, Scenario Three.)

As outlined in FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, ("Title VI Circular"), issued on October 1, 2012, applicants will be required to ensure Title VI Plans are complete and have been implemented.

In order to document that Section 5310 funds are passed through without regard to race, color or national origin, and to document that minority populations are not being denied the benefits of or excluded from participation in the Section 5310 Program, MTC will prepare and maintain the following information, as required by the Title VI Circular, Chapter VI(6):

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. MTC's records will identify those applicants that would use grant program funds to provide assistance to predominantly minority populations and indicate whether those applicants were accepted or rejected for funding.
- b. A description of how MTC develops its competitive selection process or annual program of projects submitted to Caltrans as part of its grant applications. The description will emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present.
- c. A description of MTC's criteria for selecting entities to participate in an FTA grant program.

MTC requires that all Section 5310 Program subrecipients submit all appropriate FTA certifications and assurances to Caltrans prior to standard agreement execution and annually thereafter, as requested by Caltrans. MTC, within its administration, planning, and technical assistance capacity, also will comply with all appropriate certifications and assurances for FTA assistance programs and will submit this information to the FTA as required.

The certifications and assurances pertaining to civil rights include:

1. Nondiscrimination Assurances in Accordance with the Civil Rights Act
2. Documentation Pertaining to Civil Rights Lawsuits and Complaints



Nondiscrimination assurances included above involve the prohibition of discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibit discrimination in employment or business opportunity, as specified by 49 U.S.C. 5332 (otherwise known as Title VI of the Civil Rights Act of 1964), as amended (42 U.S.C. 2000d et seq.) and U.S. DOT regulations, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act, 49 C.F.R. Part 21. By complying with the Civil Rights Act, no person, on the basis of race, color, national origin, creed, sex, or age, will be excluded from participation in, be denied the benefits of any program for which the subrecipient receives federal funding via MTC.

#### Title VI Programs

All Section 5310 Program subrecipients must submit Title VI Programs to Caltrans. Title VI Programs will be required with the submission of the standard agreement and annually thereafter, as requested by Caltrans, with the submission of the annual FTA certifications and assurances.

Every Title VI Program shall include the following information (Note: detailed instructions on the following Title VI requirements are available in FTA C 4702.1B, Chapter III-2 through III-12):

- (1) A copy of the subrecipient's Title VI notice to the public that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. A sample Title VI notice is in FTA C 4702.1B, Appendix B.
- (2) A copy of the subrecipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in FTA C 4702.1B, Appendix C, and a sample Title VI complaint form is in FTA C 4702.1B, Appendix D.
- (3) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the subrecipient since the time of the last submission. See FTA C 4702.1B, Appendix E for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the subrecipient submitting the report, not necessarily the larger agency or department of which the subrecipient is a part.
- (4) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A subrecipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
- (5) A copy of the subrecipient plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance. Subrecipients may choose to adopt MTC's language assistance plan where appropriate. Operational differences between MTC and the subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan.

- (6) Subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
- (7) Those subrecipients who are also primary recipients (i.e., those who have their own subrecipients) shall include a narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.
- (8) If the subrecipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the subrecipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.
- (9) Additional information as specified in FTA C 4702.1B chapters IV, V, and VI, depending on whether the subrecipient is a fixed route transit provider, a State, or an MPO.

The Title VI Program must be approved by the subrecipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to Caltrans. Subrecipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program.

**Appendix 1**  
**Section 5310 Program – Eligible Activities**

The following list of eligible activities is excerpted from Federal Transit Administration (FTA) Circular C 9070.1G, the *Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions*. Applicants are encouraged to develop innovative solutions to meet the needs of individuals with disabilities in their communities, considering the transportation needs, solutions, and strategies for enhanced coordination in the Bay Area’s Coordinated Public Transit—Human Services Transportation Plan.

<b>Traditional Section 5310 Capital Projects</b>	
Vehicles	Acquisition of expansion or replacement buses and/or vans
Equipment	<ul style="list-style-type: none"> <li>(1) Radios and communication equipment;</li> <li>(2) computer hardware and software;</li> <li>(3) wheelchair restraints</li> <li>(4) transit-related intelligent transportation systems (ITS) [<i>must be included in the Bay Area Intelligent Transportation Systems (ITS) Architecture (<a href="http://www.mtc.ca.gov/planning/ITS/">http://www.mtc.ca.gov/planning/ITS/</a>)</i>];</li> <li>(5) Dispatch systems.</li> </ul>
Support for Mobility Management and Coordination	<ul style="list-style-type: none"> <li>(1) The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals;</li> <li>(2) Support for short-term management activities to plan and implement coordinated services;</li> <li>(3) The support of state and local coordination policy bodies and councils;</li> <li>(4) The operation of transportation brokerages to coordinate providers, funding agencies, and passengers;</li> <li>(5) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs;</li> <li>(6) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of geographic information systems (GIS) mapping, global positioning system technology, coordinated vehicle scheduling, dispatching and monitoring technologies, as well as technologies to track costs and billing in a coordinated system, and single smart customer payment systems; and</li> <li>(7) Funding to support the administrative costs of sharing services provided to clients along with other seniors and/or individuals with disabilities and the coordinated usage of vehicles with other nonprofits.</li> </ul>

<b>Expanded Section 5310 Projects</b>	
<p>Public Transportation Projects that Exceed the Requirements of the ADA</p>	<p>(1) Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;</p> <p>(2) Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;</p> <p>(3) The incremental cost of providing same day service;</p> <p>(4) The incremental cost of making door-to-door service available to all eligible ADA paratransit riders, but not on a case-by-case basis for individual riders in an otherwise curb-to-curb system;</p> <p>(5) Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;</p> <p>(6) Feeder services. Accessible “feeder” service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.</p>
<p>Public Transportation Projects that Improve Accessibility.</p>	<p>Training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.</p>
<p>Public Transportation Alternatives that Assist Seniors and Individuals with Disabilities with Transportation.</p>	<p>(1) Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers. This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The Section 5310 program can provide vouchers to seniors and individuals with disabilities to purchase rides, including: (a) mileage reimbursement as part of a volunteer driver program; (b) a taxi trip; or (c) trips provided by a human service agency. Providers of transportation can then submit the voucher for reimbursement to the recipient for payment based on predetermined rates or contractual arrangements. Transit passes or vouchers for use on existing fixed-route or ADA complementary paratransit service are not eligible.</p> <p>(2) Supporting volunteer driver and aide programs. Volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of enhancements to increase capacity of volunteer driver programs are also eligible.</p>

**Expanded Section 5310 Projects (Continued)**

**Support for Mobility Management and Coordination**

- (1) The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals;
- (2) Support for short-term management activities to plan and implement coordinated services;
- (3) The support of state and local coordination policy bodies and councils;
- (4) The operation of transportation brokerages to coordinate providers, funding agencies, and passengers;
- (5) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs;
- (6) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of geographic information systems (GIS) mapping, global positioning system technology, coordinated vehicle scheduling, dispatching and monitoring technologies, as well as technologies to track costs and billing in a coordinated system, and single smart customer payment systems; and
- (7) Funding to support the administrative costs of sharing services provided to clients along with other seniors and/or individuals with disabilities and the coordinated usage of vehicles with other nonprofits.