



Program Management Plan

Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program

FOR PUBLIC COMMENT

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INTRODUCTION

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Title 49 USC 5310 authorizes the formula assistance program for the *Enhanced Mobility of Seniors and Individuals with Disabilities Program*. The Federal Transit Administration (FTA) refers to this formula program as “the Section 5310 program.” FTA apportions the funds annually to States and/or Designated Recipients based on an administrative formula that considers the ratio of the number of seniors and individuals with disabilities in rural areas (under 50,000), small urbanized areas (50,000 – 200,000), and large urbanized areas (over 200,000.) These funds are subject to annual appropriations.

The Regional Transportation Commission (RTC) is designated by the Governor as the Metropolitan Planning Organization (MPO) for Washoe County. In that capacity, the RTC is responsible for establishing policy direction for transportation planning. This responsibility includes the approval of the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), the Unified Planning Work Program (UPWP), and the establishment and approval of federal funding priorities in certain program areas. RTC under the authority of the State is the Designated Recipient to program 5310 funding. The RTC is a cooperative regional board comprised of five representatives appointed from three government jurisdictions:

- Two Reno City Council Members
- One Sparks City Council Member
- Two Washoe County Commissioners

The RTC Board has the final authority for Section 5310 programming. This *Program Management Plan (PMP)* describes how RTC administers Section 5310 funding, and is being updated to reflect a change in funding distribution.

FOR PUBLIC COMMENT

PROGRAM MANAGEMENT PLAN

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Goals and Objectives

The 5310 program supports the goals and strategic objectives found in the RTC developed **Coordinated Human Services Public Transportation Plan (CTP)**. These goals represent a regional strategy to increase personal mobility and travel options for those with special transportation needs in the Reno-Sparks region, including seniors and individuals with disabilities.

The goal of the PMP is to describe the RTC's process for managing the FTA 5310 program.

This PMP is a living document. It will be updated as necessary to incorporate any expansions and enhancements of the 5310 program, as well as any revisions to the programs' management, requirements or guidelines.

Roles and Responsibilities of RTC

As the MPO, RTC is the Designated Recipient of 5310 funds allocated to the Reno/Sparks urbanized area of Washoe County. RTC's role includes administering, managing and programming these funds for the urbanized area. RTC must comply with all guidelines as defined by the FTA and any state or local authority. The region's stakeholders and current subrecipients have expressed a need for increased *Operating* assistance to fund and support local programs. As a result, instead of using federal dollars, RTC is allocating local sales tax dollars equivalent to the annual 5310 federal funding appropriations for local programming distribution. In essence, RTC will no longer have subrecipients as defined by the regulations.

Coordinated Human Services Public Transportation Plan

This plan, developed and maintained by the RTC, lays out various recommended approaches for maximizing the potential benefits that can be derived through the coordination of services. RTC's last Coordinated Human Services Public Transportation Plan (CTP) was completed in December 2020 to align with the update cycle of the RTC's Regional Transportation Plan (RTP) latest development (i.e. 2050), as well as future updates.

At a minimum, the CTP will be updated every four years conducive to and coordinated with the RTC's MPO planning process to ensure that projects are included in the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), and the State Transportation Improvement Plan (STIP) to ensure funds are obligated and received in a timely manner.

Eligible Subrecipients

RTC is the designated recipient of Section 5307 funding and provides and coordinates transportation services for the region and is familiar with FTA's program oversight requirements. RTC has been designated by the State to receive and administer federal 5310 funds for Washoe County, and has the authority to apply for this funding using the designated FTA electronic grant management system. Effective with the next FTA application for 5310 funding, RTC will no longer have subrecipients as defined by the regulations.

Private non-profit organizations and State or local governmental authorities are eligible to apply for the 5310 equivalent sales tax funding to provide transportation for seniors and people with disabilities. To be eligible for the 5310 equivalent sales tax funding program, proposed projects must be located in, or have an origin and a destination within the Reno/Sparks urbanized area of

Washoe County. Recipient programs must coordinate with other service providers to avoid duplication of services.

Projects will be selected based upon the prioritizations established and set forth as a result of outcomes identified in the CTP.

Funding Eligibility

Section 5310 funds are available for **capital** and **operating** project expenses to support the provision of transportation services that meet the specific needs of seniors and individuals with disabilities. Up to 10% of each annual apportionment may be used to support program **administrative** costs including administration, planning, and technical assistance funded under this program, as appropriate. Allowable administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. This activity may be funded entirely by federal funds and does not require a local match.

Through the RTC's *5310 equivalent sales tax program*, both **capital** and **operating** project expenses are eligible for distribution without regard to funding percentage limitations, as described below. Regardless of funding type, the appropriate match will be required.

Capital

55 percent of funds must be allocated toward capital projects that are planned, designed, and carried out to meet the needs of seniors and people with disabilities. 55 percent is a floor, not a ceiling; more than 55 percent of apportionments can be used for these types of projects. Eligible projects for the required 55 percent of capital projects include the capital cost of contracting for the provision of transit services for seniors and individuals with disabilities and other specialized shared-ride transportation services (i.e. Microtransit). The purchase of rolling stock for ADA-complementary paratransit service are eligible capital expenses that may also qualify.

Operating

Up to 45 percent of 5310 funds may be used for operating expenses that provide transportation services that exceed the requirements of the ADA or improve access to fixed route services and decrease reliance by individuals with disabilities on ADA complementary paratransit service.

Local Funding (Match) Requirements

5310 funds are eligible to support up to 80 percent of the cost of capital projects and up to 50 percent of the net operating costs. RTC's local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund, reserve, and a service agreement with a state or local service agency, private social service organization or new capital.

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.

Funding Distribution, Project Selection Criteria and Annual Program of Projects Development

RTC will no longer engage in a competitive selection process with regard to the distribution of 5310 funding. RTC will though, biannually or for longer intervals, issue a *Call for Projects* utilizing the 5310 equivalent appropriations in sales tax funding for distribution to support viable projects in the community.

RTC is the transit provider and MPO, and will assure that project funding is allocated appropriately in support of those projects locally developed and included in the coordinated plan. The coordinated plan is developed and approved in cooperation with stakeholders, including individuals with disabilities and seniors utilizing transportation services, and will be updated and incorporated into the Regional Transportation Plan.

Projects will be selected based upon the prioritizations established and set forth as a result of outcomes identified in the CTP.

Application Cycle

RTC will select projects as needed to avoid the lapsing of any funds that are not obligated in a timely manner. 5310 funds need to be obligated within the next two federal fiscal years following the fiscal year in which the funds were appropriated by Congress. In this regard, the federal fiscal year starts on October 1 and ends on September 30 of the following year. 5310 funds from up to three consecutive fiscal years could be made available and RTC will select projects and programs at intervals not to exceed this time frame utilizing the equivalent apportionment in local sales tax dollars. This approach will allow for the development of more viable and longer-term projects, reduce the administrative cost of the programs, increase operating dollars, and allow for other efficiencies.

Project Approval and Award

Designated recipients (RTC) may utilize up to 10% of each annual apportionment to support program administrative costs including administration, planning, and technical assistance funded under this program, as appropriate. Allowable administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. This activity may be funded entirely by federal funds and does not require a local match.

Projects may be selected based on but not limited to project mobility, effectiveness, and benefit to the urbanized area, program reach and population served. Once selection of projects and awarding of funds is finalized, RTC staff will submit a draft Program of Projects (POP) of recommended projects to the RTC Board for approval. RTC posts a Public Notice on its external website offering the public an opportunity to submit comments or request a Public Hearing on its plan for 5310 federal transit funding. Upon approval by the RTC Board, the Board directs RTC staff to incorporate the POP into the RTIP. The POP must be consistent with the RTIP in that all the projects in the POP must also be forwarded to the Nevada Department of Transportation (NDOT) for inclusion in the STIP. The total 5310 Program funding programmed in the RTIP in each year cannot exceed the annual allocation of 5310 Program funds for that year.

Once the POP has been incorporated into those plans, the next step will be to submit the grant into the Federal Transit Administration's (FTA) grant management system.

Private Sector Participation

RTC disseminates information and solicits input consistent with its adopted Public Participation Plan. In addition, RTC is involved with a number of groups comprised of private and public sector agencies on transportation issues.

Civil Rights Compliance

As a designated recipient of FTA funds, RTC must comply with all applicable civil rights statutes and implementing regulations including, but not limited to:

- Nondiscrimination in Federal Transit Programs on the basis of race, color, religion, national origin, sex, age, and disability, and in employment or business opportunity
- Nondiscrimination on the basis of disability
 - Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794)
 - Prohibits discrimination on the basis of disability by recipients of federal financial assistance
 - ADA, as amended (42 U.S.C. 12101 et seq.)
 - Prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of public transportation.
 - DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, 38, and 39.
 - Requires, among other provisions, that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs.
 - Further responsibilities are required under Titles I, II, III, IV and V of the ADA
 - Covering employment, public services, public accommodations, telecommunications, and other provisions.

Title VI

As a condition of receiving Federal Transit Administration Section 5310 Program funds, RTC 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.

RTC, within its administration, planning, and technical assistance capacity, will also 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 RTC receives federal funding.

Title VI Programs

RTC complies with FTA's Title VI requirements in the following manner:

- i. Provision of an annual Title VI certification and assurance;
- ii. Documented Title VI complaint procedures;
- iii. Record keeping of all Title VI investigations, complaints and lawsuits;
- iv. Provision of meaningful access to persons with Limited English Proficiency;
- v. Notification to beneficiaries of protection under Title VI;
- vi. and
- vii. Submits a Title VI program to the FTA's regional civil rights officer once every three years.

Within each of these broad categories are specific requirements for survey and other data collection, analysis and information distribution that cover transportation programs, construction programs, transit service planning, operations and service/fare changes.

Section 504 and ADA Reporting

RTC is required to meet all applicable Section 504 and ADA rules and regulations with regard to its programs.

Program/Performance Measures

Annual Program of Projects Status Reports

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

Section 5310 Program Management

The Section 5310 program management will be completed by multiple facets of the Regional Transportation Commission. The Transportation Department will provide the program management and general review of projects. The Finance Department will provide overall program financial tracking, and complete draw downs. Additionally, the Finance Department will coordinate financial management, accounting systems, audits and management or financial reviews, the close out process, and required reporting.

Procurement

Vehicles will be procured through the RTC Procurement Department utilizing the State of Nevada contract/list of approved vendors.

Financial Management

RTC is responsible for managing all grants, contracts and interagency contracts to ensure expenditures comply with state and federal rules and regulations. Financial management responsibilities include: ensuring transactions are processed in a timely manner, that accounts are balanced and well documented; investigating and resolving accounting problems to ensure compliance with state and federal rules and regulations; managing the documentation entered into RTC's database relative to individual grants, contracts or interagency agreements; submitting quarterly federal financial reports; and rectifying and closing out FTA grants upon project completion. All systems and procedures for financial management are in compliance with 49 CFR 18.20, the "Common Rule."

Property/Equipment Management

RTC maintains a permanent vehicle record for each vehicle purchased with Section 5310 funds in its Fixed Asset System. RTC ensures that all equipment purchased with federal funds is used for the program or project for which it was acquired.

Vehicle Use

The grant contract for each vehicle funded by Section 5310 binds the RTC to use it exclusively for the provision of transportation services within the area described in the FTA grant application for the duration of its useful life. All incidental use of 5310 vehicles must be documented and all types of use must be in accordance with the 5310 federal circular 9070.1G.

Maintenance and Disposition

RTC must maintain assets according to the manufacturer's recommended maintenance schedule. For all vehicles, a comprehensive maintenance plan is required. This plan should include documented vehicle maintenance/accident repairs and ensure oversight for routine scheduled or non-scheduled maintenance activities. To ensure that vehicles are properly maintained, RTC reviews vehicle maintenance records/reports, and physically inspects vehicles on a routine basis with its contractors.

The RTC Finance Department will handle the disposition of all equipment following the disposition procedures established in part 18 of the common rule at 49 CFR 18.32(e).

Accounting Systems

RTC has an established set of accounts in which all transit related costs, revenues and operating sources are recorded and clearly identified, easily traced and substantially documented. All accounting practices applied and all records maintained must be in accordance with generally accepted accounting principles.

Audit and Closeout

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

Reporting Requirements

RTC is required to prepare and submit a variety of financial and program progress reports for each grant vehicle and/or for other projects. These will include a project narrative, local matching

sources used, number of passenger trips provided, vehicle miles traveled, and revenue service hours provided, if applicable. RTC tabulates and retains the reported information electronically.

Other Provisions

Compliance with Federal Requirements

RTC is required and abides by all applicable federal requirements as specified in 49 U.S.C. Section 5310, FTA Circulars C 9070.1G and 4702.1B found under (http://www.fta.dot.gov/legislation_law/12349.html), the most current FTA Master Agreement (<http://www.fta.dot.gov/grants/15072.html>), and the most current Certifications and Assurances for FTA Assistance Programs (<http://www.fta.dot.gov/grants/13071.html>).

Environmental Protection

RTC anticipates only funding projects with categorical exclusions under the National Environmental Protection Act (NEPA.) Therefore, there should be no further documentation necessary. However, should a project be approved that is subject to environmental regulations, RTC will ensure that all environmental requirements are met, and all necessary documentation is submitted.

Buy America Provisions

RTC is responsible for the procurement of vehicles under the Section 5310 grant program, therefore, compliance with Buy America is the responsibility of the RTC. Buy America Certification is required of all bidders.

Pre-Award and Post Delivery Review

Procurements for vehicles, other than sedans or unmodified vans, will be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases."

Restriction on Lobbying

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

Prohibition on Exclusive School Transportation

Title 49 U.S.C. 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation (49 CFR part 605) does permit regular service to be modified to accommodate school students along with the general public ("tripper service"). For the purpose of FTA's school bus regulation, Head Start is considered a social service, not a school program. Rules for the Head Start program limit the types of vehicles that may be used to transport children participating in a Head Start program.

Drug and Alcohol Testing Regulations

RTC and its contractors are subject to FTA's drug and alcohol testing rules, and must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver's licenses (49 CFR part 382). RTC as the Section 5310 designated recipient also receives funding under one or more of the covered FTA programs (Section 5307, 5309, or 5311) and requires its contractors to include any employees funded under Section 5310 to be included in their drug and alcohol testing program.

Program Management Plan Updates

The PMP is a living document. It will be updated as required to incorporate any expansions and enhancements of the 5310 program, as well as any revisions to the program's management, requirements or guidelines. It will also be updated per the request of the FTA or based on significant input submitted from the general public. All significant changes to the PMP will require FTA approval. At minimum, the PMP will be updated every three to four years.

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