

# North Dakota Department of Transportation

## State Management Plan

### For

## Public Transportation

**Updated as of February 2021**

Prepared by

North Dakota Department of Transportation

Local Government Division, Transit Section

**In Cooperation with**

The U.S. Department of Transportation

Federal Transit Administration



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## **Exhibits**

- Exhibit A: Transit Glossary
- Exhibit B: NDDOT Transit Grant Application Guidelines
- Exhibit C: ITS Project Architecture Checklist Systems Engineering Compliance
- Exhibit D: Consultant Administration Services Procedure Manual
- Exhibit E: FTA Region 8 CE Worksheet Oct 2020
- Exhibit F: FTA R8 CE Worksheet Instructions Oct 2020
- Exhibit G: Release of Continuing Control
- Exhibit H: Alternate Procurement Request
- Exhibit I: Special Provision Certified Payroll
- Exhibit J: Period of Performance Contract Extension Request
- Exhibit K: NDDOT Internal Control Questionnaire
- Exhibit L: 2021 Transit Title VI Compliance Review Form
- Exhibit M: Vehicle Inspection Sheet
- Exhibit N: Equipment Inspection Sheet
- Exhibit O: Facility Inspection Sheet
- Exhibit P: 5310 Compliance Review Form

Exhibit Q: 5310, 5311, 5339 & State Aid Compliance Review Form

Exhibit R: Vehicle, Equipment, Facility Inspection Questionnaire

Exhibit S: State Lobbying Certification

## **EXECUTIVE SUMMARY**

The North Dakota State Management Plan for Public Transportation (SMP) is a document which describes the state policies and procedures for administering the Federal Transit Administration's (FTA) federal funds and North Dakota Department of Transportation (NDDOT) state funds. The NDDOT is the state agency designated to administer these funds and follow an FTA approved State Management Plan.

The SMP primary purpose is to serve as the basis for NDDOT to manage the state and federal funding programs.

The SMP is divided into several areas outlining, program goals and objectives, program overview, Financial Management and Civil Rights requirements. Other topics based on specific program areas include, Maintenance, Drug and Alcohol, Transit Asset Management, Safety, School Bus, Charter, and Procurement.

The SMP explains in detail the various transit funding programs available in North Dakota and serves as an information source for disseminating transit information to the general public and other interested parties.

The NDDOT provides technical capacity and training to subrecipients in all program areas. This is accomplished through transit meetings, oversight compliance reviews, vehicle and facility inspections, and webinars.

The distribution of funds and annual program development is managed by NDDOT and requires specific criteria be met in order to receive federal funding. These sections explain the program differences and informs the subrecipients about the process to apply for a specific program.

For the NDDOT to receive any transit funding through FTA, NDDOT must comply with the federal requirements in the compliances and assurances of FTA's Master Agreement, FTA MA (26) October 1, 2019. Those requirements are passed through the grant process to the subrecipients. For NDDOT to award any federal funding to a subrecipient they must certify they comply with these requirements by completing the annual certifications and assurances through the BlackCat system.

The SMP serves as a guidance tool for federal and state government and all the subrecipients. The SMP is submitted electronically to FTA Region 8 for approval. This approved plan will remain valid until FTA approves a later plan, or if a State Management Review results in revisions, or FTA announces significant new program changes. When significant changes are made to the SMP, the NDDOT allows FTA, all subrecipients, third-

party contractors, and the general public to provide comments. If the changes are substantive, but deemed to not be pervasive, the state will submit changes and additions to FTA in a document that outlines each change by page and this document is then incorporated into the current SMP. Any minor changes and technical corrections will be submitted to FTA to update the approved plan, without the need for additional FTA approval. The NDDOT will reexamine the SMP to make sure it reflects current requirements of this FTA Circular 9040.1G and revise as necessary. The NDDOT will submit a complete electronic copy of the current SMP to FTA Region 8.

## **INTRODUCTION**

The FTA requires each state that receives and administers federal funding under Section 5311, Formula Grants for Rural Areas, Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities, and Section 5339, Grants for Buses and Bus Facilities Program, to have an approved SMP on file with their regional FTA office.

This SMP for Public Transportation explains the policies and procedures used by the NDDOT in administering the various federal and state transit program funds available for supporting and improving public transit services in North Dakota.

It should be noted that the state transit program guidelines and regulations contained herein closely parallel the FTA program guidelines and regulations with some variations to provide for state policies and procedures pursuant to North Dakota transit goals and objectives. State requirements in the SMP may be more restrictive, but not less restrictive than Federal requirements. FTA regulations can be found at FTA's website at [www.transit.dot.gov](http://www.transit.dot.gov). For more specific information click on "Regulations and Guidance" or "Funding."

Re-evaluation of policies will be considered on an ongoing basis. If there are comments or a request for revision, please forward it to the NDDOT transit staff. The SMP is intended to facilitate both state management and FTA oversight by documenting the state's procedures and policies for administering these programs in a single reference.

See Exhibit A for Transit Glossary.

## **PROGRAM GOALS**

The goal of the state transit programs (both federal and state funding programs) is to provide a safe, efficient, environmentally sound, and fiscally responsible transportation system that promotes economic growth and enhances the quality of life in North Dakota. By increasing



the mobility of transportation for disadvantaged persons and the general population in all areas and localities of North Dakota, access to health care, shopping, education, recreation, public services and employment is increased. This will be accomplished by establishing and supporting public and special needs transportation systems wherever needed and appropriate throughout the state.

## **PROGRAM OBJECTIVES**

The NDDOT objectives are consistent with the FTA program goals. The FTA program goals, and objectives of the individual programs are to continue growth in all areas of North Dakota by utilizing the available federal and state funding programs to:

- Provide operating funds to support and maintain existing transit services and also assist in establishing new services, so that transportation for disadvantaged persons and the general population in all areas of the state will have access to at least a minimum level of public or special needs transportation services;
- Provide capital funds to the existing public and special needs transportation systems to purchase or rehab their vehicles and related transit equipment to ensure the continued viability of these systems and the transit services they provide;
- Provide grant funds to maintain and promote coordination of transportation systems and services in the state;
- Provide technical capacity to existing, special needs and new public transportation systems to increase the effectiveness and efficiency of their transit services;
- Work with all state agencies involved in providing transportation services to coordinate state and federal transportation programs.

## **ROLES AND RESPONSIBILITIES**

In 1975, when the first annual apportionment of federal transit funds became available to the state of North Dakota under the FTA Section 5310 Program (Transportation Assistance for the elderly persons and persons with disabilities), the Governor designated the NDDOT to administer all other federal transit programs in North Dakota funded under the Urban Mass Transportation Assistance Act of 1964, as amended. Reaffirmation of this designation for the Section 5310 program was made on January 28, 1985.

In 1979, when the Section 5311 Rural Transit Assistance Program was implemented by FTA, the Governor once again designated the NDDOT to administer this program. The

designation of Rural Transit Assistance Program was dated January 5, 1979. Documentation of these designations is on file with the FTA Region VIII office.

Specifically, the NDDOT Transit Section is responsible for:

- Developing all administrative procedures, processing all financial documents for reimbursement of operative deficits and maintaining local financial accountability through standard audit practices;
- Monitoring the expenditures of funds for all contracts that have been awarded to the providers;
- Managing subrecipient selection process, notifying eligible subrecipients of the availability of programs, developing selection criteria, soliciting applications, reviewing and recommending projects for approval by NDDOT Management as part of a committee;
- Managing grant agreements, amending grant agreements, developing and executing grant agreements with eligible subrecipients;
- Managing data, collecting financial reports, operating statistics and vehicle data, maintaining databases, monitoring and evaluating transit system performance;
- Managing federal grants, program of projects, reporting and grant closeouts;
- Monitoring subrecipient compliance with federal and state requirements;
- Engaging in planning and research activities, transit plans and studies;
- Providing technical assistance, training and workshops for subrecipients;
- Submitting an annual report to the National Transit Database that contains the information required to be stated in all Section 5311 transit programs in North Dakota;
- Submitting a Federal Financial Report, final budget and final Program of Projects through the TrAMS system, within 30 days of final expenditure of all funds in a federal grant;
- Submitting an annual Drug and Alcohol Testing MIS data report;
- Oversight compliance reviews and site visits (facility and vehicle inspections) to those subrecipients in North Dakota that receive FTA and state funding for their programs.
- Submitting an annual 5310 report
- Submitting the biannual Disadvantaged Business Enterprise (DBE) reports.

Other divisions/agencies who assist the Transit Section:

- Finance Division – assists in grant management, subrecipient requested payments, ECHO draws, Milestone Progress Report (MPR's), Federal Financial Reports (FFR's), etc.;

- Civil Rights Division – assists with Title VI, Limited English Proficiency (LEP), Disadvantaged Business Enterprise (DBE), Americans with Disabilities Act (ADA) Equal Employment Opportunity (EEO), and Labor Compliance;
- Communication Division– assists with press releases, advertisement, and other public communications;
- Programming Division – assists with STIP;
- NDDOT District Offices – assist with facility site visits, project meetings, construction reports, change orders, labor compliance, and payroll review during construction as needed;
- Legal Division – assists with contracts and TrAMs Certification & Assurances;
- Information Technology – assists with BlackCat Transit Data Management System, Contract Management, ESRI Survey 123, and Website;
- State Procurement Office – assists with bidding and awarding State Bids for vehicles, services, and consultants; and
- ND Department of Human Services - Aging Services, Department of Human Services – Medical Services, ND Department of Housing and Finance, and ND Veterans Affairs – assist with grant applications reviews.

## **NORTH DAKOTA STATE AID FOR PUBLIC TRANSIT PROGRAM**

State funding is provided to NDDOT for administration of the Public Transportation Fund 39-04.2-02. The Director of the NDDOT administers these funds and distributes funding to qualifying public transportation providers based on 39-04.2-04 Distribution of funds – Continuing appropriation.

1. Moneys in the public transportation fund must be disbursed under guidelines issued by the director. The funds must be used by transportation providers to establish and maintain public transportation, especially for the elderly and handicapped, and may be used to contract to provide public transportation, as matching funds to procure money from other sources for public transportation and for other expenditures authorized by the director. Moneys in the public transportation fund are appropriated to the Department of Transportation on a continuing basis for distributions authorized under this section.
2. Each county shall receive a base amount of four-tenths of one percent of the appropriation for the program plus one dollar and fifty cents per capita of population in the county, based upon the latest regular or special official federal census. Each year the director shall increase or decrease the one dollar and fifty cents per capita

amount in order to distribute all funds appropriated for the biennium. If there are multiple transportation providers in one county, then the base amount must be divided equally among the providers and the additional per capita amount must be based upon the percentage of elderly and handicapped ridership provided by each transportation provider within the county. Funds not expended by a county during a contract period, or previous contract periods, may be redistributed under guidelines established by the director. In addition, unexpended funds may also be used by the director for transit coordination purposes.

Recipients for State Aid funding must comply with the same regulations as required for Section 5311 funding. If a recipient is non-compliant with Federal Regulations both Federal and State funds may be withheld, and any new contracts will not be issued until the recipient is compliant.

## **PROGRAM OVERVIEW**

FTA funds may be used to reimburse subrecipients for expenses associated with public transportation capital projects as well as the costs of operating a transit service. The statutory definition (49 U.S.C. § 5302) of public transportation is “regular, continuing shared-ride surface transportation services that are open to the general public or a segment of the general public defined by age, disability or low-income.”

## **FTA SECTIONS 5303 and 5304 – STATEWIDE PLANNING AND METROPOLITAN PLANNING**

Sections 5303 Metropolitan Planning and 5304 Statewide Planning Funds and Research grant funds are provided to the small urbanized areas of the state for various transit related planning activities.

Section 5304 is a companion program to the Section 5303 program and provides an annual apportionment of federal transit planning funds to North Dakota for a variety of statewide planning activities. The state can use these funds for a variety of transit related purposes such as planning, technical studies and assistance, demonstrations, management training and cooperative research. Currently, these funds are combined with the Section 5303 funds and disbursed to the urbanized areas in the state for metropolitan planning activities.

Funding for rural transit studies is generally funded with Federal Highway Administration (FHWA) State Planning and Research funds (SPR). Requests for planning needs can be made to the NDDOT, Local Government Division at any time.

Section 5304 funds shifted to the metropolitan areas are rolled into the Consolidated Planning Grant (CPG). The combining of FTA and FHWA planning funds allows flexibility in transportation, urban street and highway planning activities. Budget tracking and cost billing are also greatly simplified. Section 5304 and Section 5303 funds are distributed to the three Metropolitan Planning Organizations (MPOs), Fargo/Moorhead, Grand Forks/East Grand Forks, and Bismarck/Mandan, by means of a distribution formula developed by the MPOs.

Two of North Dakota's urbanized areas (Fargo/Moorhead, and Grand Forks/East Grand Forks) are located at the North Dakota state line with Minnesota and have neighboring state line cities of Moorhead, Minnesota and East Grand Forks, Minnesota respectively.

Minnesota planning funds are allocated annually to these two Minnesota cities by FTA and FHWA are also pooled into the CPG to facilitate administration of these funds to these bi-state urbanized areas. The NDDOT is the lead agency and administers the combined CPG funds for both bi-state urbanized areas.

The MPO submits invoices for reimbursement monthly to NDDOT, Local Government Division.

Eligible Recipients: States and Metropolitan Planning Organizations

## **FTA SECTION 5307 – URBANIZED AREA FORMULA PROGRAM**

The section 5307 Urbanized Area Formula Program was initiated by the Congressional passage of the 1974 Urban Mass Transportation Administration (UMTA) Act and subsequent federal transit legislation. This program provides federal funds to the Governors for transit capital, operating and planning assistance to urbanized areas having populations between 50,000 and 200,000 as designated by the U.S. Department of Commerce, Bureau of the Census. This program provides an annual apportionment of federal transit funds for North Dakota to support and improve public transit services in urbanized areas. The funds (which can be expended for capital, operating, administration and planning needs) are administered directly by FTA Region VIII and are made available to North Dakota's three urbanized areas of Bismarck/Mandan, Fargo/Moorhead and Grand Forks/East Grand Forks.

NDDOT provides limited oversight of this program. The Department has the option of moving or reassigning the program funds among the three urbanized areas, as well as between the

other FTA transit programs. The funds lapse four years after the time of apportionment if not obligated by the urbanized areas within the time frame.

## **Metropolitan Area Participation**

Urban areas larger than 50,000 in population commonly form a MPO with Fargo/Moorhead, Bismarck/Mandan and Grand Forks/East Grand Forks fitting this designation. NDDOT has partnered with the MPOs through Memorandums of Understanding. The MPO is the lead agency in transportation planning for their respective area. The MPO solicits, reviews, and prioritizes transit projects in each area. Projects are then submitted to NDDOT.

Each MPO leads the coordination efforts in their area and all projects must be consistent with the MPOs Metropolitan Transportation Plan (MTP), included in their Transportation Improvement Program (TIP) and be contained within the locally derived Human Services Public Transportation Coordination Plan. The MPO also has private sector planning that must be followed within the MPO study area. Changes to each plan must be made through the appropriate process in each area.

Contact the MPO in your area for further details.

Bismarck/Mandan MPO	701-355-1840
Fargo/Moorhead Metro COG	701-232-3242
Grand Forks/East Grand Forks MPO	701-746-2660

Eligible Recipients: Funding is made available to designated recipients, which must be public bodies with the legal authority to receive and dispense federal funds. Governors, responsible local officials and publicly owned operators of transit services are required to designate a recipient to apply for, receive and dispense funds for urbanized areas pursuant to 49 U.S.C. 5307(a)(2). The Governor or Governor's designee is the designated recipient for urbanized areas between 50,000 and 200,000. Transportation service shall be for the general public. The geographical boundaries defined in the approved provider application will be the service area. This may include regular or periodic trips into a regional center or urbanized area. Trips into urbanized areas shall not be for the purpose of providing transportation services to persons within the urbanized area.

In order to be reimbursable, service must be open to the public. Service must be advertised as open to the public in all advertising, brochures, websites and posters.

## **FTA SECTION 5310 – ENHANCED MOBILITY OF SENIORS & INDIVIDUALS WITH DISABILITIES**

Section 5310 program funds may be used for capital and operating expenses in rural and urban areas to support transportation services and improve mobility for the special needs of older persons and persons with disabilities. At least 55 percent of the program funds must be used on capital or “traditional” projects as described in Circular 9070.1G, Chapter III.

Projects selected for funding under Section 5310 must be derived from a locally developed Coordinated Human Services Plan. These plans identify the transportation needs of persons with disabilities, older persons and people with low incomes and provide strategies for meeting these needs. These coordinated plans are approved by the NDDOT transit staff.

Following advertisement of funds to the public, applications for 5310 grant funds are accepted via the BlackCat electronic grant application system. Applications are reviewed by a committee comprised of NDDOT and non-NDDOT members. Following the review process, the committee makes recommendations for funding based on availability of funds as well as the justification, feasibility and sustainability of proposed projects. The committee then ranks the projects to ensure a fair and equitable process. Each project is reviewed, and a list is developed to show that at least 55 percent is awarded to traditional projects. Recommendations are then submitted for approval to the NDDOT executive management.

Match: The federal share of eligible capital costs may not exceed 85 percent, and 50 percent for operating assistance. The Federal share for capital costs may exceed 80 percent for certain projects related to the ADA, the Clean Air Act (CAA) with approval from FTA.

Section 5310 grant funding is available for the year in which it is appropriated plus an additional two years (for a total of three years).

NDDOT may apply on behalf of rural transit agencies or be awarded additional Section 5310 funds for rural transit agencies by FTA. The eligible federal share may change based on the application criteria.

Examples of traditional capital expenses include, but are not limited to:

- Rolling stock and related activities for Section 5310 funded vehicles
  - Acquisition of expansion or replacement buses, cutaways and vans, and related procurement, testing, inspection, and acceptance costs;
  - Vehicle rehabilitation or overhaul;
  - Preventive maintenance;
  - Radios, tablets and communication equipment;
  - Wheelchair lifts, ramps, and securement devices;

- Passenger Facilities related to Section 5310 funded vehicles
  - Purchase and installation of benches, shelters, and other passenger amenities
- Support facilities and equipment for Section 5310 funded vehicles
  - Extended warranties that do not exceed the industry standard;
  - Computer hardware and software;
  - Transit related intelligent transportation systems (ITS);
  - Dispatch systems; and
  - Fare collection systems.
- Acquisition of transportation services under a contract, lease, or other arrangement;
- Mobility management and coordination programs.

Examples of nontraditional capital expenses include:

- Public transportation projects planned, designed and carried out to meet the special needs of senior and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- Public transportation projects that exceed the requirements of ADA;
  - Enhancing paratransit service beyond minimum requirements of the ADA;
  - Feeder services
- Public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on ADA complementary paratransit service;
- Travel training;
- Supporting the administration and expense related to voucher programs for transportation services offered by human service providers;
- Supporting volunteer driver programs;
- Making accessibility improvements
  - Building an accessible path to a bus stop, including curb-cuts, sidewalks, accessible pedestrian signals or other accessible features;
  - Adding an elevator, ramps, detectable warnings, or other accessibility improvements;
  - Improving signage or way finding technology; or
  - Implementing of other technology improvements that enhance accessibility for people with disabilities including ITS
- Incremental cost of providing same day service or door-to-door service;
- Purchasing vehicles to support new accessible taxi, rides sharing and/or vanpooling programs

**Eligible subrecipients:** States and designated recipients are direct recipients; eligible subrecipients include private nonprofit organizations, states or local government authorities, tribal, or operators of public transportation.



## **Coordinated Human Service Plan**

Projects under Section 5310 must be derived from a locally developed and coordinated public transit human services transportation plan for all FTA programs on behalf of underserved populations; Seniors, and Persons with Disabilities (Section 5310). The program aims to improve transportation services for persons with disabilities, older adults and individuals with low incomes. The provisions ensure that communities coordinate transportation resources provided through multiple Federal programs.

Four (4) Main Points of a Plan:

- An assessment of available services that identifies current transportation providers;
- An assessment of transportation needs of individuals to be served with the funding sought, that is, persons with disabilities, older persons and people with low incomes;
- Strategies, activities and/or projects to address the identified gaps between current services and needs, as well as opportunities to improve efficiencies in service delivery; and
- Priorities for implementation based on resources (from multiple program sources), time and feasibility for implementing specific strategies and/or activities.

Subrecipients must involve the public in the development of a Coordinated Human Service Transportation Plan by following the process established in their Title VI Public Participation Plan. Outreach must be performed to include all stakeholders such as local officials, community-based organizations, human service agencies, public transit providers, transit users, and state and local transportation planning agencies, as well as older persons, persons with disabilities and persons of low income.

Interagency coordination is accomplished with regular meetings with the Department of Human Services - Aging Services, Department of Human Services – Medical Services, Veterans Services and like agencies. Continual communication with these agencies, subrecipients, and any other comments received by the NDDOT are actively pursued. Subrecipients actively communicate with the Human Services agencies in their area to ensure service to those in need.

## **Section 5310 Program Measures**

NDDOT uses subrecipient applications (including budgets), quarterly and annual reports to monitor and evaluate performance. Annual reports indicate – on a fleet aggregated basis,

number of one-way trips, number of eligible riders in the awardee's service area and county(s) served.

The federal program year is October 1<sup>st</sup>- September 31<sup>st</sup>.

The two measures established for the Section 5310 (per FTA C 9070.1G page II-2), program are:

- Gaps in Service Filled. Provisions of transportation options that would not otherwise be available for older persons and persons with disabilities. Measured in numbers of older persons and persons with disabilities afforded mobility they would not have without program support;
- Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for persons with disabilities and older persons on Section 5310 – supported vehicles and services and number of rides provided during the lifetime of all 5310 vehicles currently in service.

Transit staff use these reports to perform operational management over subrecipients and to satisfy federal reporting requirements.

## **FTA SECTION 5311 – RURAL AND SMALL URBAN AREAS**

Section 5311 provides an annual apportionment of federal transit funds to North Dakota to support and improve public transit service in the rural areas (areas and localities under 50,000 in population). The funds may be used for capital, operating and administrative assistance to local public bodies, Native American tribes, nonprofit organizations, and operators of public transportation services or intercity bus service. Section 5311 funds are administered by NDDOT and are used to support public transit in the small cities and rural areas of the state. Funds are apportioned to North Dakota based on a formula that includes land area, population, revenue vehicle miles, and low-income individuals in rural areas.

Match: The federal share may not exceed 80 percent for capital and administration projects and 50 percent for operating assistance. The federal share for emergency funds or CARES Act funds is subject to change and may be available at a 100% federal share for eligible expenses.

Section 5311 grant funding is available for the year in which it is appropriated plus an additional two years (for a total of three years).

Operating Expenses are considered those costs directly related to system operations. At a minimum, the following items must be considered operating expenses:

- Fuel/oil;
- Drivers' and maintenance salaries and fringe benefits;
- Dispatcher salaries and fringe benefits;
- Telecommunications;
- Software & Computer
- Utilities;
- Licenses and fees;
- Preventive maintenance, repairs and parts; and
- Training and Development

Net operating expenses are those expenses that remain after farebox revenue is subtracted from eligible operating expenses. Fare box revenues do not include payments made directly to the transit provider by human service agencies.

A cost allocation plan is submitted and approved before indirect costs can be reimbursed. This plan can be one prepared for a different federal agency or one prepared for the FTA program. (2 CFR Part 1201, FTA C 6100.1E Page V-4, are references that may be used in preparing the cost allocation plan.)

Administrative Expenses are those eligible project administrative expenses including general administrative expenses such as:

- Salaries and fringe benefits of the director, secretary and bookkeeper;
- Audit expenses;
- Advertising/marketing;
- Office Supplies;
- Legal;
- Travel;
- Facilities and equipment rent;
- Insurance; and
- Drug & Alcohol Testing.

Capital Assistance spent on Operation are those eligible project expenses that are the same as those listed under the Section 5310 program, with the addition of these capital items such as:

- Major vehicle repairs or parts generally greater than \$500 and less than \$5,000;
- Communication equipment;

- Office furniture; and
- Computer equipment.

The above list is by no means comprehensive as additional small capital items are also eligible.

Vehicle Maintenance performed to maintain day-to-day operation of a vehicle, or maintenance that occurs more than once during the useful life of the vehicle should be claimed as 5311 Vehicle Maintenance costs under Operating 50/50 expenses. Whereas major and extraordinary repairs that benefit more than one-year, occur once or rarely may be claimed as Capital Maintenance under Capital Assistance spent on Operation 80/20 expenses.

The expenses listed below are considered unallowable costs and cannot be reimbursed with federal or state funding:

- Food/Beverages;
- Memorials/flowers;
- Gifts;
- Promotional items, memorabilia, souvenirs;
- Entertainment (social activities, tickets to shows or sporting events, etc., meals, lodging, rentals, transportation and gratuities);
- Costs of advertising and public relations designed solely to promote the non-profit organization;
- Travel costs - airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines. Some exceptions may apply, contact NDDOT for approval;
- Costs of meetings, conventions, or other events related to other activities of the non-profit organization including;
  - Costs of displays, demonstrations, and exhibits;
  - Costs of meeting rooms, hospitably suites, and other special facilities;
  - Salaries and wages of employees engaged in setting up and displaying exhibit;

The above list is by no means comprehensive as additional expenses may not be eligible. Please contact the Transit Section or refer to the 2CFR part 230 if you have any questions about expenses eligible for reimbursement.

State Administration is available to the state for use in transit administration such as consultant services.

Eligible Recipients: Funding is made available to state or local government authorities, nonprofit organizations, federally recognized Indian Tribes and operators of public transportation or intercity bus service.

NDDOT may apply on behalf of intercity bus service or be awarded additional Section 5311(b) funds for intercity bus service by FTA. The eligible federal share may change based on the application criteria.

Tribal governments who choose to have 5311 funding administered through the state follow the same procedures as all other 5311 applicants. Currently, all tribal governments who receive 5311 funding do so as subrecipients of NDDOT. Those who might choose to become direct recipients to FTA would be provided equivalent technical assistance upon request.

Private operators, both for-profit and non-profit, are involved in public transit in several ways:

- When a subrecipient chooses to engage a third-party operator to provide public transit service and there is full and open competition. The qualified private bidder is chosen, and a contract is executed;
- Private operators can participate on local transit advisory committees;
- The private sector is encouraged to participate in other NDDOT efforts (e.g., statewide plans, local transit development plans and technical assistance to subrecipients).

### **FTA Section 5311(b) – Rural Transit Assistance Program (RTAP)**

Section 5311(b) (3) RTAP is administered in conjunction with the Section 5311 program. It was established under the Federal Mass Transportation Act of 1987. RTAP provides an annual apportionment of federal funds to the state for transit training, technical assistance and other support activities to enhance transit operations and services in the state's rural areas. These are 100% federal funds with no local match required.

Any subrecipients receiving 5311 funds or 5310 funds for mobility management are eligible to request RTAP funds.

Requests for out-of-state travel must be pre-approved by the transit staff and include projected expenses of transportation, lodging, and subsistence as well as an agenda for the conference or training. Claims for RTAP will be reimbursed at approved GSA rates and cannot exceed the most economical means of travel.

RTAP funds may be used to support transit activities in the following categories:

- National, regional and state conferences and workshops;
- Technical assistance;

- Training;
- Research;
- Related support services;
- Purchase of equipment to support any of the above activities.

### **FTA Section 5311(f) – Intercity Bus Program**

NDDOT administers 5311(f) program funds in accordance with the Federal Intercity Bus Program. NDDOT may contract with private, tribal, or non-profit providers of intercity bus service to support intercity bus service routes. Intercity bus service is defined as, “regularly scheduled public bus services that operates with limited stops between two urbanized areas or connects rural areas to an urbanized area.”

If NDDOT does not expect to meet the FTA requirement that 15 percent of the annual 5311 apportionment will be used for intercity bus service, outreach will be performed to ensure that all intercity bus needs are met.

- NDDOT reviews the current program, funding and services annually.
- Service is requested through a grant application process with the intent of funding projects that meet the following objectives:
  - The service has meaningful intermodal connections;
  - The service project improves connectivity to or between major metropolitan areas that currently lack convenient or direct intercity bus service;
  - The contractor demonstrates that they have the technical capacity, financial stability, marketing plan and requisite experience to be recipients of federal funds.
- The NDDOT would perform outreach to identify possible intercity providers and look for feedback to meet the program requirements.
- The Transit Section discusses the intercity bus program with providers at the transit meetings and encourages the implementation of feeder services.
- The Transit Section attends national conferences and networks with intercity bus providers and other state partners, when funding is available.

The reporting of financial information and reimbursement for services will be performed on a quarterly basis using the same provider controls and procedures as the 5311 program. The NDDOT may perform virtual compliance reviews of intercity bus operators and request inspection and maintenance reports on assets purchased or renovated or rehabilitated with NDDOT federal funds.

## **Services and Service Area**

Public transportation services to be provided under the 5311 funding program shall be available to all persons within the service area. The transportation service may either be provided by the applicant, by a private-non-profit provider or private-for-profit provider under contract to the applicant.

## **National Transit Database**

Section 5311 subrecipients are required to report revenues, expenses, revenue hours, revenue miles, ridership, and safety data each quarter. As required by 49 CFR Part 630, National Transit Database (NTD) mandated reports are comprised of all data gathered based on the State of North Dakota fiscal year which runs from July 1 through June 30. NDDOT reports the data on behalf of its rural subrecipients. Reduced reporting is submitted for Intercity and Tribal subrecipients. Urban agencies report their data directly to the NTD.

## **FTA SECTION 5339 – BUS AND BUS FACILITIES**

Section 5339 is a program used to provide capital assistance for new and replacement buses, related equipment and facilities. Federal funds under this program are annually apportioned to the states. The program funding under the Capital Investment Grant (49 U.S.C. 5339) is provided through formula allocations and a competitive grant application through the BlackCat Transit Data Management System.

Match: The federal share of eligible capital costs is 80 - 85 percent of the net capital project cost although the Federal share may exceed 80 percent for certain projects related to the ADA, the Clean Air Act (CAA) with approval from FTA.

Section 5339 grant funding is available for the year in which it is appropriated plus an additional two years (for a total of three years).

Section 5339 program funds may be used for capital projects in both rural and urban areas of the state. Examples of capital expenses include but are not limited to:

- Acquisition of vehicles for fleet and service expansion;
- Rehabilitation of buses (requires bus to be kept in service for 24 additional months beyond renovation date);
- Construction and renovation of bus maintenance and administrative facilities;
- Transfer facilities, transportation centers, intermodal terminals and park-and-ride stations;

- Purchase of replacement vehicles, and vehicle rebuilds
- Purchase of passenger amenities such as passenger shelters and bus stop signs;
- Purchase and installation of electronic ticketing machines; and
- Purchase of accessories and miscellaneous equipment such as mobile radio units, fare boxes, computers, bus wash systems, shop and garage equipment.

Eligible Recipients: Funding is made available to recipients that receive grant funding under formula or discretionary programs and are public agencies or private nonprofit organizations engaged in public transportation.

NDDOT sends a written request to FTA for approval to reallocate the Section 5339 small urban program formula apportionment funds. The 5339 formula funds will be awarded to small urban providers based on the amount of funds requested for projects each year.

NDDOT applies for Section 5339(b) discretionary funds on behalf of rural and intercity transit program when the funds are made available by FTA. The eligible federal share may change based on the application criteria.

## **LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS**

The applicant will provide the required local matching share for capital and operating assistance projects. The local matching share shall be cash from sources other than the U.S. Department of Transportation funds. All subrecipients must provide proof that local match funds are from an eligible source and are not being obligated in another way. A certification of local match form accompanies each transit contract with federal funds.

The matching share for project administration, capital and operating costs may be from a source that includes state, local government, unrestricted federal or private funds. Matching funds for operating projects require a local share of 50 percent of the cost of the project. Matching funds for administrative and capital projects require a local share of 15 – 20 percent of the cost of the project.

RTAP projects approved by the NDDOT do not require matching funds.

Applicants eligible for public transportation assistance may receive state funds to be used as match for federal funds at the allowable split.

Applicants not eligible to receive state funds may provide the local match with a combination of unrestricted federal funds and local cash funds. Examples of local match that may be



used for the local share include local appropriations, other non-federal DOT funds, dedicated tax revenues, private donations, revenue from human service contracts and the income generated from other directly generated funds such as advertising, fundraising, and donations.

Note: The following sources may NOT be included in local match funds:

- Federal USDOT funding;
- Farebox revenue; and
- Other restricted Federal funds

## **METHOD FOR DISTRIBUTING FUNDS AND PROJECT EVALUATION CRITERIA**

### **Program Year**

The program year for Section 5310, 5311, 5339 and State Aid funding is the North Dakota state fiscal year (July 1 to June 30). The grant funds are available to the local subrecipients from July 1st of the current year until June 30th of the following year. All grant applications are due by December 31 of each calendar year, beginning in 2020.

NDDOT applies for discretionary funds on behalf of rural and intercity transit program when the funds are made available by FTA.

Section 5310 includes capital and operating funding, Section 5339 is capital funding only, and Section 5311 includes capital, operating and administration funding.

### **Application Review and Approval Schedule**

The NDDOT will publish a notice in the three major newspapers serving the state and proposed service area describing the project and solicit interest from private parties to provide the service including submittal dates, times and contact information. The notice must provide 30 days for response and provide a published affidavit with its grant package for review to FTA. The notice is also available on the NDDOT transit webpage, as a NDDOT press release, emailed to all current transit agencies, and all area publications. If public hearings are held, they must take place in an accessible location and outreach to limited English speaking, minority, and low-income populations will be performed.

The general application review and approval schedule for applications are approximately:

- December – Receipt of all applications;
- January/February – Proposal reviewed by NDDOT’s grant committee;
- February/March – Grant committee recommendations are submitted to Director of Office of Transportation Programs for review and approved by Deputy Director, and Director; and
- April/May – contract preparation and notification. This is subject to availability of federal funds.

Annual applications are then reviewed by the NDDOT grant review committee. The committee reviews eligible applications with consideration given to the amount of funding available, justification of the requested project, documented local match, and the amount of requests received. Penalties may apply to late or incomplete applications. Final funding decision amounts are made at the discretion of the NDDOT Director.

The grant review committee is made up of 3 NDDOT employees and 4 non-NDDOT employees. The non-NDDOT committee members will be solicited from Department of Human Services - Aging Services, Department of Human Services – Medical Services, Housing and Finance Agency, and North Dakota Veteran’s Affairs, asking them to appoint a committee member to represent their agencies’ interest in transportation. The non-NDDOT committee members will serve a 3-year term.

Additional applications may be available throughout the year based on award of competitive funding, federal or state emergency funding, or other available funds. The application review process will remain the same.

All applications for Transit funding will be administered through the NDDOT’s BlackCat Transit Data Management System. Subrecipients currently receiving transit funds from NDDOT grant programs should go directly into the BlackCat system and complete their applications. Any new agency applying for funding should review the program eligibility information outlined in the NDDOT Transit Grant Application Guidelines, available on the transit website <https://www.dot.nd.gov/divisions/localgov/transit.htm>. See Exhibit B: NDDOT Transit Grant Application Guidelines.

### **Section 5310 Application**

Section 5310 is a program that funds projects that are included in a locally developed, coordinated public transit-human services transportation plan. At least 55 percent of the program funds must be used on capital or “traditional” projects as described below and in Circular 9070.1G, Chapter III.

- Rolling Stock and Related Activities;

- Passenger Facilities (installation of benches, shelters and other passenger amenities);
- Support Facilities and Equipment (dispatch & fare collection systems, computer hardware & software, extended warranties, etc.);
- Leasing of equipment;
- Acquisition of transportation services under a contract, lease or other arrangement;
- Support for mobility management.

FTA requires that applicants afford private, for-profit, transit and paratransit operators a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of proposed transportation services. Accordingly, each applicant for Section 5310 funds must comply with this policy and document such efforts in its application.

Non-profit corporations are eligible applicants under 5310. All eligible applicants are invited to apply for Section 5310 funds and awards are made based on fair evaluation of project merits. Potential applicants are informed of program solicitations through both email notifications to past and current awardees and website postings.

Lists of private transportation providers are used to inform public agencies and non-profit organizations about the statewide coordination planning process.

Agencies or organizations seeking funding through their local public transportation agency must complete a preliminary assessment application for capital assistance. If such funds are awarded, funding will pass to the local subrecipient who will monitor the organization for required oversight.

Section 5310 – Seniors and Persons with Disabilities applications are evaluated based on these project criteria:

- Availability of funds;
- Qualifications of applicant;
- Service area;
- Cost estimate and local match availability;
- Identified needs to be addressed by the Capital request;
- Provide detailed project description and community benefits;
- Existing Public Transit services provided in the service area are identified;
- If requesting a replacement vehicle, must identify the vehicle to be replaced (to include age; mileage and condition);
- If requesting an expansion vehicle, must describe a need (to include: service to

- new area, additional days and hours and increased number of passengers) ;
- Current Vehicle Inventory Program;
- 3-5 Year Program Plan;
- Documentation showing Public Participation;
- Active and in good standings on SAM.gov;
- Completed the current FTA Certifications and Assurances;
- Update Agency Board Members and contact information;
- Update asset (vehicle/equipment/facility) inventory, such as vehicle mileage, asset condition, maintenance, etc.;
- Participation in a locally derived Coordinated Human Services Transportation Plan; and
- TAM and Current Maintenance Plan for vehicles, equipment and facilities.

The determination to fund a project for Mobility Management will be made by the Transit Grant Review Committee and approved by NDDOT Director based on these project criteria:

- Identify customer needs and gaps in service;
- Develop strategies to meet customer needs;
- Provide training to other staff and volunteers;
- Promote the use of innovative technologies (e.g. web-based information, email alerts, etc.), services and other methods to improve customer service and coordination; and
- Develop customer information and trip planning systems.

Equipment Projects – The NDDOT requires all Intelligent Transportation Systems (ITS) Projects, to submit a checklist for review and approval prior to approval of federal funds (23 CFR 940.13). The NDDOT ITS Project/Architecture Checklist Systems Engineering Compliance can be found in BlackCat Global Resources or on the NDDOT forms webpage under Intelligent Transportation Systems <https://www.dot.nd.gov/dotnet2/view/forms.aspx>. See Exhibit C: NDDOT ITS Project/Architecture Checklist Systems Engineering Compliance.

## **Section 5311 Application**

Section 5311 program provides capital, project administration and operating assistance to support public transportation in rural areas with a population less than 50,000.

Section 5311 Statewide Rural Public Transit applications are evaluated based on these project criteria:

- Availability of funds;
- Addresses public transportation service in the community or service area;

- Addresses service area expansion, fares increases, extended service hours;
- Identify services area needs and goals to meet those needs;
- Demonstrates that the applicant has participated in a public participation effort;
- Provides a balanced and feasible budget and include the availability and source of local match;
- Has met or exceeded compliance requirements in previous years;
- Current Cost Allocation Plan if applicable;
- 3-5 Year Program Plan;
- TAM Plan;
- Vehicle and Facility Maintenance Plans;
- Active and in good standings on SAM.gov;
- Completed the current FTA Certifications and Assurances;
- Update Agency Board Members and contact information;
- Update asset (vehicle/equipment/facility) inventory, such as vehicle mileage, asset condition, maintenance, etc.;
- The application describes community benefits resulting from the funding request; and
- The application indicates the prospective grantee is attempting to improve or maintain program efficiency and effectiveness.

Equipment Projects – The NDDOT requires all Intelligent Transportation Systems (ITS) Projects, to submit a checklist for review and approval prior to approval of federal funds (23 CFR 940.13). The NDDOT ITS Project/Architecture Checklist Systems Engineering Compliance can be found in BlackCat Global Resources or on the NDDOT forms webpage under Intelligent Transportation Systems <https://www.dot.nd.gov/dotnet2/view/forms.aspx> See Exhibit C: NDDOT ITS Project/Architecture Checklist Systems Engineering Compliance.

Distribution of Section 5311 funds shall be allocated on the following basis:

- Up to 10% of the total allocation may be used by the NDDOT Transit Section for program administration and technical assistance;
- Up to 10% of the funds may be retained for emergency purposes and contingencies;

The balance will be available to existing systems for operating, administration, and capital assistance purposes. The division of funds between operating, administration and capital purposes will be discretionary on a year-by-year basis. In general, emphasis will be given to operating assistance.

If necessary, preference in the allocation of funds shall be given to the transit provider that is best suited to serve areas which do not currently have access to public transportation, as well as to providers serving the needs of the general public, seniors and persons with disabilities. NDDOT historically does not allocate Section 5311 funding for construction, renovation or similar projects. It is the intent of NDDOT to fund operating, administration, Intercity, RTAP and capitalized maintenance in the 5311 program. It is the intent of NDDOT to fund vehicle, equipment and facility purchases with the 5339 and 5310 grants.

### **Section 5339 Application**

Section 5339 (Bus & Bus Facilities Program) is a capital only program, and funds are limited to capital projects to replace, rehabilitate and purchase buses and bus related equipment, and to construct bus related facilities.

Section 5339 Bus & Bus Facilities Program applications are evaluated based on these project criteria:

- Availability of funds;
- Addresses public transportation service in the community or service area;
- Addresses service area expansion, fares increases, extended service hours;
- Identify services area needs and goals to meet those needs;
- Demonstrates that the applicant has participated in a public participation effort;
- Provides a balanced and feasible budget and includes the availability, and source of local match;
- If requesting a replacement vehicle, must identify the vehicle to be replaced (to include age; mileage and condition);
- If requesting an expansion vehicle, must describe a need (to include: service to new area, additional days and hours and increased number of passengers) ;
- Has met or exceeded compliance requirements in previous years;
- Has submitted TAM and Maintenance Plans;
- Has submitted a 3-5 Year Program Plan;
- Active and in good standings on SAM.gov;
- Completed the current FTA Certifications and Assurances;
- Update Agency Board Members and contact information;
- Update asset (vehicle/equipment/facility) inventory, such as vehicle mileage, asset condition, maintenance, etc.;
- The application describes community benefits resulting from the funding request; and,
- The application indicates the prospective grantee is attempting to improve or maintain program efficiency and effectiveness.

Facility Projects - The NDDOT will approve projects to fund the construction of new or renovation/rehabilitation of a current facility to be used in providing public transportation services. The project must include an Equity Analysis and a completed Categorical Exclusion worksheet. NDDOT will require the hiring of an architect/engineering firm to design and manage the project. If hiring an architect/engineering firm, the process must follow the guidelines established in Exhibit D: NDDOT Consultant Administration Services Procedure (CAS) Manual and ND Century Code Chapter 54-44.7.

These facilities must meet the appropriate accessibility requirements under ADA standards 49 CFR Part 37. In addition, the NDDOT Transit Section will approve all procurement documents, project specifications, plans, State requirements, DBE Special Provisions, FTA clauses and documents included in the procurement. See Exhibit E: Region 8 CE Worksheet Oct 2020 and Exhibit F: FTA R8 CE Worksheet Instructions Oct 2020.

Equipment Projects – The NDDOT requires all Intelligent Transportation Systems (ITS) Projects, to submit a checklist for review and approval prior to approval of federal funds (23 CFR 940.13). The NDDOT ITS Project/Architecture Checklist Systems Engineering Compliance can be found in BlackCat Global Resources or on the NDDOT forms webpage under Intelligent Transportation Systems <https://www.dot.nd.gov/dotnet2/view/forms.aspx> See Exhibit C: NDDOT ITS Project/Architecture Checklist Systems Engineering Compliance.

## **PRIVATE SECTION PARTICIPATION**

It is NDDOT's policy when a newly proposed transportation service (or substantially altered service) is planned for an area that is presently served by an operator, the private operator will be contacted and encouraged to participate in providing the new service under a service agreement with the sponsoring non-profit transit agency or the government agency in the county or area that is a current grant recipient.

In the event of two existing providers, one private for-profit and one nonprofit organization; the private for-profit operator will be encouraged to participate in providing the new transportation service. In all cases, reasonable efforts will be made to minimize the adverse effects that government subsidized transportation projects may have on private transit operations.

In keeping with FTA's continued emphasis on participation of private, for-profit transportation providers in the planning and delivery of federally funded transit services (privatization), the NDDOT encourages joint participation with transit services. Coordination and consolidation in the state is requested if new eligible providers/applicants request funds. Before new funds

are approved, the new service must be administered through the existing funded subrecipient.

## **ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS**

The application submission and approval process for each of the grant programs results in approved subrecipient budgets and sub-grant agreements. This forms the basis for the program of projects.

An email announcing grant availability is sent to all current applicants as well as potential new applicants who have contacted NDDOT throughout the year. In addition, an advertisement is placed in the state's ten major newspapers disclosing the availability of funds.

Selected projects and corresponding award amounts are based on criteria for Sections 5310, 5311 and 5339 applications. Once the awards are determined, the details of each award are included in a program of projects that is submitted to the FTA as part of the TrAMS application process.

Further, the program of projects for each program is incorporated into the State Transportation Improvement Program (STIP). Any projects and awards that may take place within boundaries of a Metropolitan Planning Organization (MPO) are incorporated into their respective Transportation Improvement Programs (TIPs). TIPs are further incorporated into the STIP by reference. A completed STIP is available on the NDDOT website.

The NDDOT annual grant cycle requires completed applications to be returned to the NDDOT Transit Section no later than December 31st. The application is used for requesting federal operating, capital and administration assistance funds.

The review committee reviews, recommends and/or rejects applications and submits to DOT Executive Management in the BlackCat system.

After Executive Management has approved the review committee recommendations, the annual, Program of Projects (POP) is completed. The POP includes name of recipient, project description, total dollar amount of the project and the federal dollar share for both operating and capital assistance funds. The POP is then reviewed by the NDDOT transit staff. Upon agreement, the POP is uploaded into TrAMS and posted on the NDDOT Transit website.



## **ANNUAL STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)**

All subrecipients funded under the Sections 5310, 5311, 5339, and State Aid programs are included in the NDDOT's annual Statewide Transportation Improvement Program (STIP) found on the NDDOT website. <https://www.dot.nd.gov/dotnet2/view/publications.aspx>

All subrecipients funded with the Sections 5307, 5310 and 5339 programs in the state's three urbanized areas are included in the local metropolitan area Transportation Improvement Program (TIP) and these also become a part of the STIP by reference.

Sections 5303 and 5304 planning projects under any funding program can be, but are not required to be, listed in the local TIPs or STIP.

Any projects and awards that may take place within the boundaries of an MPO are incorporated into their respective Transportation Improvement Program (TIP), which are then incorporated into STIP by reference.

Any increase in funding during the program year must be included in the STIP by revision or amendment. Amendments in MPO areas may also need a TIP amendment. Contact the local MPO for policies and procedures for amendment.

### **Funds Transfer**

Although it is the intent that all funds remain in their original grants, NDDOT may transfer Section 5303, 5304, 5310, 5311, 5339 and FHWA flexible funds to other programs as specified in the respective FTA circulars of these programs. Notice or request of the transfers is forwarded to FTA.

## **TRANSIT ASSET MANAGEMENT**

### **Transit Asset Management (TAM) Plan**

Transit Asset Management (TAM) is the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation.

Every agency must develop a transit asset management (TAM) plan if it owns, operates, or manages capital assets used to provide public transportation and receives federal financial

assistance under 49 U.S.C. Chapter 53 as a recipient or subrecipient. Each transit provider must designate an Accountable Executive (49 CFR 625.5) to ensure appropriate resources for implementing the agency's TAM plan. A signed form indicating the agency's Account Executive must be uploaded into BlackCat Resources under the TAM folder.

All transit agencies in North Dakota are Tier II agencies so they may develop their own plans or participate in the NDDOT group TAM sponsor plan. A Tier II provider must provide written notification to NDDOT if it chooses to opt out of the state group TAM plan.

The TAM plan includes an inventory of capital assets, a condition assessment of the assets, a decision support tool, and a prioritization of investments. A copy of state's transit TAM plan can be found on the portal operator of the state's transit website and in BlackCat Resources.

TAM Plans adopted by the agency and approved by the governing board need to be distributed to appropriate personnel. TAM Plans need to be reviewed and updated every 4 years and submitted to NDDOT for approval. Plans will also be reviewed during oversight compliance reviews.

NDDOT is responsible for monitoring the use of FTA-funded vehicles and real property, such as land, facilities and equipment. Assets that are not maintained in a state of good repair present potential risks, including safety, service unavailability and high maintenance and repair costs. As such, NDDOT oversees all assets purchased and leased under NDDOT grant agreements. Asset oversight is provided through an asset inventory in the BlackCat Transit Data Management System, maintenance reviews through the Web-TAM system and on-site inspections.

Any programs or activities that receive federal transit funding must comply with asset management requirements. Any agency receiving federal dollars either directly from FTA, indirectly through NDDOT or both, must:

- Maintain a complete, updated, and accurate inventory list
- Track all federal assets from purchase to disposal
- Develop and implement a written maintenance plan

NDDOT will submit updated TAM targets into the National Transit Database (NTD) on an annual basis and will notify subrecipients of updates to the federal TAM requirements as listed on FTA's website.

## **Asset Inventory**

NDDOT requires subrecipients to maintain detailed inventory records in BlackCat of vehicles, facilities, and equipment purchased with FTA and state funds.

All subrecipients are required to annually update their asset inventory as a requirement in the grant application process. Replacement and expansion expenses are not eligible for reimbursement until such vehicles are added to the BlackCat Inventory listing and Web-TAM.

## **Condition Assessment**

During on-site inspections, assets are assigned a condition assessment from 1 (Poor) to 5 (Excellent) based on the inspection. These assessments are prepared through an iPad application developed by NDDOT IT Division. This data collected can be pulled in BlackCat and provides NDDOT with reports of asset's condition, years past Useful Life and Useful Life Benchmark, age of vehicles, etc. These reports are helpful in making decisions to prioritize replacement of assets.

## **Decision Making**

The Web-TAM is a RouteMatch/Uber system NDDOT utilizes to track and monitor that preventive maintenance is performed at regularly scheduled timelines according to manufacturer's recommendation. Maintenance performed on assets is entered by the transit operators and monitored by the NDDOT.

Each transit agency submits a 3-5 Year Plan of their operational and capital needs. This plan reviews their current economic situation and forecasts their future position based on current and expected expenses and revenues while taking into account any predicted trends in their local communities and the useful life of their current capital assets. This Plan is used in as part of the decision-making process to determine in what years transit agencies are predicting to replace, rehab, and purchase expansion and replacement assets.

## **Investment Prioritization**

In addition to BlackCat reports, inventory lists, condition assessments, other factors used in determining when setting state investment priorities include, but are not limited to, asset safety and accessibility, anticipated project funding including agency's ability to match federal funds, and grant committee recommendations.

## **Performance Measures and Targets**

Subrecipients will report performance measures by asset category; vehicles by age, equipment by age, and facilities by condition. NDDOT will annually report to FTA, via NTD, the subrecipient's percent of capital assets that have met or exceeded the subrecipient's established ULB.

### NDDOT's TAM Targets

- No more than 10% of rolling stock exceeds the ULB;
- No more than 10% of equipment exceeds ULB; and
- No facilities are rated under 3.0 on the conditions assessment scale 1-5.

## **Useful Life Benchmark**

Useful Life Benchmark (ULB), the expected lifecycle of the asset based on their acceptable period of use in services for a particular subrecipient's operating environment, considers a subrecipient's unique operating environment (geography, service frequency, passenger loads, etc.).

### Useful Life Benchmarks for state of North Dakota

Vehicle Type	FTA Default ULB (in years)	NDDOT Current ULB July 1, 2020	Useful Life (in years)
AO Automobile	8	7	4
BU Bus	14	14	10-12
CU Cutaway	10	8	5-7
MV Minivan	8	7	4
SUV Sport Utility vehicle	8	7	4
VN Van	8	7	4

## **MAINTENANCE**

Consistent with Federal requirements and the NDDOT subrecipient's agreement, each subrecipient must maintain its vehicles, facilities, and other substantial assets purchased with federal or state funds at optimal operating levels.

Subrecipients must maintain all federally funded property in good operating order and maintain ADA accessibility features. All maintenance performed on these assets must be

documented in the Web-TAM maintenance program and must be available for inspection by NDDOT, FTA staff, or their representatives.

Each subrecipient is responsible for ensuring that each asset is maintained in accordance with vehicle manufacturers' standards and any neglect or misuse of equipment will be the responsibility of the local organization.

All property purchased with FTA funds shall have a written maintenance policy.

### **Building Maintenance Requirements**

All buildings constructed or purchased with FTA grant funding must have and adhere to a written maintenance program and TAM plan. The goals and objectives of a maintenance program are to ensure that the facility is well-maintained, reducing the need for repairs that would be unnecessary if best practices for ongoing care and preventive maintenance had been accomplished on schedule.

In addition to standard building features, particular care is to be taken to ensure that accessible features of the facility are maintained in good working order. For example, ramps must be cleared and de-iced during the winter, automatic doors must operate properly, handrails must be firmly affixed, etc.

Facilities constructed, renovated or remodeled using Section 5339 or other federal grant funds are required to record and enforce warranty/recall claims for all components and equipment that are covered. This may include, but is not limited to, siding, HVAC components, flooring, windows, countertops, plumbing fixtures, bus storage bay doors, etc. It is the responsibility of the provider to contact NDDOT with all warranty/recall issues and how they are resolved on the NDDOT Warranty/Recall Tracking form. NDDOT will monitor warranty claims during oversight compliance reviews and on-site vehicle and facility inspections.

All systems such as, but not limited to, HVAC, roof, floor or plumbing shall be inspected according to manufacturer recommendations. ADA features must be maintained as recommended by the manufacturer. Building maintenance checklists must be posted in a conspicuous area of the building.

### **Equipment Maintenance Requirements**

Transit Agencies must maintain FTA-funded equipment at optimal operating levels. Transit Agencies must maintain equipment at a high level of cleanliness, safety, and maintained in good or better condition. Transit Agencies must track preventive maintenance activity

through the Web-TAM maintenance program, or another maintenance program approved by the NDDOT.

## **Vehicle Maintenance Requirements**

All vehicles purchased using federal grant funding must have and adhere to a written maintenance plan. Maintenance of ADA features must be included in the maintenance policy.

Transit Agencies must maintain FTA-funded rolling stock at optimal operating levels. Transit Agencies must track preventive maintenance activity through the Web-TAM maintenance program, or another maintenance program approved by the NDDOT. Transit Agencies must have a pre-trip or post-trip inspection program that addresses vehicle condition, appearance, cleanliness, and safety. Any deficiencies noted in a pre-trip inspection must be repaired in a timely manner.

During oversight reviews preventive maintenance will be reviewed in Web-TAM prior to the on-site visit. If determined that an agency is not meeting the preventive maintenance on-time standard of at least 80 percent of its scheduled preventive maintenance, the agency must provide a report documenting the dates and mileage between maintenance for three months. If a repeat deficiency occurs, the agency must submit the above information for 12 months to demonstrate they have conducted at least 80 percent of its preventive maintenance on-time for 12 consecutive months.

## **SATISFACTORY CONTINUING CONTROL**

Federal interest in real property exists until the property has less than \$5,000 value and is disposed of as stated in FTA C 5010.1E. The proceeds of real property received from disposal of property must be used to reduce the gross project cost of other future FTA eligible capital transit awards. These proceeds cannot retroactively be applied to an existing award or project unless the award is still open.

The NDDOT ensures effective inventory controls through the establishment of vehicle useful life standards, vehicle and facility inspections, and the BlackCat detailed asset inventory. This will ensure that FTA funded property will remain available and be used for its original authorized purpose throughout its useful life until disposition.

NDDOT will hold the title for all vehicles until federal interest in the vehicle has been exhausted, useful life of the vehicle has been met, and the asset value of the vehicle maintains a unit value under \$5,000.

NDDOT must be notified immediately of any vehicle, equipment or property whose purpose has changed from its original intended purpose. Insurance proceeds collected from vehicle damage will reduce the reimbursement allowable for repairs or a new vehicle. If insurance proceeds were collected and the repairs or replacement were not made, the amount must be subtracted (similar to fares) on the next request for operating reimbursement.

Approval from NDDOT and FTA staff is required for disposal of real property.

Capital items are funded to provide general public transportation service in a specific area. If a subrecipient becomes unable or unwilling to continue the service, any equipment with useful life reverts to NDDOT.

Subrecipients are permitted to use vehicles for administrative purposes under the following guidelines:

- Federally funded vehicles may be used for occasional travel of administrative staff trips where mileage would normally have been paid for the use of a personal vehicle. Travel to and from work is prohibited and/or weekend use for other than strictly business purposes is prohibited.
- Federally funded vehicles are not to be used by board members for their travel, unless they're on transit board business only.
- Use of all vehicles for administrative use must be documented in a log that includes:
  - Name of the user;
  - Date;
  - Destination;
  - Initial odometer reading;
  - Ending odometer reading;
  - Trip purpose.

Federally and state funded vehicles for incidental use (meal delivery, etc.) must be documented and the wholly allocated costs associated with that incidental use must be recovered by the Section 5311 provider and cannot be charged as an operating assistance expense.

NDDOT maintains a vehicle and facility inventory which includes a detailed description of vehicle and facility information and history. The inventory is updated, at a minimum, annually as a requirement when applying for federal funds as well as during compliance reviews and periodic physical on-site inspections. The NDDOT tracks assets by agency and per the following data:

- Vehicle year and year vehicle was first put in use;

- VIN number;
- Miles;
- Condition;
- NDDOT as lien holder of vehicle;
- License plate and unit number;
- Make and model;
- Capacity;
- Purchase price;
- Type of vehicle;
- Program and grant number;
- If vehicle has a lift or ramp;
- Location; and
- Length of vehicle

Any incidental use of federally funded facilities must be approved by FTA and NDDOT. The NDDOT must also approve any incidental use of state funded facilities for transit services. Incidental uses must be compatible with the approved purposes of the Award and may not interfere with either the intended uses of the property or the recipient's ability to maintain satisfactory continuing control. The recipient should consult with FTA before continuing with incidental use. An incidental use may not affect a property's transit capacity or use. Alterations to accommodate an incidental use should have no negative impact on the transit service or activity. The NDDOT and FTA continues to monitor the incidental use after the Award is closed and the recipient is required to keep an inventory of the use. The subrecipients are responsible to inform the NDDOT prior to any incidental use of a funded facility. The NDDOT will inspect each facility every other year for compliance. The NDDOT is required to notify FTA of any areas of concern or needing approval.

When capital assets are purchased locally, subrecipients are required to follow OMB and FTA grant requirements, FTA Master Agreement FTA MA (26), October 1, 2019, Audit Requirements for Federal Awards at 2 CFR Part 200 (Uniform Guidance), FTA Circular 4220.1F and state law. Transit staff will review subrecipients' procurement policies before the purchase is made locally.





When a vehicle purchased with federal funds is sold or disposed of with a value of more than \$5,000, the federal share of that amount must be reinvested in that subrecipient's transit program or returned to NDDOT Transit or FTA for future use in the program. All information regarding the vehicle must be updated in BlackCat Inventory and Web-TAM prior to submitting a disposal request.





## Useful Life

The state and federal vested interest in capital assets purchased with government grant funds shall extend over the useful life of such property. However, regardless of useful life having been met, federal interest remains until the value of the vehicle or equipment falls below \$5,000. This useful life criterion is also used by the Department in determining eligibility of local subrecipients for replacement vehicle and equipment grants.

### Duration of Useful Life:

North Dakota DOT Category	Approx. GVWR in lbs.	No. Seats	Approx. Length	Useful Life Minimum
<b>A. Large, Heavy-Duty Transit Bus</b> 	33,000 - 40,000	35-40+	35 ft. – 40 ft. or greater	12 years or 500,000 miles
<b>B. Medium-Size, Heavy-Duty Transit Bus</b> 	26,000 – 33,000	24-35	30 ft. - 35 ft.	10 years or 350,000 miles
<b>C. Medium-Size Duty Chassis Cutaway</b> 	10,000 – 26,000	16-30	25 ft. – 30 ft.	7 years or 200,000 miles
<b>D. Medium-Size Light Duty Chassis</b>  <b>Cutaway</b>	10,000 – 16,000	8-16	20 ft. – 25 ft.	5 years or 150,000 miles

<p>E. 1. <b>Small Cutaway</b>  E. 2. <b>Modified Van</b>  E. 3. <b>Modified Minivan</b></p> 	<p><b>6,000 – 14,000</b></p>	<p><b>3-14</b></p>	<p><b>E 1 20- 22 ft.</b>   <b>E 2 &lt; 20ft.</b>   <b>E 3 &lt; 20ft.</b></p>	<p><b>4 years or 100,000 miles</b></p>
<p>E. 4. <b>Vans</b></p>  <p>E. 5. <b>Minivans</b></p>	<p><b>6,000 – 14,000</b></p>	<p><b>3-12</b></p>	<p><b>&lt;12</b></p>	<p><b>4 years or 100,000 miles</b></p>

There is a special provision to allow for replacement of a bus or van before its useful life is spent, if it can be documented that the vehicle to be replaced is a lemon (i.e., has required extraordinary maintenance and repairs and has given service problems since being placed into service). In this case, the vehicle is to be traded-in for a replacement vehicle with the trade-in value deducted from the new vehicle grant.

### **Warranty/Recall Claims**

Warranty/Recall issues with vehicles or equipment are performed by the subrecipient with the dealership that corresponds to the manufacturer of the vehicle. If specialty vehicles are purchased from dealers who order buses and/or cutaways, the warranty/recall can be completed there if available. It is the responsibility of the provider to contact NDDOT with all warranty/recall issues and how they are resolved by completing the NDDOT Warranty/Recall Tracking form. NDDOT will monitor warranty claims during oversight compliance reviews and on-site vehicle and facility inspections. The subrecipient needs to track and resolve all warranty work and recalls of their assets in a timely manner.

## **DISPOSITION AND TRANSFER OF EQUIPMENT**

### **Vehicle Title and Disposal**

The Department reserves the right to protect the state and federal interest in the vehicle for the duration of the vehicle’s useful life. If a vehicle or related transit asset has met useful life

and FTA interest is less than \$5,000, the subrecipient may request that the lien be released on the asset. If the subrecipient continues to use the vehicle or asset and is requesting reimbursement for operating and maintenance, liability insurance and other coverage as required by state law must still be maintained and NDDOT will continue to inspect the asset.

Subrecipients are required to submit a Release of Continuing Control form requesting the title from NDDOT. Requesting disposal of the vehicle(s) or equipment they wish to dispose is initiated through the BlackCat system. NDDOT transit staff will review the request and approve if it has met useful life and the asset value does not exceed FTA interest of \$5,000. See Exhibit G: Release of Continuing Control form.

A subrecipient may dispose of a vehicle at the end of its useful life in either of two ways:

- A vehicle may be sold to a third party through a variety of approved processes, including advertised sealed bids, auto auction or the average of two competent appraisals; and
- Relocation (transfer of vehicle) - the preferred option is the used vehicle or equipment be relocated to another similar, eligible organization for a maximum charge of 20 percent of the current market value. The 20 percent proceeds can be retained by the donor provider as a partial return on its initial 20 percent grant match. The new subrecipient organization shall pay the 20 percent and use the relocated vehicle or equipment for the same purpose as specified in the original grant program. The NDDOT will assist in finding subrecipient organizations for relocating used vehicles and equipment, as appropriate.

If a vehicle, having useful life, is sold to a third party, the subrecipient may retain the local share percentage contained in the agreement.

Subrecipients will be required to dispose of all FTA funded items under the conditions of the FTA grant contracts (49 CFR 18.32). NDDOT will permit the transfer of used FTA and State Aid funded vehicles from one subrecipient to another. Transfer of vehicles will be in accordance with FTA and State policy on transferring capital equipment.

### **Facility Disposal**

The Department must approve disposal of all facilities that have FTA interest remaining. The subrecipient must contact the Department in writing and provide a reason for the removal of the property from inventory. The Department will review the documentation and provide FTA with a plan that identifies and explains the reason for the disposition. All documentation must be retained by the Department and the subrecipient for the required retention period. In

addition, the facility must be disposed of in the BlackCat system and Web-TAM maintenance program.

## **Equipment Disposal**

All equipment entered into BlackCat Inventory and Web-TAM maintenance program must be disposed of when sold or has met useful life and is no longer being used. Documentation must be retained by the Department and the subrecipient for the required retention period.

## **INSURANCE**

The Transit Section requires each subrecipient to have sufficient property damage and liability insurance to cover vehicles, drivers, premises, equipment and passengers at the time the agency takes possession of vehicles and thereafter until vehicles are disposed.

The Transit Section requires verification of insurance certificates for the issuance or amendments to all federal and state contracts. Verification of insurance is also reviewed during on-site compliance reviews and vehicle inspections. Current insurance cards must be carried in all vehicles.

## **PUBLIC TRANSPORTATION AGENCY SAFETY PLANS**

Beginning on December 31, 2020, certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each transit operator that is subject to FTA's state safety oversight programs, and NDDOT, are required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 C.F.R. § 673.11(d). This certification is required by 49 C.F.R. § 673.13.

This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs. An applicant may make this certification only after fulfilling its safety planning requirements under 49 C.F.R. Part 673.

On and after December 31, 2020, FTA will not process an application from an applicant required to make this certification unless the applicant has made this certification. If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 C.F.R. Part 673. If the applicant is a State, the applicant certifies that: (a) It has drafted a public transportation agency safety plan for each small public transportation provider within

the State, unless the small public transportation provider provided notification to the State that it was opting-out of the State-drafted plan and drafting its own public transportation agency safety plan; and (b) Each small public transportation provider within the state has a public transportation agency safety plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 C.F.R. § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 C.F.R. § 673.5).

A copy of the state's Agency Safety Plan for Small Public Transportation Providers can be found on the Operator Portal of the state's transit website and in BlackCat Global Resources.

## **PROCUREMENT**

All subrecipients of state and federal funding must comply with applicable State law and Federal requirements contained in FTA Best Practices Procurement Manual, Uniform Guidance, and Third-Party Contracting Guidance Circular 4220.1F. This applies to all subrecipients and their subrecipients using federal and state funds for purchases.

The NDDOT works with the ND State Procurement Office to ensure all state bids are open and competitive and in the best interest of the state of ND. The NDDOT uses the online bidding process developed by the Office of Management and Budget (OMB), State Procurement Office to advertise and request bids. Only vendors who are registered with the State of ND or in the process of being registered can bid. All the required FTA certifications and clauses, procurement documents and records are kept by NDDOT records retention guidelines. NDDOT will review and approval all awards to bidder in accordance with state and federal regulations.

The NDDOT, as needed, will procure vehicles on a State Bid Contract complying with all the applicable federal and state requirements. The subrecipient must submit a written request/email to the Transit Section requesting approval to contact a vendor and order a vehicle. If the subrecipient does not have prior approval, the NDDOT may not reimburse the purchase with federal or state funds. The State Bid Contracts are all listed on NDDOT Transit website at: <https://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>

Subrecipients can choose to purchase vehicles through their own bidding process and/or work with other agencies on bids. All federal and state requirements must be met and final invitation for bid or request for proposal must be submitted to NDDOT for review and approval.

The NDDOT provides technical assistance, reviews and approves the final bid specifications on all purchases over \$10,000. The NDDOT also oversees the procurement process in order

to ensure compliance with state and federal procurement regulations. The NDDOT provides specifications for the subrecipient to use in purchasing vehicles and equipment funded with FTA or State Aid grant funds. NDDOT has incorporated an instruction sheet along with a checklist that has the required documentation.

Subrecipient must contact the NDDOT for review of specifications/clauses and related state and federal procurement documentation prior to soliciting for quotes.

### **Level 1 – “Micro” Purchases – less than \$10,000**

Subrecipients are responsible to complete price comparisons and ensure that the prices are fair and reasonable. For micro purchases, subrecipients must obtain one quote and provide documentation criteria showing that the quote was fair and reasonable. Subrecipients are required to attain the proper FTA certifications and clauses required for the type of purchase and the cost. All documents pertaining to the procurement must be kept on file by the subrecipient as required by the NDDOT records retention guidelines. Reimbursement will not be made if all required documentation has not been provided. All agencies must have a written procurement procedure policy approved by the transit board.

### **Level 2 – Small Purchases – at least \$10,000 but less than \$50,000**

Subrecipients must solicit informal quotes/bids or proposal from at least three vendors. Online vendors are acceptable. Documentation is required. Alternate Procurement Request form is required if competition is not solicited from at least three vendors. Subrecipients are required to attain the proper FTA certifications and clauses required for the type of purchase and the cost. All documents pertaining to the procurement must be kept on file by the subrecipient as required by the NDDOT records retention guidelines. Reimbursement will not be made if all required documentation has not been provided. All agencies must have a written procurement procedure policy approved by the transit board.

### **Level 3 – Informal Written Purchases – at least \$50,000 but less than \$100,000**

Subrecipients must solicit informal bids or proposals. Requires NDDOT approval. Documentation is required. Alternate Procurement Request form is required if competition is not solicited from at least three vendors. Subrecipients are required to attain the proper FTA certifications and clauses required for the type of purchase and the cost. All documents pertaining to the procurement must be kept on file by the subrecipient as required by the NDDOT records retention guidelines. Reimbursement will not be made if all required documentation has not been provided. All agencies must have a written procurement procedure policy approved by the transit board.

#### **Level 4 – Formal Purchases - \$100,000 and over**

Subrecipients must use the formal sealed bids or Request for Proposal (RFP). Requires NDDOT review and approval. Documentation is required. Subrecipients MUST contact the NDDOT for technical assistance, including review of RFP's prior to advertising. Alternate Procurement Request form is required if competition is not solicited from at least three vendors. Subrecipients are required to attain the proper FTA certifications and clauses required for the type of purchase and the cost. All documents pertaining to the procurement must be kept on file by the subrecipient as required by the NDDOT records retention guidelines. Reimbursement will not be made if all required documentation has not been provided. All agencies must have a written procurement procedure policy approved by the transit board.

If competition is not solicited, NDDOT requires completion of the Alternate Procurement Requests for purchases \$10,000 and over with state and federal funding. See Exhibit H: Alternate Procurement Request SFN 51403 <http://www.nd.gov/eforms/Doc/sfn51403.pdf>

NDDOT approval is required for any professional services contracts for planning, marketing, architecture and engineering (A&E) services over \$50,000.

NDDOT verifies that ADA requirements are specified in specifications for purchase of vehicles and facilities, and the construction and/or renovation of existing facilities to ensure that subrecipients are ADA compliant. The NDDOT currently does not fund non-ADA vehicles with federal funds due to the increased need to fund replacement and expansion ADA vehicles in ND. This may be subject to change due to each subrecipients transit needs. NDDOT will obtain a certification of equivalent service from subrecipients that purchase non-ADA vehicles for their transit services with federal or state funds. If a subrecipient chooses to use non-ADA vehicles in their service, NDDOT monitors compliance with equivalent service through onsite inspections and ridership reports.

Geographic Preference – all project activities must be advertised without geographic preference (except in A/E under certain circumstances, preference for hiring veterans on transit construction projects and geographic-based hiring preferences as proposed to be amended in 2 CFR Part 1201);

The Brooks Act applies to any architectural or engineering services over \$2,000. The NDDOT will assist the subrecipient to procure the professional services using a qualifications-based process in accordance with the Brooks Act and NDDOT criteria. Price is then

negotiated with the selected firm. All projects that include the use of this act will be supervised by the NDDOT or a designated consultant.

Davis Bacon Wage Rates apply to any construction contract or subcontract, including actual construction, alterations and/or repair, including decorating and painting, over \$2,000. All payrolls for projects must be entered into the electronic payroll software LCP Tracker. This software is maintained by the NDDOT Civil Rights Division. All projects requiring Davis Bacon wage rates will be supervised by the NDDOT or a designated consultant.

System for Award Management (SAM) - Prior to award of any contract \$25,000 and over, the subrecipient must identify if the contractor/vendor is debarred or suspended from participation in federally assisted transactions or procurements. A screen print with the results of the search MUST be included in the procurement file kept in the subrecipient's office and a copy MUST be submitted to the Transit Section for approval prior to award of contract. To begin the search visit [www.sam.gov](http://www.sam.gov). NOTE – this is also required on all contract amendments and extensions.

All vendors of applicable Section 5310, 5311 and 5339 funded new assets will certify in writing, to be in compliance with the Buy America requirements of the Fixing America's Surface Transportation (FAST) Act and the regulations set forth in 49 U.S.C. Section 5323(j)/FAST Section 3011. Buy America - 49 CFR part 661, applies to all federally funded purchases of steel, iron and manufactured goods, including rolling stock purchases and capital leases.

In addition, NDDOT requires each federally funded transit agency to certify compliance with Buy America in the annual FTA Certifications and Assurances. The NDDOT will monitor compliance with 49 CFR parts 661 -Buy America, and 49 CFR part 663 – Pre-Award and Post-Delivery audits, bid specifications and federal vehicle safety requirements.

Most projects and activities funded through 5310 and 5311 do not involve significant environmental impacts. Typically, projects are considered categorical exclusions because they are types of projects that have been "categorically" (i.e., previously) excluded in regulations from the requirements to conduct environmental reviews prepare environmental documentation. Subrecipients must complete and submit the FTA Region 8 Categorical Exclusion worksheet to the NDDOT. NDDOT will review potential projects based on the FTA Region 8 Categorical Exclusions worksheet and submit to FTA for approval. The NDDOT will work with FTA Region 8 on any projects with environmental impacts that are determined not to be categorically excluded, and any projects that requires the preparation of an environmental assessment for public comment and FTA review. If significant environmental impacts are identified with a project, an environmental impact statement is required. The



NDDOT will work with the subrecipient to complete all the environmental requirements prior to the approval of any funds.

Exhibit E: FTA Region 8 CE Worksheet Oct 2020 and Exhibit F: FTA R8 CE Worksheet Instructions Oct 2020.

No official or employee of a state of ND or any other governmental instrumentality who is authorized in their official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector or other person performing services for a state or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than their employment or retention by a state of ND or other governmental instrumentality, in an contract or subcontract in connection with such project. No officer or employee of such person retained by a state or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of NDDOT and of such other governmental instrumentality, and such officer, employee, or person has not participated in such acquisition for and in behalf of the state of ND.

## **FACILITY PROJECTS**

All facilities that are purchased or constructed with federal assistance must follow the federal guidelines for procurement in FTA Circular 4220.1F, Uniform Guidance, and Third Party Contracting Guidance. <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/third-party-contracting-guidance>.

Projects will be evaluated for cost effectiveness and effect on the environment, including noise, water quality, impacts on wetlands, flooding, navigable waters, endangered species and ecologically sensitive areas. Prior to requesting 5339 funding for a facility project, there is an environmental process including a feasibility study that needs to be completed. The subrecipient must complete that process and receive an environmental clearance (Categorical Exclusion, or CE) from FTA. Typically, during this process FTA makes a visit to the proposed facility location. The consultant hiring, feasibility study, CE and project specifications & designs must be approved by the NDDOT and submitted with the application for funding. If not approved prior to requesting the funds, the application may be denied by

NDDOT. Exhibit E: FTA Region 8 CE Worksheet Oct 2020 and Exhibit F: FTA R8 CE Worksheet Instructions Oct 2020.

All new construction or rehabilitation/renovation of an existing structure must meet requirements for local land use planning and zoning, relocation, traffic and parking, energy conservation, consideration of historic properties, and will place an emphasis on safety and security.

All facilities must be constructed or renovated to meet current ADA accessibility requirements. The federal clauses must be attached to the facility specifications, contracts, subcontracts and all applicable clauses and requirements followed. The NDDOT must approve all contracts, change orders and payments.

Disposal of any FTA funded property must be approved by NDDOT and FTA. Disposal occurs when the FTA property is no longer needed for its intended purpose. The subrecipient must immediately notify the NDDOT when the property is removed from the service originally intended at grant approval and if the property is put to additional or substitute use. The NDDOT will notify FTA of the approval to dispose and discuss alternatives. The NDDOT maintains an active list of excess property inventory and utilization plan of all property that is no longer needed to carry out any transit purpose.

### **Davis Bacon Wage Rates**

Davis Bacon Wage Rates apply to any construction contract or subcontract, including actual construction, alterations and/or repair, including decorating and painting, over \$2,000. All payrolls for projects must be entered into the electronic payroll software LCP Tracker. This software is maintained by the NDDOT Civil Rights Division. Exhibit I: Contract Special Provision Mandatory use of the Automated Certified Payroll.

### **Force Account**

Force account is the use of a recipient's own labor force to carry out a capital project. This does not include project administration, preventive maintenance, mobility management, or other nontraditional capital project types. Force account work may consist of design, construction, refurbishment, inspection, and construction management activities, if eligible for reimbursement under the grant. Incremental labor costs from flagging protection, service diversions, or other activities directly related to the capital grant may also be defined as force account work. Based on the amount of Force Account work, recipients may be required to submit a justification to use force account and/or the Force Account Plan for NDDOT and FTA approval. Documentation can include a force account plan for the work accomplished or

planned, or any other documentation that reflects that in-house labor forces were "budgeted" to accomplish the work.

If you plan to use Force Account work on any project, you must contact the NDDOT Transit Section for prior approval and justification. The NDDOT will submit the Force Account Plan to FTA for approval. See FTA C 5010.1, Award Management Requirements for the documentation required in a Force Account Plan. <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars>

## **FINANCIAL MANAGEMENT**

### **State Program Management**

The NDDOT Transit Section is responsible for managing grants, contracts and interagency agreements to ensure that expenditures comply with federal rules and regulations for all FTA grant programs.

Financial Management Division responsibilities include:

- Investigating and resolving accounting problems to ensure compliance with state and federal rules;
- Managing the documentation entered into NDDOT's transit database relative to individual grants, contracts and interagency agreements; and
- Rectifying and closing out FTA grants when projects are complete.

The NDDOT Financial Management Division is responsible for submitting federal financial reports in TrAMS and manages the ECHO process between FTA and NDDOT. This is done so that transactions are processed in a timely manner and the accounts are balanced and well documented. The Financial Management Division is also responsible for receipt of FTA funds, processing claims for payment (to reimburse subrecipients for expenses), initiating grant draw downs and disbursing funds to subrecipients.

The NDDOT Quality Assurance & Internal Review Division may conduct and perform audits on any State Aid, and Sections 5310, 5311 and 5339 subrecipients in accordance with OMB Super Circular 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal and State Awards.

The NDDOT provides technical assistance to its subrecipients on an as, "needed basis" to ensure that they comply with federal and state financial management requirements.

Subrecipients are required to submit quarterly requests for reimbursement through the BlackCat system. To ensure accuracy of the requests, NDDOT does a random pull of subrecipients using an online generator to pick the appropriate number of subrecipients to provide receipts for one quarter's claim for payment. This random generator will pull each subrecipient to provide receipts once in a fiscal year. If a subrecipient is not drawn for providing receipts in the quarter transit staff is scheduled for a compliance review, the transit staff will review two +/- various line item requests from a past quarterly reimbursement. Receipts must match what the subrecipients requested on that reimbursement. When an error is detected by the transit staff, a full quarterly review of receipts may be conducted. If major errors are detected, NDDOT reserves the right to require receipt documentation for additional quarters. Billing adjustments may occur.

### **Federal Funding Accountability and Transparency Act (FFATA)**

The Federal Funding Accountability and Transparency Act (FFATA) requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website. The Act requires direct recipients to report subaward information exceeding \$25,000 by the end of the month, after the month in which subawards are made to a grant. To adhere to FFATA requirements, NDDOT collects financial information from each subrecipient during the grant application process. NDDOT develops a list of subawards exceeding the \$25,000 reporting threshold and complete reports in the FFATA Subaward Reporting System (FSRS) when the grant is available.

### **Cost Allocation Plans (CAP)**

Each transit provider that is a multi-service provider will be required to have a CAP that meets the guidelines of 2 CFR Part 200.210. The CAP provides the process by which central service costs can be identified and assigned to benefited activities on a reasonable and consistent basis. All costs and other data used to distribute the costs included in the plan should be supported by formal accounting and other records that will support propriety of the costs assigned to federal award.

The CAP must be submitted to NDDOT for review. The transit provider will receive a formal letter from the NDDOT approving or rejecting the CAP and may include recommendations that would strengthen the transit provider plan.

If the transit agency charges indirect costs to grants, they must include proof of approval letter from their cognizant Federal agency of the indirect cost rate during the application process. Agencies must meet the guidelines provided in FTA Circular 5010.1E – VI-9 for indirect costs.

## **ACCOUNTING SYSTEMS, INTERNAL CONTROLS, AUDIT AND CONTRACTS**

The Transit fiscal plans are based on Accrual Basis of Accounting, the accounting method where income is recognized when earned instead of when received and expenses are recognized when incurred instead of when paid.

The NDDOT may hold contract funds or issuing new contracts to any subrecipients that are noncompliant and/or have not submitted the required audit or internal control form.

### **Audit Requirements**

All recipients shall comply with 2 CFR 200, Subpart F: Audit Requirements. Subrecipients expending more than \$750,000 in a fiscal year from ALL federal sources must file a single audit. Audits must be submitted to NDDOT 30 days after the audit is performed and completed no later than 9 months after the close of their fiscal year.

All subrecipients receiving Federal funds will be required to complete SFN 60639 Single Audit Certification form after completion of audit or close of their fiscal year and return it to NDDOT. They may be asked to provide a financial statement audit or a financial report, i.e. such as submitted to their governing board or internal auditor to verify information provided on the form is correct.

### **Contract Closeout/Extensions**

Grant projects are closed at the end of the contract period. NDDOT staff will determine at what point a project is ready to close. When a capital project has reached the end of the contract period and there is a balance of funds, those funds will be forfeited unless an extension has been granted. In some instances, capital contracts may be extended. If a capital project is not expected to be complete when the contract period ends, the subrecipient must complete the Period of Performance/Contract Extension Request form at least 90 days prior to the termination of the contract period. If approved, an amendment to the contract will be processed. Exhibit J: Period of Performance/Contract Extension Request

### **Internal Control Questionnaire**

All subrecipients must complete the Internal Control Questionnaire annually and submit to the NDDOT. The NDDOT will review the completed questionnaire and work with each subrecipient on any required documentation or process improvements that are needed. The

Internal Control Questionnaire is located in BlackCat Global Resources and enclosed here as Exhibit K: NDDOT Internal Control Questionnaire.

## **CIVIL RIGHTS**

NDDOT ensures compliance with a variety of civil rights laws and executive orders which prohibit discrimination on the basis of race, color, national origin, religion, sex, disability and age in programs and activities receiving federal financial assistance. Specific civil rights requirements are outlined in 49 U.S.C. 5332 of the Federal Transit Act, as amended, Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity (EEO), Section 504 of the Rehabilitation Act of 1973 and the American's with Disabilities Act (ADA) of 1990. Section 5310, 5311 and 5339 subrecipients that sign grant agreements with NDDOT agree to comply with all applicable civil rights statutes and regulations including Title VI, EEO, and ADA. Additionally, subrecipients annually certify FTA's Certifications and Assurances with the State as part of the grant application process submitted through the BlackCat system. Contracts will not be awarded without this certification.

### **Americans With Disabilities (ADA)**

Sections 5310, 5311, and 5339 must comply with 49 CFR Parts 27, 28, and 39 implementing the ADA and amending the Section 504 rule. ADA provisions require public and private transportation providers to operate services in a way that it does not discriminate against persons with disabilities. The regulations include general nondiscrimination provisions that apply to all types of agencies and services. This civil right law sets forth specific requirements for public transportation services, vehicle and facilities accessibility, and the provision of complementary paratransit service, as well as overall requirements for a complaint process.

The Transit Section ensures that subrecipients comply with ADA required service provisions during on-site compliance reviews. Subrecipients are required to have procedures in place to ensure prompt and equitable resolution of complaints alleging any actions prohibited by 49 CFR Parts 27, 28, and 39. The Complaint procedures shall meet the following requirements:

- Process for filing a complaint, including the name address, telephone number, and email of the employee designated. The process must be sufficiently advertised to the public;
- Procedures must be accessible to and usable by individuals with disabilities; and
- Entity must promptly communicate its response to the complaint allegations, including its reasons for the response to the complainant and must ensure that it has documented its response.

NDDOT monitors subrecipients for compliance with applicable ADA service provisions and training requirements. Compliance responsibilities vary depending on the type of transportation service, however all public and private transportation providers must:

- Allow service animals to accompany individuals with disabilities in vehicles and facilities;
- Deploy the lift or ramp upon request for standees as well as wheelchair-users;
- Accommodate people who use a wide variety of mobility devices;
- Must not deny an individual transportation because a vehicle's securement system is unable to secure the mobility device;
- Make public information and communications available in accessible formats;
- Provide operator training in the use of accessibility equipment as well as sensitivity to people with disabilities.

In addition, subrecipients who receive 5310, 5311, and 5339 funds are required to respond to requests for reasonable modification of policies and practices and requires agencies to make information about the process for requesting reasonable modifications readily available to the public. The subrecipient must use the same means it uses to inform the general public about its policies and procedures to inform the public of their right to request a reasonable modification.

Subrecipients may use the same process for accepting and investigating ADA and Title VI complaints, however, the complaint form must clearly distinguish between the statutes by identifying which forms of discrimination fall under Title VI and which fall under other forms of discrimination.

The annual Federal Certification and Assurances for FTA Assistance, which is signed by all subrecipients, contains the ADA certification. Any Section 5311 subrecipients operating fixed route and contracting for complementary paratransit service will have their respective paratransit plans reviewed by NDDOT transit staff to ensure they conform to 49 CFR Part 37 Subpart F.

Subrecipients who enter into a contractual agreement with a private entity to provide complementary paratransit service will also be required to monitor the contractor to ensure they conform to 49 CFR Part 37 Subpart F. Transit staff will ensure monitoring is being performed during on-site compliance reviews.

## **Title VI**

Title VI of the Civil Rights Act of 1964 is a federal statute and provides that no person in the United States, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity

receiving federal financial assistance. NDDOT annually signs the FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements and is submitted in TrAMS, which binds NDDOT to all civil rights requirements.

NDDOT prepares a Transit Title VI Plan for submission to Federal Highway Administration (FHWA) every year and to FTA every three years per agency requirements. This report is approved by the NDDOT Director.

The elements of the plan are determined by FTA Circular 4702.1B and include, but are not limited to:

- A copy of NDDOT Title VI notice to the public that NDDOT complies with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI and a list of the locations where the notice is posted;
- A copy of NDDOT instructions for the public on how to file a Title VI discrimination complaint, including a copy of the complaint form;
- A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the NDDOT since the last Title VI plan submission;
- 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 plan submission;
- A copy of the NDDOT's plan for providing language assistance to persons with limited English proficiency (LEP), based on the U.S. Department of Transportation's LEP guidance;
- A narrative or description of efforts that NDDOT, as the primary recipient, used to ensure subrecipients are complying with Title VI, as well as a list of subrecipient Title VI plan submissions.

NDDOT maintains the following:

- A record of funding requests received from private non-profit organizations, state or local governmental authorities and Native American tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding;
- Description of NDDOT's criteria for selecting entities to participate in an FTA grant program, which are found in current grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, where present.

Provides current and potential subrecipients assistance with the grant application process through the NDDOT Transit Grant Application Guidelines, available on the Transit website.



The guidance describes the funding opportunities and requirements to apply for available funds.

Section 5310, 5311 and 5339 subrecipients must submit their Title VI Plan to NDDOT every three years, prior to NDDOT's submission of their Title VI plan to FTA. A subrecipient's Title VI plan must be approved by the subrecipient's appropriate governing entity or official (e.g., board of directors, mayor, tribal executive, city administrator, etc.) responsible for policy decisions prior to submission to NDDOT. Subrecipients must also submit a copy of the board resolution, meeting minutes or similar documentation as evidence of approval.

The contents of the subrecipients' Title VI program are determined by FTA Circular 4702.1B. The plan must include all the following elements:

- A copy of the Title VI notice to the public that the subrecipient complies with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI and a list of the locations where the notice is posted;
- A copy of instructions for the public on how to file a Title VI discrimination complaint, including a copy of the complaint form;
- A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed since the time of the last Title VI plan submission;
- 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 plan submission;
- A Limited English Proficiency (LEP) plan for providing language assistance to persons with limited English proficiency (LEP), based on the U.S. Department of Transportation's LEP guidance;
- Subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, must provide the racial breakdown of the membership of those committees in the BlackCat system and provide a description of efforts made to encourage the participation of minorities on such committees or councils;
- Subrecipients must complete a Title VI equity analysis during the planning stages of a facility with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin; and
- Additional information is required depending on whether the subrecipient is a fixed route transit provider or has received funding to construct a facility.

NDDOT Transit Section oversees subrecipient compliance with Title VI during on-site Title VI Compliance reviews of subrecipients. NDDOT selects 10 percent of the subrecipients for a Title VI review using a random generator. Selected subrecipients are required to complete

the review package and submit the responses through the BlackCat system. An on-site review will be conducted by transit staff. Subrecipient will be notified if they are found Compliant, Modifications Needed, or Non-Compliant through the BlackCat system. Transit staff will assist subrecipients to correct any issues to bring them back into compliance. If the transit staff find re-occurring compliance issues, the agency maybe subject to additional on-site reviews. See Exhibit L: 2021 Transit Title VI Compliance Review Form.

NDDOT assists subrecipients with compliance as follows:

- NDDOT provides all the necessary templates and information on the Transit Operator Portal website and BlackCat Global Resources to assist subrecipients with development and ongoing compliance of their Title VI plan; and
- NDDOT provides demographic data in the BlackCat Global Resources to assist subrecipients in conducting their four-factor analysis and subsequently developing their LEP plan.

Contractors and subcontractors are not required to submit a Title VI plan. However, they are responsible for complying with the Title VI program of the recipient with whom they are contracting. Recipients and subrecipients are responsible for ensuring that their contractors are complying with their Title VI program and Title VI regulations.

## **Public Participation**

NDDOT requires public involvement in conformance with federal regulations. Long-range and statewide planning associated with the development of the Statewide Transportation Improvement Plan (STIP) is managed by the Programming Division. The Transit Section submits program and funding information to the Programming Division for inclusion in the STIP.

NDDOT Transit Section will attend, when possible, public meetings held by NDDOT relating to transit issues. Transit providers who serve the area where meetings are held may be required to attend to answer any questions the public may have. Emphasis will be placed on notifying limited English proficient, minority, and low-income populations by Solicitation of Views (SOV) letters targeting advocacy groups that service these populations.

Public involvement will be proactive and provide complete information, timely public notice, full public access to key decisions and opportunities for early and continuing involvement.

## **Disadvantages Business Enterprise (DBE)**

The objective of the US Department of Transportation's (USDOT) DBE regulations, as specified in 49 CFR Part 26, are to:

- Ensure nondiscrimination in the award and the administration of DOT-assisted contracts in the NDDOT's transit financial assistance program;
- Create a level playing field on which DBEs can compete fairly for FTA assisted contracts;
- Ensure that the NDDOT's DBE program is narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- Help remove barriers to the participation of DBEs in FTA assisted contracts;
- Assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- Provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

A DBE is defined by 49 CFR Part 26 as a for-profit business that is at least 51 percent owned by one or more individuals who are in a group that is considered to be socially and economically disadvantaged and whose management and daily operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

The NDDOT Civil Rights Division (CRD) has the primary responsibility to administer the DBE program for NDDOT and distribution of the DBE Policy. In addition, the CRD works with the Transit Section to develop the FTA DBE Program Plan and FTA tri-annual goal.

NDDOT Transit Section regularly receives FTA funds which generate in excess of \$250,000 in contracting opportunities in a federal fiscal year. This obligates NDDOT Transit Section to develop and submit transit-specific overall three-year agency goals to FTA. NDDOT Transit Section assists NDDOT CRD in the administration of the program of FTA funded projects. The primary activities conducted by NDDOT transit staff include assistance with transit goal setting and contract monitoring and reporting.

NDDOT transit staff work closely with subrecipients in addressing DBE requirements. In goal setting, three-year goals are established based on anticipated FTA contracting opportunities by both subrecipients and NDDOT Transit Section. Contract-specific goals may also be established and require a greater amount of subrecipient technical assistance from NDDOT Transit Section. Work with subrecipients also includes the ongoing collection of data for contract monitoring and reporting on FTA funded contracts.

NDDOT Transit Section completes a non-discrimination assurance for DBE with each FTA grant application. As with other civil rights areas, subrecipients agree to comply with all applicable civil rights statutes and regulations in annual grant agreements. Section 5310,

5311 and 5339 subrecipients annually sign FTA's Certifications and Assurances in their grant agreements with the state. Subrecipients who enter into agreements with contractors must require the contractors to sign the required FTA Certifications and Assurances also. This includes all prime contractors and subcontractors. In addition, each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) includes a similar assurance of non-discrimination.

During compliance reviews, subrecipients are asked to identify potential DBE contracting opportunities. NDDOT transit staff work with subrecipients to identify potential DBE participation for those contracting opportunities. NDDOT transit staff also ensures that subrecipients use appropriate DBE contract language in their solicitations. NDDOT's Civil Rights Division aids potential DBEs to become certified and maintains the Unified Certification Program Directory.

The Uniform Report of DBE Commitments/Awards and Payments report must be submitted by transit staff in the TrAMS DBE Reporting Module by December 1 and June 30 of every year.

Subrecipients of FTA funds are required to submit all contract commitments/awards, payments and DBE participation made by their agency semi-annually in the BlackCat system. Subrecipient reporting will be due by October 10 and April 10 of every year. Subrecipient information collected by the NDDOT is included in the report submitted to FTA through TrAMS and is used in the DBE goal setting process.

### **Equal Employment Opportunity (EEO)**

The state must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits, or be subject to discrimination in employment under any project, program, or activity receiving Federal financial assistance under the Federal transit law. The NDDOT EEO program is administered by the NDDOT Civil Rights Director who also maintains the EEO program plan.

Any FTA applicant, recipient, subrecipient, and contractor who meet both of the following threshold requirements must implement all the EEO Program elements:

- Employs 100 or more transit-related employees; and
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.

Any FTA applicant, recipient, subrecipient, and contractor that meets both the following threshold requirements must prepare and maintain an abbreviated EEO Program:

- Employs between 50-99 transit-related employees; and
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.

Section 5307 NDDOT subrecipients who are also direct recipients of FTA funding (i.e., urban bus systems) that receive capital or operating assistance in excess of \$1 million or planning assistance greater than \$250,000 and also employ 50 or more transit-related employees submit their EEO plans directly to FTA for review and approval.

NDDOT annually signs the FTA List of Certifications and Assurances for FTA grants and cooperative agreements, which binds NDDOT to EEO regulations.

Because NDDOT does not operate a mass transit system or meet the threshold of employing 100 or more transit-related employees, it is not required to submit an EEO program plan to FTA.

NDDOT must ensure that its subrecipients adhere to EEO requirements. Each agreement between NDDOT and subrecipients for the provision of FTA funding contains language that requires the subrecipient to comply with FTA regulations related to EEO. In addition, private providers under contract with subrecipients are required to comply with these regulations.

During the Internal Control Questionnaire process and on-site visits NDDOT reviews whether a subrecipient exceeds the threshold of 100 or more transit-related employees and the dollar threshold of funding requests. If the number of transit-related staff reached 100 or more and the dollar threshold for capital, operating or planning assistance was met, NDDOT would require the subrecipient to submit a formal EEO program to NDDOT for review and approval.

Subrecipients who exceeds the threshold of 50-99 transit-related employees and the dollar thresholds for capital, operating or planning requests, would be required to have an abbreviated EEO program. They are not required to submit the plan to NDDOT for approval, but the plan will be made available upon request or during on-site reviews.

## **TECHNICAL CAPACITY**

### **On-site Reviews and Compliance Reviews**

NDDOT Transit Section conducts compliance and on-site reviews of Section 5310, 5311, 5339 and State Aid subrecipients. Capital assets purchased with FTA funds (primarily vehicles and facilities) are inspected by the NDDOT at least once every two years. This continues over the useful life of land, vehicles, facilities, and equipment to ensure it is well-maintained, continues to be utilized for the purpose intended, and is in a condition to enable operating at a full level of performance. In addition to the compliance reviews, the NDDOT inspector will conduct on-site inspections of all FTA funded vehicles, equipment, and facilities and their preventive maintenance activities performed. A copy of the vehicle, equipment, and facility inspection forms are included as Exhibit M: Vehicle Inspection Sheet, Exhibit N: Equipment Inspection Sheet, and Exhibit O: Facility Inspection Sheet.

In addition to the property and equipment inspections, the NDDOT Transit Section will conduct compliance reviews of each 5311, 5310, 5339 and State Aid subrecipients in order to ensure the subrecipient is following FTA and State mandates. Subrecipient compliance reviews are performed every three years. Transit staff may visit, or request and review records and documentation for desk reviews more often if the initial review uncovers any concerns or unresolved questions.

Subrecipients are sent compliance review questionnaire six weeks prior to scheduled reviews through the BlackCat Oversight system. See Exhibit P: 5310 Compliance Review Form and Exhibit Q: 5310, 5311, 5339, & State Aid Compliance Review Form. Subrecipients have 30 days to complete the questionnaire and return it to NDDOT for a 2-week desk review prior to the on-site visit. Following the on-site visit and inspection, any deficiencies or areas of concern are assigned a timeline for improvement and returned to the subrecipient again through the BlackCat Oversight system. All communication regarding the review and inspection including NDDOT and subrecipient's responses are received and commented upon through the BlackCat system.

All findings and recommendations are sent through the BlackCat system. Noncompliance may result in eliminated or diminished funds. In addition, noncompliance or noted areas of concern could result in more frequent on-site visits or desk reviews depending upon the circumstances. Once all deficiencies have been corrected, the review will be closed in the BlackCat system.

The compliance review consists of monitoring the subrecipient's Drug & Alcohol policy, TAM Plan, Vehicle and Facilities maintenance plans, Title VI and LEP plans, fiscal management

procedures, and general operation procedures for their transit program including inspection of passenger vehicle logs. NDDOT ensures that all transit capital assets with a unit value exceeding \$5,000 acquired by subrecipients with federal and state funds are monitored as follows:

- Biannual inspections of facilities, equipment, and vehicles are performed to confirm usage of its original intended purpose and condition, review pretrip inspections, and ensure safety measures are in place during on-site visits and compliance reviews; NDDOT transit staff reviews asset maintenance records to ensure vehicle preventive maintenance is completed according to manufacturer's recommendations and performed on-time at least 80 percent of the time.
  - If determined that an agency is not meeting the preventive maintenance on-time standard of at least 80 percent of its scheduled preventive maintenance, the agency must provide a report describing the vehicle, copy of the work order or receipt of work performed, print out of their maintenance plan, and document the dates and mileage between maintenance for three months. If a repeat deficiency occurs, the agency must submit the above information for 12 months to demonstrate they have conducted at least 80 percent of its preventive maintenance on-time for 12 consecutive months.
- NDDOT transit staff review operations and ridership reports to look for changing patterns.

## **Maintenance and Inspection**

Inspections on buildings, equipment, and vehicles will be conducted every other year to assure that the vehicles and buildings are being used for their intended use. The inspection will include reviewing maintenance records of vehicles, equipment, and buildings to ensure that they are being maintained according to their TAM and maintenance plans as well as in accordance with manufacturer's recommendations. NDDOT maintains records in the TAM database for vehicles, facilities and equipment purchased with FTA funds exceeding \$5,000. The database is monitored through the following:

- Data entry of assets in the BlackCat system, the subrecipient verifies the presence and status of vehicles, facilities and other substantial assets;
- Desk reviews of maintenance performed and its timelines in the asset management system; and
- On-site reviews and inspections during compliance reviews.
- Subrecipients are sent a vehicle inventory compliance review form prior to scheduled on-site visit through the BlackCat system. See Exhibit R: Vehicle, Equipment, Facility Inspection Questionnaire.

- Subrecipients are to complete the form and return it to NDDOT prior to the on-site visit. The agency should make vehicles available for the inspection. During the on-site visit and inspection, any deficiencies or areas of concern are relayed to the agency employee assisting with the inspection. If deficiencies are not corrected prior to the end of the inspection process, the agency is assigned a timeline for improvement and returned to the subrecipient again through the BlackCat system. All communication regarding the review and inspection including NDDOT and subrecipient's responses are received and commented upon through the BlackCat system.

If subrecipients are determined to be noncompliant, all findings are sent through the BlackCat system. Noncompliance may result in eliminated or diminished funds. In addition, noncompliance or noted areas of concern could result in more frequent on-site visits or desk reviews depending upon the circumstances. Once all deficiencies have been corrected, the review will be closed in the BlackCat system.

The compliance review consists of, but not limited to, monitoring maintenance of all assets, pre-trip or post-trip inspections, vehicle safety inspection and fulfillment of FTA on-board requirements, ensure that all operating elements are in safe working order and meet cleanliness standards.

### **Subrecipient Reporting Requirements**

Subrecipient monitoring is an ongoing process undertaken by NDDOT transit staff. Subrecipients are required to report expenses, revenues and sources of local match via quarterly budget reports.

Along with the requested budget data, NDDOT requires quarterly service data reporting on:

- Total days and number of hours of operation, Trips provided by County, Number of passenger trips;
- Number of revenue miles;
- Number of revenue hours;

The transit staff uses the information contained in the quarterly reports to monitor subrecipients' fiscal and operational activities. Requests for reimbursement are approved by the NDDOT transit staff before payment can be processed. Through a random generated system, subrecipients are required to submit documentation to verify claimed expenses at a minimum of one quarter annually. If discrepancies are found, subrecipients can be required to submit receipt documentation more often than the quarterly minimum. In addition, through a random generated system, subrecipients are required to submit documentation to verify



trips at a minimum of one quarter annually. If discrepancies are found, subrecipients can be required to submit trip documentation more often than the quarterly minimum.

As part of the reimbursement of submitted claims for payment process, the TAM-web is reviewed for current preventive maintenance activity. If records do not track any maintenance performed in the most recent 6-month period, the claim will not be processed until preventive maintenance can be verified.

An additional requirement to process a claim for payment is that the subrecipient is duly registered in SAM.gov. The subrecipient is responsible to ensure their SAM.gov registration is updated annually and in good standings to receive federal funds.

## **DRUG AND ALCOHOL PROGRAM**

### **Drug-Free Workplace Act**

The Drug-Free Workplace Act (DFWA) of 1998, as amended, requires NDDOT to maintain a drug-free workplace for all employees and have an anti-drug policy and awareness program. Current NDDOT work rules prohibit the illegal use and/or possession of any alcoholic beverages and non-prescribed narcotics in the workplace. NDDOT's Employee Assistance Program (EAP) assists employees and their immediate families with drug and alcohol related issues.

### **Drug and Alcohol Program**

FTA requires the testing of employees performing safety-sensitive functions as defined in 49 CFR 655. The following six types of testing are required: pre-employment, random, post-accident, return to duty, reasonable suspicion testing and follow-up. All subrecipients test for marijuana, cocaine, opiates, phencyclidine, amphetamines and alcohol. Currently, testing is required at a minimum rate of 50 percent for drugs and a rate of 10 percent for alcohol of the safety-sensitive pool.

Subrecipients that receive Section 5311 funds are required to have a drug and alcohol testing program for safety-sensitive employees.

NDDOT annually signs FTA Annual List of Certifications and Assurances for FTA grants and cooperative agreements which binds NDDOT to all drug and alcohol regulations per 49 CFR Part 655. This certification is uploaded in the BlackCat system.

NDDOT contracts with a drug and alcohol consultant, who assists with drug and alcohol oversight by conducting on-site mock audits of collection sites, audits of consortiums and third-party administrators, reviewing subrecipient's drug and alcohol policies and practices,

and provide drug and alcohol training and technical assistance. The drug and alcohol reviews are conducted every three years unless findings dictate a need to review subrecipients more often.

Each contract between NDDOT and the subrecipient shall contain language that requires the subrecipient to comply with FTA regulations related to drug and alcohol testing. In addition, private providers under contract with subrecipients are required to comply with these regulations.

NDDOT requires that all subrecipients must formally adopt a substance abuse policy. An approved, signed and dated copy of the adoption must be a part of the transit system's file and uploaded to the BlackCat Resources. Each policy details the procedures and provisions of a drug and alcohol testing program. At a minimum, all policies will include the policy content requirements of 49 CFR Part 655 Subpart E. NDDOT's drug and alcohol consultant will review these policies.

Failure to comply with a drug and alcohol policy by a subrecipient could find their transit agency non-compliant with federal regulation and may result in suspension of federal transit funding.

NDDOT transit staff verifies compliance with drug and alcohol regulations while conducting compliance reviews and through on-site visits with the drug and alcohol consultant.

NDDOT requires mandatory training courses for subrecipients and their employees. The required training is a minimum of one time 60 minutes of drug abuse training and 2 hours of supervisor training that includes 60 minutes of drug abuse training and 60 minutes of reasonable suspicion training.

The submittal of annual FTA Drug and Alcohol Management Information System (DAMIS) reports is a requirement of acceptance of FTA grant funding. MIS reports are filed electronically by March 15<sup>th</sup> of each year through FTA DAMIS reporting system administered by the MIS Project Office at the Volpe National Transportation Systems Center.

Subrecipients are required to participate in the annual MIS reporting process with data compiled by their third-party administrators.

## **LOBBYING**

No Federal funds will be used to influence Federal grants or programs. All Section 5310, 5311 and 5339 subrecipients and bidders for applicable procurements must sign a

certification on contracts exceeding \$100,000 attesting to the best of his or her knowledge and belief that no funds will be paid to any person for influencing federal contracting and financial transactions as required by 49 CFR 20.110. See Exhibit S: State Lobbying Certification.

If subrecipients apply for a grant exceeding \$100,000, they must initial the Certifications and Assurances Fiscal Year certification making the disclosure regarding the applicant's lobbying activities. This certification is required by 49 C.F.R. § 20.110 and app. A to that part. This certification does not apply to an applicant that is an Indian Tribe or Indian organization.

## **CHARTER**

NDDOT does not promote charter services by publicly funded subrecipients. Under 49 CFR Part 604, subrecipients are prohibited from using federally-funded vehicles and facilities to provide charter service if a registered private charter operator expresses interest in providing the services.

If charter services are requested and approved, all requirements or exceptions must be met in accordance with 49 CFR Part 604 Subpart B-Exceptions. All exemptions must adhere to the provisions in 49 CFR 604.2.

### **Exceptions**

- Government officials on official government business within service area – Not to exceed 80 hours
- Qualified human service organization
- Leasing to private charter operator
- No response by registered charter provider
- Agreement with all registered charter providers
- Petition to the administrator

### **Exemptions**

- Transportation of employees, contractors, and government official within service area for oversight functions
- Private charter operators
- Emergency preparedness planning and operation
- Section 5310 and 5311 program purposes
- Emergency response
- Transportation training

If one or more of these exceptions are performed by any of our subrecipients it must be reported as charter service to NDDOT and FTA. A quarterly reporting form must be submitted if charter services are performed. The form can be found on the NDDOT website and BlackCat Global Resources.

The annual federal certifications and assurance, that contain the charter service certification, must be signed by all subrecipients. Copies of the FTA Certifications and Assurances are uploaded in the Black Cat system.

NDDOT transit staff verifies compliance with charter regulations while reviewing annual grant applications and during compliance reviews.

## **SCHOOL BUS** (FTA C 9040.1G)

Title 49 U.S.C. 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel.

Regulation, 49 CFR Part 605 does permit mass transportation service to be modified to accommodate school students along with the general public or “tripper service.”

Trippler service must be open to the public, stop only at regular service stops with only de minimis route alterations, operate with regular route service, and does not carry designations such as “school bus” or “school special”. The buses may only stop at a recipient or operator’s regular service stop. All routes traveled by tripper buses must be within a recipient’s or operator’s regular route service as indicated in their published route schedules. Subrecipients must submit to NDDOT assurances of compliance with all school bus regulations annually. Copies of the signed Certifications and Assurances are uploaded in the BlackCat system.

NDDOT transit staff verifies compliance with school bus regulations when reviewing annual grant applications and during compliance reviews.

## **AGENCY CLOSURE**

Once an agency has established that it is no longer going to provide transit services, NDDOT will:

- Obtain backup documentation with reason for closure.
- Discuss with NDDOT management other possible solutions.

If another provider in the community chooses to provide the service, the following items must be completed:

- A viable timeframe will be established.
- Subrecipient will be notified.
- Ensure a smooth transition.
- Keep riders updated on a regular basis.
- Vehicles will need to be reassigned to the new provider.
- Make sure all financials are in order.
- Review remaining federal and state funds, transfer to new provider if applicable.
- Close contract with existing provider.
- Provide notification to FTA Region 8.

## **RECORD RETENTION**

All documentation relating to federal or state contracts must be retained, at a minimum, according to federal and state regulations. The following guidelines are used for retention:

- Federal Transit Administration (FTA) Civil Rights – All documentation for the Disadvantaged Business Enterprise (DBE) Program, Title VI and Limited English Proficiency (LEP), ADA and Non-Discrimination, and EEO must be retained for 10 years.
- Annual Transit Programs & Project Files – All documentation relating to federal or state contracts must be retained 6 years beyond the close of the contract.
- Miscellaneous Transit – Related Program Files – All documentation for drug testing program, local project vehicle and equipment inventory certification, financial documents, audit information, and various other transit-related files must be retained until updated or obsolete plus 3 years.
- Transit Vehicle Files – Transit procurement package and vehicle information, such as make, model, VIN, condition, and inspections must be retained for life of vehicle plus 3 years.
- Transit Facilities – Transit facility documentation including plans, maintenance, inspections must be retained for 40 years;
- Land – Documentation on land purchased with FTA funds must be retained for life.



## Transit Glossary

### **ADA**

Americans with Disabilities Act of 1990

### **Bus Stop**

Pre-defined location for passengers to board and/or alight the transit vehicle, typically on-street, at the curb, or in a median, sometimes with a shelter, sign, or lighting.

### **Capital**

Projects related to the purchase of equipment necessary to support transit services. Equipment is tangible property having a useful life of more than one year, e.g., vehicles, buildings, passenger stations, and an acquisition cost which equals the lesser of:

- The capitalization level established by the government unit for financial statement purposes, or
- \$5,000.

### **Charter Service**

A vehicle hired for exclusive use that does not operate over a regular route, on a regular schedule and is not available to the general public.

### **Complementary Paratransit Services**

Transportation service required by the Americans with Disabilities Act for individuals with disabilities who are unable to use fixed route transportation systems. This service must be comparable to the level of service provided to individuals without disabilities who use the fixed route system. The complementary services must be origin-to-destination service. Service must be provided in a corridor  $\frac{3}{4}$  of a mile on either side of the bus routes.

### **Cost Allocation Plan (CAP)**

The CAP is a plan that distributes the costs of a state or local government's executive and central level support functions to those operating organizations (usually at a lower tier level) within the government that benefit from them.

### **Cognizant Federal Agency**

Cognizance is generally assigned to the federal agency that provides the predominant amount of federal funding with a recipient within a given state or locality. (OMB has assigned cognizant audit agencies for state and local governments.) Cognizant agency for indirect costs means the federal agency responsible for reviewing, negotiating, and approving indirect cost proposals or

cost allocation plans developed under 2 CFR part 200 on behalf of all federal agencies. Cognizance is generally assigned to the federal agency that provides the predominant amount of dollar involvement with a recipient organization. Once designated as the cognizant agency for indirect costs, the federal agency must remain so for a period of 5 years.

### **Cutaways**

A vehicle in which a bus body is mounted on the chassis of a van or light-duty truck. Cutaways typically seat 15 or more passengers, and typically may accommodate some standing passengers.

### **Demand Response Service**

Shared use transit service operating in response to calls from passengers or their agents to the transit operator, who schedules a vehicle to pick up the passengers to transport them to their destinations.

### **Deviated Fixed Route Service**

Transit service that operates along a fixed alignment or path at generally fixed times, but may deviate from the route alignment to collect or drop off passengers who have requested the deviation.

### **Fare Revenues**

All income received directly from passengers, paid either in cash or through pre-paid tickets, passes, etc.

### **Federal Government Funds**

Financial assistance obtained from the Federal government to assist with paying the costs of providing transit services.

### **FHWA**

Federal Highway Administration

### **Fixed Route Services**

Services provided on a repetitive, fixed schedule basis along a specific route with vehicles stopping to pick up and deliver passengers to specific locations; each fixed route trip serves the same origins and destinations.

### **Force Account work**

The use of a recipient or subrecipient's own labor force to accomplish a capital project. Force account does not include project administration, preventive maintenance, mobility management, or other nontraditional capital project types.



## **FTA**

Federal Transit Administration

### **FTA Bus and Bus Facilities (Section 5339)**

The FTA Bus and Bus Facilities Program is a formula program that finances capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

### **FTA Metropolitan Planning (Section 5303)**

Financial assistance from Section 5303 of the Federal Transit Act. This program supports the cooperative, continuous and comprehensive planning program for making transportation investment decisions in metropolitan areas.

### **FTA Other Than Urbanized Area Formula Program (Section 5311)**

Financial assistance from Section 5311 of the Federal Transit Act. This program provides formula funding to States and Indian Tribes for the purpose of supporting public transportation in areas with a population of less than 50,000. Funding may be used for capital, operating, State administration, and project administration expenses.

### **FTA Special Needs of Elderly Individuals and Individuals with Disabilities Formula Program (Section 5310)**

Financial assistance from Section 5310 of the Federal Transit Act. This program provides capital assistance to state and local governments and private non-profit groups in meeting the transportation needs of elderly individuals and individuals with disabilities.

### **FTA Urbanized Area Formula Program (Section 5307)**

Financial assistance from Section 5307 of the Federal Transit Act. This program makes Federal resources available for capital and operating assistance for transit in urbanized areas. The Urbanized Area Formula Program also supports planning. Funding is apportioned directly to each UZA with a population of 200,000 or more, and to the State Governors for UZAs with populations between 50,000 and 200,000.

## **Internal Control**

Internal control means a process, implemented by a recipient or subrecipient, designed to provide reasonable assurance regarding the achievement of objectives in the following categories: (1) effectiveness and efficiency of operations, (2) reliability of reporting for internal and external use, and (3) compliance with applicable laws and regulations.

**Intercity Bus**

Regularly scheduled public service using an over-the-road bus that operates with limited stops between two urbanized areas or that connects rural areas to an urbanized area.

**Local Government Funds/Local Share**

Financial assistance from local governments (below the state level) to help cover the costs of providing transit services. They may include, but are not limited to:

- Tax levies - A specified amount from local levies that is dedicated to supporting public transit system operating costs;
- General funds - Transfers from the general fund of local governments to cover the Local Share portion of the transit system budget;
- Specified contributions - Contributions from city, county or other municipal government towards the Local Share portion of the transit system budget;
- Donations - Donations from individuals or organizations to help cover the costs of providing transit service but which are not related to specific passengers or trips; and
- Other - Other revenues such as advertising, fundraising, etc.

**Operating Expenses**

The expenses associated with the operation of the transit agency, and classified by function or activity, and the goods and services purchased. These are consumable items with a useful life of less than one year or an acquisition cost which equals the lesser of:

- The capitalization level established by the government unit for financial statement purposes, or
- \$5,000.

**Paratransit**

Types of passenger transportation most often refers to wheelchair-accessible, demand response service.

**Passenger**

An individual on board, boarding, or alighting from a revenue transit vehicle. Excludes operators, transit employees and contractors.

**Preventative Maintenance Costs**

All the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner, up to and including the current state of the art for maintaining such asset.

**Private Nonprofit Provider**

A nonpublic entity with a tax-free status that provides public transportation services. Nonprofit entities exist to provide a particular service (e.g., public transportation) to the community.

**Public Transportation**

As defined in the Federal Transit Act, "transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation."

**Replacement (fleet)**

The replacement of revenue vehicles having reached the end of a minimum normal service life.

**Revenue Service (Miles, Hours, and Trips)**

The time when a vehicle is available to the general public and there is an expectation of carrying passengers. These passengers either:

**Revenue Vehicle**

The floating and rolling stock used to provide revenue service for passengers.

**Service Area**

A measure of access to transit service in terms of population served and area coverage (square miles).

The service area for DR is the area encompassing the origin to destination points wherever people can be picked up and dropped off.

**State Government Funds**

Financial assistance obtained from a state government(s) to assist with paying the costs of providing transit services.

**State of Good Repair**

A condition sufficient for capital assets to operate at a full level of performance at its designed function, in a safe manner, and has met or recovered lifecycle investment

**Subrecipient**

Any government department, agency, establishment, or nonprofit organization that receives financial assistance from a pass-through entity to carry out a program or perform a scope of or work or objectives.

**Surface Transportation Program (STP)**

Federal Highway Administration (FHWA) program whose funds can be flexed to FTA Section 5307 Urbanized Area Formula Program for transit projects. These funds may be used for capital projects including, ridesharing projects, bicycle and pedestrian facilities, transit safety improvements and transportation control measures; and, for planning activities including transit research and development, environmental analysis and wetland mitigation.

**Transit**

Synonymous term with public transportation.

**Transit Asset Management**

A business model that uses the condition of assets to guide the optimal prioritization of funding at transit properties in order to keep transit networks in a State of Good Repair.

**Useful Life Benchmark (ULB)**

The expected lifecycle of a capital asset for a particular Transit Provider's operating environment, or the acceptable period of use in service for a particular transit provider's operating environment.

**Vans**

An enclosed vehicle having a typical seating capacity of 8 to 18 passengers and a driver. A van is typically taller and with a higher floor than a passenger car. Vans normally cannot accommodate standing passengers.

## NDDOT Transit Grant Application Guidelines

<https://www.dot.nd.gov/divisions/localgov/docs/transit/20200801-ND-Transit-Grant-ApplicationGuidelines.pdf>

# NDDOT ITS PROJECT/ARCHITECTURE CHECKLIST SYSTEMS ENGINEERING COMPLIANCE (Ver. 5.0)

North Dakota Department of Transportation, Maintenance  
SFN 60212 (8-2017)

EXHIBIT C

For All ITS Projects, a Systems Engineering Checklist must be submitted for review and approval **prior to approval of Federal funds (23 CFR 940.13)**. If the ITS portion of the project **≥\$5M**, the FHWA must approve the Systems Engineering Checklist; allow an additional two weeks for FHWA approval. Attach or make available any documents referenced in this form when submitting.

## Section 1 Project Information

Agency Name		Project Champion		
Address		City	State	ZIP Code
Telephone Number		Email Address		
Brief Description (Purpose of ITS project including list of ITS elements)				<input type="checkbox"/> See Attachment
New Project or Modification <input type="checkbox"/> New Project <input type="checkbox"/> Modification to existing project		Total Funds (ITS only) <input type="checkbox"/> State _____ <input type="checkbox"/> Fed _____ <input type="checkbox"/> Other _____		
Project Number	PCN	Project Location	Bid Letting Date	Construction Year
Nature of Work				
<input type="checkbox"/> Scoping		<input type="checkbox"/> Design Software/Integration		<input type="checkbox"/> Construction
<input type="checkbox"/> Planning		<input type="checkbox"/> Maintenance (Equipment Replacement)		<input type="checkbox"/> Operations
<input type="checkbox"/> Evaluations		<input type="checkbox"/> Other - Specify _____		
Relationship to Other ITS Projects and Phases				<input type="checkbox"/> See Attachment

**Section 2 Needs Assessment (940 requirement)**

What is / are the current problem(s) with the current situation?	<input type="checkbox"/> See Attachment
What needs does this project address?	<input type="checkbox"/> See Attachment
How were these needs identified? <b>Must describe functional needs to meet portions of architecture identified in Section 3 on next page.</b> **Reference any relevant documentation	<input type="checkbox"/> See Attachment

**Section 3 Regional ITS Architecture (940 requirement)**

Portions of the Regional ITS Architecture being implemented									
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Archived Data Management</td> <td style="width: 33%;"><input type="checkbox"/> Traffic Management</td> <td style="width: 33%;"><input type="checkbox"/> Maintenance &amp; Construction Management</td> </tr> <tr> <td><input type="checkbox"/> Traveler Information</td> <td><input type="checkbox"/> Public Transportation</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Commercial Vehicle Operations</td> <td><input type="checkbox"/> Emergency Management</td> <td></td> </tr> </table>	<input type="checkbox"/> Archived Data Management	<input type="checkbox"/> Traffic Management	<input type="checkbox"/> Maintenance & Construction Management	<input type="checkbox"/> Traveler Information	<input type="checkbox"/> Public Transportation		<input type="checkbox"/> Commercial Vehicle Operations	<input type="checkbox"/> Emergency Management	
<input type="checkbox"/> Archived Data Management	<input type="checkbox"/> Traffic Management	<input type="checkbox"/> Maintenance & Construction Management							
<input type="checkbox"/> Traveler Information	<input type="checkbox"/> Public Transportation								
<input type="checkbox"/> Commercial Vehicle Operations	<input type="checkbox"/> Emergency Management								
New ITS Project or element described here									

Service Packages - Attach all applicable market packages from Turbo or Regional Architecture; attach flow diagram (940 requirement) [NDDOT Service Packages Link](#)

Service Package	Flow Diagram Attached
	<input type="checkbox"/> No <input type="checkbox"/> Yes
	<input type="checkbox"/> No <input type="checkbox"/> Yes
	<input type="checkbox"/> No <input type="checkbox"/> Yes
	<input type="checkbox"/> No <input type="checkbox"/> Yes
	<input type="checkbox"/> No <input type="checkbox"/> Yes

Inventory elements from the Architecture being implemented <a href="#">NDDOT Elements Link</a>

Participating Agency Roles and Responsibilities (940 Requirement) <a href="#">NDDOT Operational Concept Link</a>

Regional Architectures impacted by the project

[ND Statewide](#)   
  [Minnesota](#)   
  [Bismarck/Mandan MPO](#)   
  [Grand Forks/East Grand Forks MPO](#)  
 [South Dakota](#)   
  Montana   
  [FM COG](#)   
  Other \_\_\_\_\_

Changes recommended to NDDOT/Regional Architectures due to the project   
 No     Yes

If Yes, Provide ND Statewide-ITS Architecture Change Request ([SFN60213](#))   
 Attached     To Be Completed

National ITS Standards Incorporated (**940 Requirement**)

Yes ([Standards Link](#))   
 No, MUST Explain

\*Test procedures must be included (see below)

**Project Matrix Documentation** (Should be completed by someone familiar with the SE. Some projects have multiple ITS elements only some of which will have the required documentation, reference all that apply to the project.)

NOTE: Items in red are required, while those marked with an * are needed based on project complexity and risk	REFERENCES: Include full name of the document; date the document was prepared; and the heading or section number within the document where the information is provided. If not previously documented, this documentation <u>must be included with this System Engineering Checklist</u>	Date Verified
Concept of Operations		<input type="checkbox"/> See Attachment
Requirements		<input type="checkbox"/> See Attachment
Alternatives Analysis		<input type="checkbox"/> See Attachment
Test Plan		<input type="checkbox"/> See Attachment
Detailed Design		<input type="checkbox"/> See Attachment
Integration Plan*		<input type="checkbox"/> See Attachment
System Acceptance Plan*		<input type="checkbox"/> See Attachment

**Section 4 Procurement (940 requirement)**

Procurement Methods (Should correspond with project complexity)

**Low Bid with DOT Design** - typical for construction projects DOT design (low bid contractor)  
 **Low Bid with Consultant Design** - typical for construction projects consultant design (low bid contractor)  
 **System Manager** - manager responsible for delivering an operational system (quality based selection; RFP)  
 **Commodity Supplier** - off-the-shelf ITS products (low bid selection of pre-qualified packages)  
 **Consultant** - supplement in-house capabilities or consultant/manager selection (qualifications based; RFP)  
 **Outsourcing** - for a capability of function rather than a specific system (best value or low bid; RFP)  
 **Other**

Comments

**Spare Parts**

Additional equipment (spare parts) requested?   
 Yes     No

If Yes, please complete Attachment A:   
 Attached     To Be Completed



**Section 5 Operations and Maintenance (940 requirement)**

Procedures and Resources Needed for Operation
Estimated Annual Operations Maintenance Costs
Stakeholder(s) responsible for maintenance and funding source

**Section 6 Agreements**

List any agreements needed or utilized for this project
---

**Section 7 Acceptance**

Approved

NDDOT ITS Engineer	Date
--------------------	------

Not Approved

Comments
----------

**FHWA Approval (ITS ≥\$5M)**

FHWA Division Administrator	Date
FHWA Division ITS Engineer	Date

**Attachment A - ITS Spare Parts Eligibility Assessment**

For this project, which products are intended to be purchased beyond the quantities required for initial installation?

a.	
b.	
c.	

Do you certify that the agency responsible for hardware maintenance on this facility has a system for inventory tracking of these products which includes at least purchase dates, unique part identification, and quantity?  
 Yes  No

How, or by whom, may this inventory be located?

For the types of spare parts requested, what is the quantity of spare parts currently available by the agency responsible for maintenance?

a.		Newest part purchase date	
b.		Newest part purchase date	
c.		Newest part purchase date	

Do you certify that:

- Yes  No The type(s) of spare parts requested are essential for the safe and successful operation of the system (system-critical)?
- Yes  No The agency responsible for hardware maintenance on this facility has a system for inventory tracking of these products, which includes at least purchase dates, unique part identification, and quantity?
- Yes  No Replacement of these parts is above and beyond what is expected of typical system "routine maintenance" (i.e., paint jobs, de-icing)?
- Yes  No The order quantity of the spare parts is consistent with both the expected failure rate for those parts and the expected service life for the associated project function.
- Yes  No The estimated purchase costs of the spare parts alone is less than 10% of the estimated total project cost?
- Yes  No The time to purchase replacement equipment for these spare parts in the event of a failure would cause an unacceptable disruption to the safety or efficiency of the system?

If the answer to any of the above questions is "no," the purchase of these three spare parts may still be eligible for Federal-aid reimbursement a public interest finding (PIF). Please coordinate with the NDDOT Maintenance Division ITS Engineer for submission of a PIF application in this regard.

- Yes  No Is a PIF required for this purchase?
- Yes  No If a PIF is required, has it been approved by NDDOT ITS Engineer?

For more information on Federal-aid eligibility of spare parts, please see the following Memoranda from FHWA:  
 "INFORMATION: Eligibility of Replacement Parts for Safety-related Hardware," March 18, 2008  
 "INFORMATION: Guidance on Federal-aid Eligibility of Operating Costs for Transportation Management Systems," January 3, 2000

## Consultant Administration Services (CAS) Procedures Manual

Revised March 6, 2017

<http://www.dot.nd.gov/manuals/environmental/Proceduremanual.pdf>

# FTA REGION 8 CATEGORICAL EXCLUSION WORKSHEET

EXHIBIT E

FTA Region 8 provides this Categorical Exclusion (CE) worksheet to help project sponsors (recipients) comply with the National Environmental Policy Act (NEPA). The information collected will help to better define the project scope for environmental analysis, identify potential impacts, and determine if other environmental laws and permits apply. If sufficiently completed, it can enable FTA to determine that the project does not result in significant environmental impacts and meets the criteria for a CE. All activities and projects to be supported with federal funds require a NEPA environmental finding as a prerequisite to award of funds.

This CE Worksheet should be completed for C-List projects involving construction and *all* D-List projects. **If a C-List project does not involve construction, you do not need to complete this worksheet.** All parts below must be completed prior to FTA review. Compliance with other environmental requirements must also be completed before FTA will issue a determination that the project meets the criteria for a CE. Certain project activities may not begin until this process is complete. For guidance on completing this worksheet, please refer to the CE Worksheet Instructions.

Prior to transmitting a grant application, complete and submit this CE Worksheet using the CE Worksheet Instructions allowing sufficient time for FTA review, especially if other environmental laws or permits apply. For assistance, please contact your assigned FTA Region 8 Pre-Award Manager, or you may call the office at 303-362-2400. To “check” a box, double-click on the box and select “checked” under default value.

## PART A: PROJECT INFORMATION

Project Sponsor	FTA Application No/FAIN
Project Contact (include mailing address, email address and phone number)	
Project Title	
Project Description	
Project Location (Include physical address)	
Is this project included in the current approved TIP and/or STIP? <input type="checkbox"/> YES – TIP/STIP ID/Page No.: <input type="checkbox"/> NO – When will it be added?	
Is this a re-evaluation of a project previously evaluated/approved or currently under construction? <input type="checkbox"/> NO <input type="checkbox"/> YES	

## PART B: PROPOSED CATEGORICAL EXCLUSION DETERMINATION

Select the CE category under 23 CFR 771.118(c) or (d) that best describes the proposed project (select only one). FHWA and FRA CEs also may be used, if applicable. CE descriptions are included in the CE Worksheet Instructions.

CE (e.g., C-9 or D-6):

## PART C: ENVIRONMENTAL EVALUATION

For each of the following resources, identify, evaluate and describe any adverse impacts to the built (including social and economic) and natural environment resulting from the proposed project. Select NO, if a resource is not present on or near the proposed project area, or if there are no adverse impacts. Select YES, if a resource is present and will be impacted; and succinctly describe the impacts, any mitigation necessary to minimize impacts, and any permits required. Please explain your answer. The level of detail you provide should be commensurate with the complexity of the project. For guidance on how to evaluate each resource for impacts, see the CE Worksheet Instructions. If, through your evaluation, you believe the project *will* result in significant environmental impacts or you aren't sure, and/or it is likely to generate substantial controversy on environmental grounds, contact FTA Region 8.

### 1. Land Use and Zoning

Is the proposed project incompatible or inconsistent with existing or future land use and/or zoning in the project area? Describe the surrounding land use and zoning. Provide a map with project location and surrounding land uses.

- NO  
 YES

### 2. Land/Property Acquisition, Relocation, Leases and Easements

Does the proposed project require any land/property acquisition, easement or permit? Note: for acquisitions over \$1 million, FTA concurrence with the property's valuation is also required (see Circular 5010.E). Explain.

- NO  
 YES

### 3. Environmental Justice

Is the proposed project located in a neighborhood containing minority or low-income residents or businesses? If yes, will it result in disproportionately high and adverse impacts? Explain.

- NO  
 YES

**4. Cultural, Historic and Archaeological Resources**

Are there any cultural, historic or archaeological resources on or near the proposed project site? If yes and the proposed project has the potential to affect such resources, the Section 106 process must be followed and a Section 4(f) evaluation may be required. Explain, including what steps were taken to make the determination.

NO

YES

If YES resources are present, does Section 106 apply? Explain.

NO

YES – Provide Section 106 Consultation Documentation

If YES resources are present, does Section 4(f) apply? Explain.

NO

YES – Provide Section 4(f) Evaluation

**5. Visual/Aesthetics**

Will the proposed project degrade the existing visual/aesthetic character or quality of the site, its surroundings, and/or recognized view sheds? Explain.

NO

YES

**6. Park and Recreation Resources**

Are there any public parks and/or recreation resources on or near the proposed project area that would be impacted? If the proposed project has the potential to impact publicly-owned parks or recreation areas, a Section 4(f) evaluation may be required. If a park is funded with LWCF funds, Section 6(f) may apply. Explain.

NO

YES

If YES, does Section 4(f) apply? Explain.

NO

YES – Provide Section 4(f) Evaluation

If YES, does Section 6(f) apply? Explain.

NO

YES – Provide documentation

**7. Noise and Vibration**

Are there any noise and/or vibration sensitive receptors located near the proposed project that would be impacted? Explain.

NO

YES

**8. Air Quality**

Is the proposed project located in an Environmental Protection Agency (EPA)-designated non-attainment or maintenance area?

- NO
- YES - indicate the criteria pollutant and contact FTA to determine if a hot spot analysis is necessary.
  - Carbon Monoxide (CO)
  - Sulfur Dioxide (SO<sub>2</sub>)
  - Lead (Pb)
  - Nitrogen Dioxide (NO<sub>2</sub>)
  - Ozone (O<sub>3</sub>)
  - Particulate Matter (PM<sub>10</sub>)
  - Particulate Matter (PM<sub>2.5</sub>)

Does the proposed project require a conformity analysis or regional analysis under 40 CFR Part 93?

- NO
- YES

If the non-attainment area is also in a metropolitan area, is the proposed project required to be and included in the MPO's air quality conformity analysis for the Transportation Improvement Program (TIP)?

- NO
- YES - Date of FHWA/FTA conformity finding

**9. Hazardous Materials**

Is there any known or potential contamination at the proposed project site that would be impacted? Describe the steps taken to make the determination (Phase I ESA, etc.) and results. Note the mitigation and clean-up measures that will be taken to remove hazardous materials from the project site, if applicable.

- NO
- YES

**10. Farmland**

Are there any prime or unique farmlands located at the proposed project site that would be impacted? Explain.

- NO
- YES

**11. Floodplains**

Is the proposed project located within the Federal Emergency Management Agency (FEMA) 100-year floodplain or within the floodway? If yes, this project may require further evaluation under EO 11988. Explain.

- NO
- YES

**12. Water Resources and Water Quality**

Are there any surface or ground water resources present, including an EPA-designated sole source aquifer (SSA), near the proposed project that would be impacted? Explain.

- NO
- YES

Is there an increase in impervious surface (e.g., roofs, driveways, streets, parking lots, etc.) or restored pervious surface greater than one acre? If YES, a NPDES/storm water permit may be needed and must be acquired prior to construction. Explain.

- NO
- YES

**13. Wetlands and Waters of the U.S.**

Are there any wetlands or waters of the U.S. on or adjacent to the proposed project area that would be temporarily or permanently impacted? Explain.

- NO
- YES

If YES, is a permit from the US Army Corps of Engineers required? Explain.

- NO
- YES

**14. Threatened and/or Endangered Species**

Are there any listed threatened and/or endangered species (plant or animal) or critical habitat present on or near the proposed project area that would be impacted? How was this determined? If yes, Section 7 of the Endangered Species Act may apply. Explain.

- NO
- YES

**15. Natural and Biological Resources**

Are there any natural areas, biological resources (fish, birds, wildlife and habitat) or sensitive areas present on or near the proposed project area that would be impacted? If the proposed project has the potential to impact wildlife or waterfowl refuges, a Section 4(f) evaluation may be required. Explain.

- NO
- YES

If YES, does Section 4(f) apply? Explain.

- NO
- YES – Provide Section 4(f) Evaluation



<p><b>16. Traffic and Parking</b> Does the proposed project have the potential to permanently impact traffic and/or parking (on and off street) in the project area? Explain.</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>
<p><b>17. Utilities</b> Are there any utilities that could be impacted by the proposed project? Explain.</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>
<p><b>18. Construction Impacts</b> Will the proposed project result in impacts (e.g., noise, air, water, staging, parking, traffic detours, etc.) during construction? Explain.</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES – Provide mitigation commitments</p>
<p><b>19. Public Outreach and Agency Coordination</b> Was any public outreach and/or agency coordination conducted? Explain.</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>
<p><b>20. Safety and Security</b> Are any measures required for the safe and secure operation of the proposed project after its construction? Explain.</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>
<p><b>21. State and Local Permits, Policies and Ordinances</b> Does the proposed project require compliance with any applicable state and local permits, policies and ordinances? Explain.</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>

**WORKSHEET COMPLETED BY (RECIPIENT NAME AND TITLE):**

**DATE SUBMITTED:**

--	--

Note: CE Worksheet must be signed by the Recipient of Funds

## Categorical Exclusion Worksheet Instructions and Environmental Resources Information

The purpose of the Categorical Exclusion (CE) Worksheet is to assist project sponsors (recipients) in providing sufficient documentation in compliance with FTA's regulations implementing the [National Environmental Policy Act of 1969 \(NEPA\)](#) and other environmental laws, regulations and executive orders, as applicable. The worksheet can be used in gathering and organizing materials for environmental analysis and in determining if the proposed action (project) qualifies as a CE as described in 23 CFR 771.118.

This worksheet should be used for category C-List CE projects involving construction and for all D-List CE projects. This includes construction of new facilities as well as projects involving rehabilitation, renovation, reconstruction, improvement, expansion, and modification of an existing facility (e.g., bus storage, maintenance facility, passenger shelters and amenities, transit center) or an existing transportation structure (e.g., bridges, tunnels, sidewalks, ADA ramps).

Submission of the worksheet does not constitute an environmental finding for your project. FTA must make the final determination whether a project meets the criteria for a CE. FTA will provide a CE determination approval letter for all C-List construction projects and all D-List projects that meet the requisite criteria. **Project activities, including property acquisition, demolition, site preparation, final design and construction, may not begin until the environmental process is complete.** There are some circumstances where prior property acquisition can occur, such as for corridor preservation. In addition, certain pre-award authority activities cannot be undertaken, prior to completion of NEPA. Contact the FTA Region 8 office (303-362-2400) if you have any questions or require assistance.

While all federally-funded actions require a determination under NEPA, you do not need to complete the CE Worksheet for non-construction projects that qualify as a C-List CE. This includes, but is not limited to, purchase, rehabilitation or replacement of vehicles or equipment; installation of new or replacement equipment within an existing facility; preventive maintenance of vehicles, equipment or facilities; repair, replacement or rehabilitation of transportation safety, security, accessibility and communication systems; and planning, administrative or operations activities. For these types of projects, the CE determination is made in TrAMS with FTA's concurrence; no letter will be provided for C-List non-construction projects. Contact the Region 8 office if you have questions on whether or not your project is considered a non-construction project.

Please discuss planned construction projects with your FTA Pre-Award Manager as early as possible to avoid delays later. Prior to transmitting a grant application, submit the completed CE Worksheet to Region 8 to allow sufficient time for review, especially if other environmental laws or permits apply. The level of detail you provide should be commensurate with the complexity of the project. Please do not include extraneous information. Once approved by FTA, the CE Worksheet must be attached to the grant application during its development in TrAMS to demonstrate completion of the NEPA process.

### **PART A: PROJECT INFORMATION**

Project Description: Provide a description of the proposed project with enough detail that describes what the project entails, why the project is needed, what the proposed use is, and what activities you are proposing to pay for with FTA funds. The description should also include how the project meets the conditions listed in the

particular CE being proposed (e.g., uses primarily land disturbed for a transportation use). The physical location (e.g., address or intersection) of the proposed project also should be provided and be consistent with what is provided in TrAMS. Other information to provide includes, but is not limited to:

- Description of the scope of work (e.g., remove and replace x, construct y, modify z, extent of excavation, etc.)
- Indication of whether it is a new facility, an expansion/extension of an existing facility, rehabilitation of an existing facility, etc.
- Details pertaining to depth of soil excavation and note any previous soil disturbance from prior construction or other activity
- Parcel ownership and size and if the project is within existing right-of-way or parcel boundaries
- Size/dimension (square feet or acres) of new facilities and facility expansions
- Description of all phases of the project, if applicable, regardless of federal funding
- Any previous consultations that might be relevant with other agencies or relevant correspondence
- Any previous studies or analysis that might be relevant
- A project vicinity map, a basic site plan showing access points and project boundaries, photographs, etc. This will provide information on adjacent protected and/or sensitive resources, such as schools, residences, parks and recreation areas, historic properties, wetlands, etc.

Indicate whether the proposed project is included in the current TIP and/or STIP, including page number, project identifier, or other reference. The project must be programmed in the year in which FTA would award the grant.

Indicate if this is a re-evaluation of a previously approved and/or funded project. If YES, provide information on the previous project, changes in the project, and the grant number.

## **PART B: PROPOSED CATEGORICAL EXCLUSION DETERMINATION**

Typically, a CE is for an action that normally does not have significant environmental effects or other unusual circumstances (see 23 CFR 771.118), does not require preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) (see 40 CFR 1508.1), and is based on FTA's past experience with similar actions. A CE is NOT an exemption from NEPA or other applicable federal environmental laws, regulations, executive orders, and/or permits that also may apply to the project.

A project may not require the higher level of NEPA analysis associated with an EA or EIS and still require analysis under other environmental laws such as Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act, or Section 4(f) of the DOT Act. If other environmental laws, regulations, executive orders, and/or permitting requirements are applicable, applicants need to apply for and obtain the necessary permits and approvals prior to an FTA determination, regardless of whether the project may qualify as a CE. Compliance with these requirements does not necessarily elevate the project to an EA or EIS.

If your project has significant environmental impacts or other unusual circumstances, or you are not sure, please contact Region 8. If there is the potential for significant environmental impacts FTA may require the preparation of an EA or EIS even for project types normally approved with a CE.

## FTA CATEGORICAL EXCLUSIONS

FTA's CEs can be found in 23 CFR 771.118 and are described below. FTA's June 2016 ["Guidance for Implementation of FTA's Categorical Exclusions \(23 CFR 771.118\)"](#) provides more information on each of the CE activities. Please note that FTA may now apply an FHWA or FRA CE to an FTA project or action should FHWA or FRA have a CE that better matches the project activity (see 23 CFR 771.118(e)).

**Please select, from the descriptions below, the category (only one) that most appropriately describes the activities you are planning to undertake with federal funds.**

**Category C Projects:** Projects listed in 23 CFR 771.118(c), known as C-List CEs, usually require minimal documentation in order to approve, unless certain unusual circumstances exist. Impacts, if any, should be minor in nature. Remember other environmental laws may apply. These CEs cover the following types of projects.

- (1) Acquisition, installation, operation, evaluation, replacement, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: utility poles, underground wiring, cables, and information systems; and power substations and utility transfer stations.
- (2) Acquisition, construction, maintenance, rehabilitation, and improvement or limited expansion of stand-alone recreation, pedestrian, or bicycle facilities, such as: a multiuse pathway, lane, trail, or pedestrian bridge; and transit plaza amenities.
- (3) Activities designed to mitigate environmental harm that cause no harm themselves or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices, such as: noise mitigation activities; rehabilitation of public transportation buildings, structures, or facilities; retrofitting for energy or other resource conservation; and landscaping or re-vegetation.
- (4) Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.
- (5) Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.
- (6) Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: acquisition for scenic easements or historic sites for the purpose of preserving the site. This CE extends only to acquisitions and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects that make use of the acquired or transferred property.

(7) Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

(8) Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

(9) Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) and uses primarily land disturbed for transportation use, such as: buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

(10) Development of facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as: police facilities, daycare facilities, public service facilities, amenities, and commercial, retail, and residential development.

(11) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

(i) Emergency repairs under 49 U.S.C. 5324; and

(ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

(12) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

(13) Federally-funded projects:

(i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see [www.fhwa.dot.gov](http://www.fhwa.dot.gov) or [www.fta.dot.gov](http://www.fta.dot.gov)) of Federal funds; or

(ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see [www.fhwa.dot.gov](http://www.fhwa.dot.gov) or [www.fta.dot.gov](http://www.fta.dot.gov)) and Federal funds comprising less than 15 percent of the total estimated project cost.

(14) Bridge removal and bridge removal related activities, such as in channel work, disposal of materials and debris in accordance with applicable regulations, and transportation facility realignment.

(15) Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.

(16) Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

**Category D Projects:** The projects listed below may be CEs under 23 CFR § 771.118(d), known as D-List CEs. D-List CEs require additional documentation demonstrating that a CE is an appropriate classification, that the specific conditions or criteria for the CE are satisfied, and that significant environmental impacts will not occur as a result of the project. This is not an exhaustive list of all actions that may qualify as a D-List CE. Contact the FTA Region 8 office if your project does not fit under any one of these categories.

(1) Modernization of a highway by resurfacing, restoring, rehabilitating, or reconstructing shoulders or auxiliary lanes (e.g., lanes for parking, weaving, turning, climbing).

(2) Bridge replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(3) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

(4) Acquisition of right-of-way. No project development on the acquired right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed.

(5) [RESERVED]

(6) Facility modernization through construction or replacement of existing components.

(7) Minor transportation facility realignment for rail safety reasons, such as improving vertical and horizontal alignment of railroad crossings, and improving sight distance at railroad crossings.

(8) Modernization or minor expansions of transit structures and facilities outside existing right-of-way, such as bridges, stations, or rail yards.

## **PART C: ENVIRONMENTAL EVALUATION**

While the list of topics for consideration in the CE Worksheet is extensive, the impacts resulting from a project that qualifies for a CE should be minimal. Some projects may be the type for which permanent environmental impacts would not result due to the nature of the project. The intent of Part C is to make sure that potential impacts to all resources are considered, especially if other environmental requirements apply (e.g., Section 106 of the National Historic Preservation Act). As discussed above, compliance with these other environmental requirements must be completed before FTA will make a final determination and approval under NEPA.

To guide you in your environmental review and to assist FTA in determining if a CE is an appropriate class of action for your project or if any unusual circumstances or significant environmental impacts exist, provide a response for items 1 through 21 and an explanation on the CE Worksheet.

For additional resource information, visit FTA's [Environmental Programs](#) webpage for FTA's [Environmental Standard Operating Procedures](#).

## 1. LAND USE AND ZONING

Determine whether or not the proposed project is consistent with surrounding land use and zoning. Information on land use and zoning in the project area can be found through local city and/or county planning departments or assessor's office. This information is used to determine the probability of impact on existing and future land uses and zoning, sensitive receptors (such as schools, hospitals, parks, and residences), and protected resources (parks, wetlands, historic properties, etc.). Transportation must be a compatible land use and consistent with zoning within the project area. If the proposed project is consistent with surrounding land use and zoning briefly state this and provide a site map identifying the proposed project's location with the surrounding land use and zoning.

If the proposed project is incompatible or inconsistent with existing or future land use and/or zoning in the project area, briefly describe the existing and future land uses and zoning within the area. Describe any steps to be taken to address this. Attach a site map identifying the proposed project's location with the surrounding land uses and zoning.

## 2. LAND/PROPERTY ACQUISITION, RELOCATION, LEASES AND EASEMENTS

If property/land is to be acquired for the proposed project, indicate whether acquisition will result in relocation of businesses or individuals, including Environmental Justice populations. Provide the amount of acquisition in terms of acreage or square footage. Provide information on any residential or business relocations and how many. Indicate full or partial acquisitions, easements or leases. See FTA SOP #19 Consideration of Contaminated Properties.

All property/land acquisition and/or relocation must comply with the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended (42 USC Chapter 61).

**Note:** For more information see [49 CFR Part 24](#). Chapter IV of [FTA Circular 5010.1E](#) provides guidance on FTA requirements for real property, including relocation and appraisal requirements under the Uniform Act. For acquisitions over \$1 million, FTA concurrence in the property's valuation is also required. FTA final [Guidance on Corridor Preservation](#) also provides information on acquisition of right-of-way for corridor preservation.

## 3. ENVIRONMENTAL JUSTICE (EJ)

US Census Bureau data, in particular [American Community Survey data](#) can be used to determine the presence of minority and/or low-income populations (business owners, landowners, and residents) within the vicinity of the proposed project. If there are EJ populations present, discuss whether the proposed project will have disproportionately high and adverse impacts. Generally speaking a project which qualifies for a CE is unlikely to have disproportionate adverse effects. Common impacts to EJ populations include, but are not limited to, property acquisition and relocation, potential changes in ambient air quality and water quality, noise, vibration and construction. For more information on Environmental Justice see [Executive Order 12898](#) and [FTA Circular C 4703.1, "Environmental Justice Policy Guidance for FTA Recipients"](#). The [EPA's EJScreen](#) is also a useful tool.

## 4. CULTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES

Conduct a database or archival search through your State Historic Preservation Office and/or local preservation office (local historical society) to determine the presence of any cultural, historic or archaeological resource(s), including any linear resources (e.g., canals, ditches, railroads, etc.) located on or in the immediate vicinity of the proposed project. Describe any resources present and the potential for the proposed project to affect these resources. Determining the presence of these resources also may require coordination with the State Historic Preservation Officer, Tribes, and consulting parties. Discuss process for unanticipated discoveries during



construction. All relevant correspondence with SHPO, Tribes and consulting parties must be attached. All correspondence must come from FTA, though a draft may be prepared by the project sponsor for FTA review.

Contact Region 8 early in the project to determine the level of Section 106 review ([36 CFR Part 800](#)) required. If the proposed project has the potential to affect historic resources, the [Section 106](#) process must be followed. A Section 4(f) evaluation per joint FTA/FHWA regulations ([23 CFR Part 774](#)) also may be required. Please contact Region 8 for assistance. For additional information and guidance on the Section 4(f) requirements and process, see [FHWA's Section 4\(f\) Policy Paper, July 2012](#), which can also be used as a guide for FTA funded projects. See FTA SOP #18 Section 4(f) Evaluation and SOP #21 Section 106 Process.

## **5. VISUAL/AESTHETICS**

Assess whether the proposed project substantially degrades the existing visual/aesthetic character or quality of the site, its surroundings, and/or recognized view sheds. Visual resources can be natural features, vistas, view sheds, community features, such as skylines, settings, monuments, architecture, historic properties or other visual characteristics that create a sense of place of an area. Consider whether the proposed project creates a new source of light or glare that may affect day or nighttime views in the area. Some communities may have design or aesthetic guidelines or objectives that must be followed when designing facilities.

## **6. PARK AND RECREATION RESOURCES**

Identify and describe any parks and/or recreation areas in the vicinity of the proposed project. This includes parks and recreation areas funded from the Land & Water Conservation Fund (LWCF) Act, as they are protected under Section 6(f), which prohibits the conversion of property acquired or developed with these grants to a non-recreational purpose without approval of the National Park Service. Publicly owned parks and recreation areas that are open to the general public, are protected under Section 4(f). If any are present in the proposed project area and/or the proposed project involves a potential "use" of the property, contact Region 8 for guidance. See FTA SOP #18 Section 4(f) Evaluations.

## **7. NOISE AND VIBRATION**

Depending on the proposed project site and the surrounding land use, a noise and/or vibration assessment may be needed. Please refer to the FTA's [Transit Noise and Vibration Impact Assessment](#) guidance.

If the proposed project is the type of project to cause noise impacts, identify any noise-sensitive receptors in the vicinity of the proposed project. If there are no noise-sensitive receptors within the applicable screening distance for the type of project, no assessment is required. If there are noise-sensitive receptors within the screening distance, identify the noise-sensitive receptors such as schools, hospitals, parks, churches and residences. Conduct a general noise assessment following the procedures in FTA's [Transit Noise and Vibration Impact Assessment](#) guidance and attach as part of the CE. Describe any impacts, include a map of noise-sensitive receptors, discuss proposed mitigation measures, and any remaining impacts after mitigation.

Typically, a rubber tire project does not have vibration impacts. If the proposed project is a rubber tire project and/or there are no vibration-sensitive receptors within the screening distance as outlined in the FTA guidance, no assessment is required. If a vibration assessment is needed, follow the FTA guidance and describe potential impacts and provide a map identifying vibration-sensitive receptors such as vibration-sensitive research and manufacturing, hospitals, universities, etc. Discuss any proposed mitigation measures.

## **8. AIR QUALITY**

Proposed transit projects must meet the requirements of the Clean Air Act (42 USC 85). The Act addresses six criteria air pollutants established under the National Ambient Air Quality Standards (NAAQS). The Environmental Protection Agency (EPA) has the authority to designate nonattainment and maintenance areas where air pollution levels for criteria pollutants exceed or have exceeded in the past the NAAQS.

Project sponsors should indicate whether their proposed project is located in a nonattainment or maintenance area and for which criteria pollutant(s) (see [EPA Greenbook](#)). Nonattainment areas must adhere to emission control requirements identified in State Implementation Plans (SIPs) and are subject to the Transportation Conformity Rule ([40 CFR Part 93](#)). Typically, projects requiring analysis include those that are funded and/or approved by a federal agency, and are considered regionally significant by the state or metropolitan planning organization (MPO). Some types of projects are exempt from air quality conformity regardless of location ([40 CFR 93.126](#) and [93.127](#)). If a project is exempt from air quality conformity or outside of a nonattainment or maintenance area, air quality analysis is not required. Also, some types of projects are not considered a concern for air quality and do not require analysis even if located in a nonattainment or maintenance area. Project sponsors can contact their state DOT or MPO for information on air quality status and conformity analysis.

The primary transportation-related pollutants include carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). These pollutants may be an issue at both the regional and local levels, and may require hot spot (project specific location such as an intersection) analysis ([40 CFR 93.116](#)), except for ozone. Ozone is a regional concern and is not analyzed at the local level and, therefore, no hot spot analysis is required. To determine if a hot spot analysis for carbon monoxide is required, see [40 CFR 93.123\(a\)](#) or if a proposed project may be of concern for particulate matter, see [40 CFR 93.123\(b\)](#). Describe any potential impacts to air quality as a result of the proposed project.

## **9. HAZARDOUS MATERIALS**

Determine if there are hazardous materials in the project area by conducting a desktop survey, and/or reviewing public records and environmental databases. Hazardous materials may include lead/asbestos, above/underground storage tanks, or a history of industrial sites.

If no hazardous materials are present, briefly describe the analysis used to determine this. Was an Initial Site Assessment or Phase I Environmental Site Assessment (ESA) performed? If a Phase II ESA is recommended, was it performed? Valid ESAs are typically conducted by for-hire environmental contractors.

If hazardous materials are present, state how those materials will be treated and/or disposed. Discuss any mitigation and clean-up measures to be taken to remove hazardous materials. Identify what steps will be taken to ensure that construction contractors, staff and the community in which the proposed project is located is protected from contamination during construction and operation of the proposed project. State the results of consultation with the appropriate state agency regarding the proposed remediation. Discuss process for unanticipated discoveries during construction.

If the project involves land acquisition, consult with Region 8 on conducting a Phase I ESA for the land to be acquired prior to completion of the CE, and following proper due diligence procedures. It may be necessary to demonstrate that real property previously acquired and currently owned by the project sponsor is not contaminated prior to construction and use of FTA funds at the site. Certain liability concerns and cleanup considerations may render a proposed project ineligible for FTA funds. Please See FTA SOP #19 Consideration of Contaminated Properties.

## **10. FARMLAND**

Prime farmland, unique farmland and land of local or statewide importance are protected under the [Farmland Protection Policy Act](#). If any portion of the proposed project is located on farmland, consultation with the Natural Resources Conservation Service (NRCS) should be conducted to determine if it is prime or unique. If the proposed project results in an impact to farmland, and can't be avoided, contact Region 8 for additional guidance on coordination with the NRCS.

## **11. FLOODPLAINS**

[Executive Order 11988-Floodplain Management](#) recognizes the importance of floodplains and directs federal agencies to avoid conducting, allowing or supporting actions on a floodplain or floodway. It must be determined whether the proposed project is located within a floodplain or floodway. If the proposed project is located within the 100-year floodplain, provide the appropriate Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) from [FEMA's Flood Map Service Center](#) with the project location identified to support the determination. If a FEMA FIRM is not available, contact the local flood control district or floodplain manager to determine if the proposed project is located in a flood hazard area. Local jurisdictions may also have ordinances and regulations regarding construction within floodplains, in addition to federal and state laws and regulations. [US DOT Order 5650.2, Floodplain Management and Protection](#), provides information on how to conduct a detailed floodplain analysis. In addition to FEMA, the US Army Corps of Engineers (USACE) should be consulted on projects constructed within a floodplain.

## **12. WATER RESOURCES AND WATER QUALITY**

Water resources and water quality are protected under the Clean Water Act. Water resources to consider include surface water (including Waters of the U.S.) such as rivers, streams, lakes, ponds, tributaries, etc. groundwater, and/or drinking water supply sources, such as [EPA-designated sole source aquifers \(SSA\)](#). Impacts can occur to water resources used for drinking, agriculture, recreation and wildlife habitat, and can occur during construction, operation and maintenance. Determine if there are any water resources present in the surrounding area and if the proposed project has the potential to affect water quality, including during construction. Indicate if there would be an increase in impervious surface area and by how much. Describe best management practices (BMPs) to be implemented, if needed. Other considerations include, but are not limited to, stream/river modification, stream/river crossings, presence of sensitive/protected water resources, such as Gold Metal Trout Streams, sole source aquifers, [wild and scenic rivers](#), and impaired water bodies.

If there is stormwater and/or sediment runoff, or an increase in impervious surface area associated with the proposed project, including runoff during construction, which would not be controlled through use of BMPs and involves more than one acre of ground disturbance, a National Pollutant Discharge Elimination System (NPDES)/stormwater permit is required. Please indicate if a permit is needed and that it will be acquired prior to construction. See FTA SOP #22 Water Resources.

## **13. WETLANDS AND WATERS OF THE U.S.**

Determine if there are any wetlands or waters of the U.S. on or adjacent to the proposed project site through review of the USFWS National Wetlands Inventory (NWI), NRCS soil map (for hydric soil), and/or by conducting a site visit. Waters of the U.S. may include, but not limited to rivers, streams, creeks, lakes, ponds, tributaries, etc.

Show potential wetlands or waters of the U.S. on or adjacent to the proposed project area. Describe potential temporary and/or permanent impacts, including any discharge of dredged or fill material. Attach correspondence with the US Army Corps of Engineers (USACE) and/or any 404 permit requirements and type

(e.g., nationwide, individual), as well as minimization and mitigation efforts. For assistance with which USACE District covers your project and any impacts, contact Region 8. See FTA SOP #22 on Water Resources.

#### **14. THREATENED AND/OR ENDANGERED SPECIES**

Identify any listed threatened and/or endangered species (plant or animal) and/or critical habitat present on or in the vicinity of the proposed project. A list of threatened and endangered species can be obtained from the US Fish and Wildlife Service ([USFWS](#)) and from a state department of natural resources for species within the state. The [USFWS Information for Planning and Consultation \(IPaC\)](#) is a good tool. Consult with federal and state agencies to identify any ecologically sensitive areas, federal and/or state listed species or their suitable habitat in the project area.

If there are any species or habitat present in the project area, determine if the proposed project would have an impact. State the results of consultation with the USFWS and state department of natural resources on the impacts to threatened and endangered fauna and flora or their habitat. Provide correspondence substantiating consultation and results. Identify mitigation measures if applicable. Contact Region 8 to initiate Section 7 interagency consultation with USFWS. See FTA SOP #23 Biological Resources.

#### **15. NATURAL AND BIOLOGICAL RESOURCES**

Identify if any natural areas (designated wildlife or waterfowl refuges, woodlands, prairies, and geological formations) and/or biological resources (fish, birds, wildlife, biologically sensitive areas, designated critical habitat, wildlife corridors, essential fish habitat, or other sensitive habitat) are present on or near the proposed project area. Describe any impacts that would occur as a result of construction and implementation of the proposed project. Indicate whether the proposed project requires any mature tree removal. Tree removal and/or trimming may require consultation under the Migratory Bird Treaty Act (MBTA). See FTA SOP #23 Biological Resources.

If the proposed project has the potential to impact a publicly-owned wildlife or waterfowl refuge of national, state or local significance and open to the public, a Section 4(f) evaluation may be required. See [23 CFR Part 774](#) and the [FHWA Section 4\(f\) Policy Paper, July 2012](#). See FTA SOP #18 Section 4(f) Evaluations.

#### **16. TRAFFIC AND PARKING**

If applicable to the proposed project, assess and describe any potential permanent traffic and/or parking impacts. This includes, but is not limited to ingress and egress, whether the existing roadways have adequate capacity to handle increased bus and other vehicular traffic, and if there is a permanent loss of parking. Identify if travel patterns or access would be affected or changed, and if additional capacity and/or traffic signaling are required. Describe connectivity to other transportation facilities and modes (including bicycles and pedestrians), and coordination with relevant agencies. If the proposed project will modify an existing roadway configuration include a map/diagram. You may provide a letter from the traffic engineer or other appropriate official verifying the traffic impacts. If parking is being reduced or eliminated, determine the number of parking spaces that would be affected and whether replacement parking spaces would be constructed at an alternate location (onsite or offsite).

#### **17. UTILITIES**

Identify any existing and proposed utilities in the construction area for the proposed project. If utility impacts would occur (e.g., utility relocations, service disruption) due to the construction, describe the impacts and mitigation measures, as applicable.

### **18. CONSTRUCTION IMPACTS**

Describe any impacts that would result during construction of the proposed project. This includes the construction plan and duration, sidewalk/road closures, impacts due to construction noise, utility disruption, debris dust, soil disposal, and staging areas. Address any air and water quality impacts, safety and security issues, disruptions to traffic (e.g., lane closures, detours) and access to property. Describe mitigation and BMPs to be followed, including any local ordinances and/or permits. Describe any traffic management plans, if applicable.

### **19. PUBLIC OUTREACH AND AGENCY COORDINATION**

Briefly describe public outreach efforts and/or federal/state/local agency coordination undertaken for the proposed project. Indicate opportunities for public meetings, hearings, (e.g., board meetings, open houses, special hearings) and summarize public comments received. Indicate any significant concerns expressed by the public or agencies regarding the proposed project. Describe any notifications made locally; including if information is available on a website. Note: FTA does not have standards for public notification for CE projects. Typically, a c-list CE does not require public outreach, unless there is strong public interest and/or its required under another environmental law such as Section 106.

### **20. SAFETY AND SECURITY**

If required, describe all measures that would need to be taken to provide for the safe and secure operation of the proposed project after its construction (e.g., pedestrian safety, ADA facilities, lighting, signing, rail at-grade crossings, fencing, secured access, cameras, etc.).

### **21. STATE AND LOCAL PERMITS, POLICIES AND ORDINANCES**

Identify any state and/or local policies, ordinance, permits, etc. that must be followed or obtained prior to construction. Indicate the timeframe for compliance.

608 E Boulevard Ave  
 Bismarck, North Dakota 58505-0700

**RELEASE OF CONTINUING CONTROL**

The \_\_\_\_\_ seeks to divest itself of a vehicle used in its Transportation Program  
(Agency Name)  
 purchased with a grant from the North Dakota Department of Transportation (NDDOT) using Federal Transit Administration (FTA) pass-through funding. As a condition of the grant agreement with NDDOT, the  
 \_\_\_\_\_ certifies that the vehicle has been used in the manner described in the grant  
(Agency Name)  
 agreement, and that this vehicle has exceeded its minimum useful life according to FTA useful life standards or has NDDOT disposition approval. Said vehicle is further described below:

VEHICLE DESCRIPTION: \_\_\_\_\_  
(Make, Model, and Year)

VEHICLE IDENTIFICATION NUMBER (VIN): \_\_\_\_\_

ODOMETER READING: \_\_\_\_\_ MILES

REASON FOR RELEASE: \_\_\_\_\_

CONDITION OF VEHICLE: EXCELLENT GOOD ADEQUATE MARGINAL POOR

After the service life of equipment is reached, equipment with a current market value exceeding \$5,000 per unit, or unused supplies with a total aggregate fair market value of more than \$5,000, may be retained or sold, with reimbursement to FTA of an amount calculated by multiplying the total aggregate fair market value at the time of disposition, or the net sale proceeds, by the percentage of FTA's participation in the original grant.

Equipment with a unit market value of \$5,000 or less, or supplies with a total aggregate market value of \$5,000 or less, may be retained, sold or otherwise disposed of with no obligation to reimburse FTA, providing useful service life requirements have been met. Records of this action must be retained.

With prior FTA approval, the grantee may elect to use the trade-in value or the sales proceeds to offset the cost to acquire a replacement vehicle, applying 100 percent of the net proceeds to acquisition of the replacement vehicle/s. (See 49 CFR, Part 18.32; and Federal Register pp. 39328/39329, dated August 28, 1992). Remaining cost differences, if more than the proceeds, are to be met by the grantee. Excess proceeds, if any, are returned to FTA minus a deduction for pro-rata local share.

With prior FTA approval, the grantee may sell equipment or supplies and use the proceeds to reduce the gross project cost of other FTA eligible capital transit projects. [49 U.S.C., 5334(h)(4)] The grantee is expected to record the receipt of the proceeds in the grantee's accounting system, showing that the funds are restricted for use in a subsequent capital project, and reduce the liability as the proceeds are applied to one or more FTA approved, capital projects. The subsequent capital grant application should contain information showing FTA that the gross project cost has been reduced with proceeds from the earlier transaction.

The FTA, through the North Dakota Department of Transportation, hereby releases any and all interest in the above listed vehicle with the understanding that said vehicle has met or exceeded its useful life or had NDDOT Transit disposal approval, and is thereby no longer bound to the terms and conditions set forth in the original grant agreement between NDDOT and \_\_\_\_\_.  
(Agency Name)

AGENCY

NDDOT TRANSIT PROGRAM

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date of Request

\_\_\_\_\_  
 Date of Release



**ALTERNATE PROCUREMENT REQUEST**  
 OFFICE OF MANAGEMENT AND BUDGET  
 CENTRAL SERVICES - STATE PROCUREMENT OFFICE  
 SFN 51403 (08-2018)

Submit via the Procurement Work Request System:  
<https://www.nd.gov/omb/>  
 Select OMB Apps Login

**EXHIBIT H**

Agency/Institution			Date of Request
Procurement Officer	Telephone Number	Fax Number	Email Address
Description of Service or Commodity - Describe the intended purpose. (Include manufacturer, brand, model, and other identifiers.)			
Procurement Type <input type="checkbox"/> Noncompetitive Procurement <input type="checkbox"/> Limited Competitive Procurement <input type="checkbox"/> Contract Amendment Exception <input type="checkbox"/> Purchase from another government entity's contract			
Total Cost, including all options for renewal or extension (e.g. \$10,000/yr with two renewal options = \$30,000)			
<input type="checkbox"/> One-time Purchase <input type="checkbox"/> Recurring Purchase	If recurring, describe anticipated future purchases, including on-going maintenance.		

**Non-Competitive Only**

Contractor	Contact Person	Telephone Number	Fax Number	
Address	City	State	ZIP Code	
Indicate whether registration with the Secretary of State is required. See OMB Guidelines for Vendor Registration. <input type="checkbox"/> Yes <input type="checkbox"/> No				

**Authority for Limited or Non-competitive Procurement**

Competition can be limited under the following N.D.C.C. or N.D.A.C. provisions. Check the appropriate authority reference.

- The commodity or service is available from only one source. [N.D.C.C. § 54-44.4-05 (2)(a)]
- The commodity or service is for experimentation or trial. [N.D.C.C. § 54-44.4-05 (2)(b)]
- No acceptable bid or proposal was received pursuant to a competitive bidding or competitive proposal process. [N.D.C.C. § 54-44.4-05 (2)(c) and N.D.A.C. § 4-12-11-08]
- Commodities are being purchased for over-the-counter resale. [N.D.C.C. § 54-44.4-05 (2)(d)]
- A used commodity is advantageous to the state and the commodity is available on short notice. [N.D.C.C. § 54-44.4-05 (2)(g)]
- The commodity is a component or replacement part for which there is not commercially available substitute and which can be obtained only from the manufacturer. [N.D.C.C. § 54-44.4-05 (2)(h)]
- Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment. [N.D.C.C. § 54-44.4-05 (2)(i)]
- The services or the circumstances are of such a nature that deviation from the procurement process is appropriate. [N.D.C.C. § 54-44.4-05 (2)(j)]
- Products or services exclusive to particular individuals or business entities are required, but competition for that proprietary product exists. [N.D.A.C. § 4-12-09-02 (1)(a)]
- Circumstances require that commodities or services be provided by vendors within a specific geographic area, such as equipment requiring local service, on-site service within a specific time, or delivery of ready mix concrete. [N.D.A.C. § 4-12-09-02 (1)(b)]
- It is determined that a competitive sealed bid or competitive sealed process is impracticable or not in the best interest of the state. [N.D.A.C. § 4-12-09-02 (1)(c)]
- The commodity or service is available from another government entity's contract. [N.D.C.C. § 54-44.4-13].

NOTE: Attach a copy of the contract. OMB State Procurement Office approval is required regardless of the dollar amount.

**Justification and Supporting Documentation**

Explain why a fully competitive procurement process is impracticable or not in the best interest of the state. Factual evidence must be provided, sufficient for the approver to independently determine that the justification is true and accurate. Factual evidence must be included or attached, such as written documents, reports, supporting data, affidavits, patent or copyright information, research or other information.

**Disapproval Consequences**

What are the consequence(s), including a dollar estimate of the financial impact, if this request for limited competitive or non-competitive purchase is not approved?



**Instructions:** Requests \$10,000 and over must be approved by the Office of Management and Budget, State Procurement Office. The Information Technology Department must approve all requests for information technology hardware, software, and services over \$25,000. If using federal funds or a grant, check whether the funding source has requirements for noncompetitive purchases.

<b>Step #1</b>		
<b>Office of Management and Budget - State Procurement Office Approval (\$10,000 and over)</b>		
Approving Official Name		Telephone Number
Action <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		<input type="checkbox"/> Requested Further Justification - Date:
<input type="checkbox"/> Requested Agency to send Notice of Intent to Make a Limited/Non-Competitive Purchase - Date:		
Comments		
Signature	Date	If Recurring, Expiration Date

<b>Step #2 (if required)</b>		
<b>Information Technology Purchases only</b>		
<b>Information Technology Department Approval (Over \$25,000)</b>		
State Procurement will forward to: <a href="mailto:ITDProcurement@nd.gov">ITDProcurement@nd.gov</a>		
Approving Official Name		Telephone Number
Action <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		<input type="checkbox"/> Requested Further Justification - Date:
ITD Review Considerations: Is the product or service consistent with the agency's strategic IT plan and compliant with North Dakota Enterprise Architecture Standard STD-ITD-001? <input type="checkbox"/> Yes <input type="checkbox"/> No		
ITD Reviewer Comments		
Signature		Date

## ALTERNATE PROCUREMENT REQUEST

Occasionally, a fully competitive procurement process may be difficult or impossible. Procurement is noncompetitive when there is no bidding process. Limited competition procurements occur when competition is possible, but restricted to particular suppliers or products. These procurements are exceptions to the state policy that purchases be completed through full competition with fair and equal opportunity to all qualified vendors. Limited and non-competitive procurements should only be used when truly necessary and authorized by state law or rule. Contact the OMB State Procurement Office at 701-328-2740 for assistance.

### **Approval Authority**

The OMB State Procurement Office must approve all determinations \$10,000 and over. Any requests to purchase from a GSA contract or another government entity's contract must be reviewed by the OMB State Procurement Office. If the procurement officer has not provided sufficient evidence to make an independent examination and determination of the material facts of the procurement, the approving official may return the request form for additional justification or require a notice of intent to make a limited or non-competitive purchase. Information technology requests over \$25,000 must be approved by the Information Technology Department.

### **Notice of Intent to Make a Limited or Noncompetitive Purchase**

Notice of intent to make a limited or non-competitive purchase may be issued to attempt to identify alternate sources for the needed commodity or service. A notice template is available on the OMB State Procurement Office website. The notice describes the required commodity or service thought to be available only from limited sources or one source, and it invites vendors to contact the procurement officer to propose an alternate source. Use the State Procurement Online system to issue the notice to the appropriate state bidders list and any other known potential bidders. Attach the notice, bidders list, and any responses received to the Alternate Procurement form.

### **Determination Not Required - Exemptions**

Alternate Procurement determinations are not required for government entities, commodities and services exempted from state procurement practices by N.D.C.C. § 54-44.4-02 as follows:

1. Land, building, space, or the rental thereof. [Note: Leases for office space off the Capitol Grounds must be reviewed by the Office of the Attorney General and approved by OMB Facility Management, ref. N.D.C.C. § 54-21-24.1 and OMB Fiscal Policy 109.]
2. Telephone and telegraph service, electrical light, and power services.
3. Public books, maps, periodicals, and technical pamphlets.
4. Department of Transportation materials, equipment, and supplies in accordance with N.D.C.C. § 24-02-16.
5. Procurements through a contract or other instrument executed by the Industrial Commission under chapters 17-05, 54-17.5, 54-17.6, 54-17.7 and 54-63 and under those statutes in Title 38 authorizing the Industrial Commission to perform well and hole pluggings, reclamation work, equipment removal, leak prevention, and similar work.
6. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agency of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
7. Emergency purchases as defined under N.D.C.C. § 54-4.4-02 (7) and N.D.A.C. § 4-12-09-04. See SFN 51627 Emergency Purchase Form. Commodities and service \$10,000 and below. See N.D.A.C. § 4-12-08-02 (1).
8. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services.
9. Specific commodities and services as determined by written directive by the Director of OMB in N.D.A.C. § 4-12-01-04 as follows:
  - a. Contracts for services of legal counsel with attorneys who are not employed by the state, pursuant to N.D.C.C. § 54-12-08.
  - b. Contracts for public buildings and public improvement contract bids, pursuant to N.D.C.C. title 48.
  - c. Contracts for architect, engineer, and land surveying services pursuant to N.D.C.C. chapter 54-44.7.
  - d. Contracts for concessions, pursuant to N.D.C.C. chapter 48-09.
  - e. Grant programs; this does not include procurements using grant dollars.
  - f. Professional memberships.

### **Alternate Circumstances Permitted by Law and Rule Where a Written Determination is not Required**

1. Commodities or services produced or provided by correctional institutions or other government entities. N.D.C.C. § 54-44.4-05 (2)(e); N.D.A.C. § 4-12-15.
2. Commodities and services for which competition is waived under N.D.A.C. § 4-12-09-01(3):
  - a. Contracts for legal services, subject to the requirements of N.D.C.C. § 54-12-08;
  - b. Contracts for professional witnesses to provide for professional services or testimony related to existing or probable lawsuits in which the State may become a party;
  - c. Contracts for temporary administrative law judges pursuant to N.D.C.C. § 54-57-02;
  - d. Contracts for medical specialists;
  - e. Purchases of copyrighted printed and electronic works when only available from the publisher or producer;
  - f. Purchases of materials required for manufacturing and production by a purchasing agency engaged in manufacturing and production operations;
  - g. Where immediate expenditures are necessary to ensure the integrity of state records;
  - h. Purchases of livestock, fish, insects, and other animals;
  - i. Commodities for resale at state-operated concessions;
  - j. Purchases of items with cultural, historical, or archaeological significance for museums or archival purposes;
  - k. Purchases of works of art;
  - l. Contracts for residential treatment and vocational rehabilitation services to ensure continuity of client care and vocational rehabilitation commodities for clients;
  - m. Contracts for performers, entertainers, and guest speakers; excluding contracts for education, instruction or training;
  - n. Medications, pharmaceuticals, metabolic foods, food supplements, food replacements, vitamins, therapeutics, and medical devices, as prescribed by health care professionals for patients of a state facility or clients of a state program;
  - o. Conducting a limited competitive process to purchase heating fuels, ready-mix concrete, sand, gravel, road oil, and bituminous using the level of competition practicable from vendors in a reasonable, specific geographical area; or
  - p. Contracts for insurance placed through a broker hired through a competitive or limited competitive process where the broker is hired to elevate insurance pricing and coverage information and make placement recommendations.

**CONTRACT SPECIAL PROVISION  
MANDATORY USE OF  
AUTOMATED CERTIFIED  
PAYROLL**

**All contractors on NDDOT federal-aid projects, including city/county projects, must file weekly Certified Payrolls, as required under Davis-Bacon and Related Acts (DBRA). The NDDOT requires the use of LCPtracker, a paperless online system for entering and filing these certified payrolls. Certified payrolls in paper form will no longer be accepted, and all contractors must file their payroll electronically.**

After award, the Prime Contractor (Prime) must:

1. Designate an individual as Prime Approver for the project. The Prime Approver will oversee DBRA payroll for all subcontractors of all tiers on the project. A contractor may inform the NDDOT Civil Rights Division (CRD) that the same individual will be Prime Approver on all projects. CRD will set up the Prime Approver Account for the project. Thereafter, the Prime Approver will have the responsibility to use the Account to approve all payroll on the project. Until payroll is approved by the Prime Approver, it cannot be viewed by the NDDOT and it is not deemed submitted to the NDDOT.
2. The prime contractor has the responsibility to assign subcontractors within the LCPtracker system to the project and to ensure that all subcontractors are aware of the necessity to file payrolls electronically and are set up within the system. Any subcontractor not on Approved Subcontractor List or the Qualified Contractor List must register and be placed one of these lists before entry of the subcontractor into LCPtracker. These lists may be found at <https://www.dot.nd.gov/pacer/qualified.htm> and <https://www.dot.nd.gov/pacer/registered.htm>. Only Prime Approvers or the CRD may enter subcontractors into LCPtracker.
3. The prime contractor has the responsibility to see that all required payrolls are filed by subcontractors of all tiers. If payroll is rejected or project staff otherwise requests a correction of payroll by any subcontractor on the project, the prime contractor has a responsibility to see that corrected payroll is submitted.
4. For further information on certified payroll, go to the NDDOT Labor Compliance/LCPtracker page at <https://www.dot.nd.gov/divisions/civilrights/laborcompliance.htm>. On this page, contractors will find a Getting Started on LCPtracker Guide and a Prime Approver Guide. Recorded trainings are also available on this page for both contractors and prime approvers. Contractors can obtain an LCPtracker user name and password by calling the NDDOT Civil Rights Division at (701) 328-2605 or (701) 328-2576.

09/06/2017

# PERIOD OF PERFORMANCE / CONTRACT EXTENSION REQUEST

North Dakota Department of Transportation, Local Government  
SFN 61785 (2-2020)

## EXHIBIT J

### Instructions:

Requests for period of performance /contract end date extensions must be submitted at least 90-days prior to the current end date. Requests cannot be combined for multiple contracts. **Incomplete forms will not be processed.**

Submittal Date	Funding Program
Contract Number	Remaining Contract Amount
Current Contract End Date	Proposed End Date (June 30th or December 31st)

Subrecipient (Agency Name)	
Contact Person	Telephone Number
Email Address	
Project Description	
1. Reason for Delay (Provide a detailed description.)	
2. What is the status of the contract project(s)? (Summarize project milestones to date and percent of budget remaining.)	
3. Plan for Completion (List the steps to be taken if approval is granted that will ensure completion by the new end date.)	
4. Indicate the number of Period of Performance/Contract extensions previously granted for this project: <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more, provide explanation: _____	

Authorized Official or Agency Designee	Completion Date
I certify the project scope of work will be completed on or before the newly requested end date and claim requests will be submitted for reimbursement of eligible expenses in accordance with the <u>allowable time-frame</u> of the newly approved Period of Performance/Contract end date. All provisions of the Contract Agreement remain in effect and the sub-recipient will continue to adhere to the contractual terms and conditions to execute the project in the manner identified in the Contract Agreement. I further certify neither the project scope of work nor the approved budget, are under consideration to be changed in this request. Only the project's end date is requested to change.	
Signature of Authorized Official or Agency Designee	Date

<i>This Section is for NDDOT/Local Government Division Staff use only</i>	
<b>Recommendation:</b>	
_____ Approved      _____ Not Approved	
Signature	Date
Comments:	

Please send completed/signed extension request to [bhanson@nd.gov](mailto:bhanson@nd.gov) or  
NDDOT/Local Government Division  
608 E Boulevard Avenue, Bismarck, ND 58505-0700

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
INTERNAL CONTROL QUESTIONNAIRE**

**EXHIBIT K**

**AGENCY NAME:**

**DATE OF ASSESSMENT:**

This Internal Control Self-Assessment Form has been prepared and reviewed, as follows:

Prepared By: \_\_\_\_\_  
*Signature* *Date*

Approved By: \_\_\_\_\_  
*Signature* *Date*

The Prepared By and Approved By above should not be the same person. This questionnaire must be signed, dated and uploaded. A typed in name as a signature is not allowable.

**General Information**

- 1) How many transit employees does the agency currently employ?
  - a. Full time: \_\_\_\_\_
  - b. Part Time: \_\_\_\_\_
  - c. Has this number changed significantly in the last year?  Yes  No
    - i. If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 2) What is the agency's fiscal year? \_\_\_\_\_
  
- 3) What basis of accounting does the agency use to prepare financial statements?  
Cash Accrual Hybrid – Please explain: \_\_\_\_\_  
\_\_\_\_\_
  
- 4) What type of accounting software does the agency use? \_\_\_\_\_  
\_\_\_\_\_
  
- 5) What external payroll service does the agency use? If you do not use an external, please explain.  
\_\_\_\_\_  
\_\_\_\_\_
  
- 6) What is the agency's standard pay cycle?
  - Bi-Weekly
  - Monthly
  - 1<sup>st</sup> & 15<sup>th</sup>
  - Other (please specify): \_\_\_\_\_

- 7) Are financial statements audited by an independent 3<sup>rd</sup> Party?  Yes  No
- a. If yes, by who: \_\_\_\_\_
- b. Most recent fiscal year end statements audited: \_\_\_\_\_

8) Which of the following types of records does the agency maintain to support financial transactions?

	Yes	No
a. General Ledger	<input type="checkbox"/>	<input type="checkbox"/>
b. Cash disbursements journal	<input type="checkbox"/>	<input type="checkbox"/>
c. Cash receipts journal	<input type="checkbox"/>	<input type="checkbox"/>
d. Labor distribution reports	<input type="checkbox"/>	<input type="checkbox"/>
e. Employee expense reports	<input type="checkbox"/>	<input type="checkbox"/>
f. Payroll Registers	<input type="checkbox"/>	<input type="checkbox"/>
g. Original Invoices/Receipts	<input type="checkbox"/>	<input type="checkbox"/>

### Policies and Procedures

9) Does the Agency maintain the following written policies or procedures:

	Yes	No	N/A
a. Accounting Manual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cost Allocation Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Capitalization Policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disposal of Fixed Assets and Property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Inventory Procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Procurement Manual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Employee Manual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Employee Leave Policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Incentive Pay or Bonus Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. IT Security Policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Employee Benefit Plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Conflict of Interest Policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Code of Conduct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Grant Closing Procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Force Account Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10) How are these policies communicated to employees? \_\_\_\_\_

\_\_\_\_\_

11) Are employees required to confirm that they have read and understand applicable written policies?  Yes  No

a. How often is this confirmation requested (e.g., hire date, annually, etc.)?

\_\_\_\_\_

**Control Environment**

12) Does management fully understand the requirements of laws and regulations pertinent to its business, and in particular the financial management system requirements established by FTA based on 49 CFR Part 18, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government* (the “common Rule”) as well as 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”)?  Yes  No

13) Are financial statements:

- a. Prepared?  Yes  No
- b. By who (Name and Title): \_\_\_\_\_  
\_\_\_\_\_
- c. At what time interval (Monthly, Quarterly, Annually): \_\_\_\_\_
- d. Reviewed and Approved?  Yes  No
- e. By Who (Name and Title): \_\_\_\_\_

14) Are financial statements reviewed and approved by the Board of Directors?  Yes  No

- a. If so, is the approval recorded on the board meeting minutes?  Yes  No

15) Does the board of directors approve:

- a. Grant reimbursement requests?  Yes  No
- b. Expenditures?  Yes  No
- c. Grant Applications?  Yes  No

16) Does the agency have a process to identify and correct outdated and/or ineffective policies and procedures?  Yes  No

- a. If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17) Are there formal (written) job descriptions that clearly set out duties and responsibilities for each position?  Yes  No

18) Is rotation of duties for any positions which may have financial or accounting duties enforced by mandatory vacations?  Yes  No

19) Was there any turnover of accounting/finance, IT, or key management positions?  Yes  No

- a. If yes, please identify the employee name, title, and job description  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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- 20) Are monthly/quarterly/annual reports and closing completed timely?  Yes  No  
a. Is there any reason for delayed reports or closing?  Yes  No  
i. If yes, please explain: \_\_\_\_\_

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- 21) Does the agency have a board of directors or audit committee?  Yes  No  
a. Are there minimum qualifications for those serving on the board of directors or audit committee?  Yes  No  
i. If yes, please explain: \_\_\_\_\_

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- b. Are your board members updated in your agencies BlackCat Transit Data Management System?  Yes  No  
c. Does the board or committee take an active role in overseeing the agency's policies and practices?  Yes  No  
d. Does the board or committee have sufficient knowledge, experience, and time to serve effectively?  Yes  No  
e. How often does the board or committee meet? \_\_\_\_\_  
f. Does the board of directors approve the compensation and benefits of executive officers?  Yes  No

- 22) How do you ensure that management is aware of new accounting or reporting pronouncements, as well as changes to applicable federal regulations and guidelines and how they may affect the agency's financial reporting practices? \_\_\_\_\_

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**Control Activities**

- 23) Does the agency have a documented system for ensuring that financial and accounting records are proper, complete, orderly, and well-maintained?  Yes  No  
a. If yes, please explain this process: \_\_\_\_\_

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- 24) Are general ledger accounts reconciled to supporting documentation?  Yes  No  
i. How often: \_\_\_\_\_  
ii. By who: \_\_\_\_\_  
b. Is the reconciliation reviewed and approved?  Yes  No

- i. By who: \_\_\_\_\_
- c. Are variances investigated and communicated to appropriate personnel?  Yes  No

25) Are general journal entries and reclassification entries, other than standard entries, required to be signed and approved by a responsible official not involved with their origination?  Yes  No

### Information and Communication

26) What communication channels and procedures are in place for people (employees and other parties) to report suspected improprieties? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27) Does agency management take timely and appropriate follow-up action on communications received from customers, vendors, FTA, other regulators, and/or other external parties?  Yes  No

28) Are recommendations made by auditors implemented?  Yes  No

### Cash Management

29) How often is cash collected from fareboxes? \_\_\_\_\_

30) Does the agency restrict cash from being physically handled by drivers/operators?  Yes  No

31) Are there procedures in place to control cash collected by drivers/operators in the farebox?  Yes  No

32) Are there formal (written) procedures for processing and counting cash once collected from the farebox?  Yes  No

33) Are the cash counts reconciled daily to the farebox reports by a person independent of the cash receipts and cash counting functions?  Yes  No

34) What employees are responsible for opening the mail (name and title)?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35) Is a restrictive endorsement (e.g., For Deposit Only) placed on all checks received?  Yes  No

36) Who creates the bank deposit? \_\_\_\_\_

37) Who makes the bank deposit? \_\_\_\_\_

38) Who records the cash receipts to the accounting record? \_\_\_\_\_  
\_\_\_\_\_

39) Who approves deposits and cash receipts? \_\_\_\_\_  
\_\_\_\_\_

40) Who reconciles the bank statements? \_\_\_\_\_  
\_\_\_\_\_

a. How often are bank statements reconciled? \_\_\_\_\_

41) Is an independent review and approval of bank reconciliations performed?  Yes  No  
a. If yes, by who: \_\_\_\_\_

42) Do bank account reconciliation procedures include: Yes No

a. Accounting for the sequence of all check numbers?	<input type="checkbox"/>	<input type="checkbox"/>
b. Examination of paid checks for date, name, endorsement and cancellation?	<input type="checkbox"/>	<input type="checkbox"/>
c. Comparison of paid checks to the cash disbursements journal?	<input type="checkbox"/>	<input type="checkbox"/>
d. Comparison of bank deposit detail to cash receipts records?	<input type="checkbox"/>	<input type="checkbox"/>
e. Investigation of other reconciling items?	<input type="checkbox"/>	<input type="checkbox"/>
f. Follow-up of old outstanding checks?	<input type="checkbox"/>	<input type="checkbox"/>

43) Are all cash disbursements made by check exception those made from petty cash?  Yes  No  
a. If no, how else are cash disbursements made? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

44) Are dual signatures required on checks over a predetermined amount?  Yes  No  
a. If yes, what is the predetermined amount? \_\_\_\_\_  
\_\_\_\_\_

45) Who are the authorized signers (name and title)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

46) Are the check signers authorized by the board of directors?  Yes  No

47) Are invoices, vouchers, and other supporting documents presented to each check signer along with the checks needing signature?  Yes  No

**Procurement**

48) Does the agency maintain procurement records for purchases requiring formal quotes or bids?  Yes  No

a. If yes, what information or documentation is included in these procurement records?

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49) Does the agency maintain procurement records for purchases requiring informal quotes or bids?

Yes  No

a. If yes, what information or documentation is included in these procurement records?

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50) Are small purchases periodically monitored for appropriateness (i.e., to ensure that multiple small purchases are not being made to circumvent the requirements/procedures for large purchases)?

Yes  No

51) At what threshold does the agency:

- a. Obtain informal quotes: \_\_\_\_\_
- b. Obtain formal quotes: \_\_\_\_\_
- c. Obtain informal bids: \_\_\_\_\_
- d. Obtain formal bids: \_\_\_\_\_
- e. Obtain sealed bids or Request for Proposals: \_\_\_\_\_

52) Are there procedures in place to ensure that FTA receives its share of any proceeds upon disposal of grant-funded assets, if required?

Yes  No

a. If yes, please describe: \_\_\_\_\_

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## Payroll

53) How are changes to payroll information made (e.g., pay grades/positions, pay rates, withholdings, benefit elections, etc.)? \_\_\_\_\_

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54) Who makes changes to payroll information? \_\_\_\_\_

55) Are changes to payroll information reviewed to determine they are correct and appropriate?

Yes  No

a. If yes, by who: \_\_\_\_\_

56) Are bonuses, commissions, and overtime:

a. Approved in advance?  Yes  No

i. If yes, by who: \_\_\_\_\_

b. Reviewed for compliance with agency policy?  Yes  No

- c. Documented?  Yes  No  
i. If yes, how are they documented? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

57) Is job performance periodically evaluated and reviewed with employees?  Yes  No

58) Are sick leave, vacations, and holidays reviewed for compliance with agency policy?  Yes  No

59) Are leave requests reviewed and approved by the supervisor?  Yes  No

60) Does the agency use a manual time clock?  Yes  No

If so:

- a. Is the timecard punched by the employee in the presence of a designated supervisor?  Yes  No  
b. Signed by a supervisor at the end of the payroll period?  Yes  No  
c. Who, in addition to the employee, has access to an employee's timecard?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

61) Does the agency use an electronic time keeping system?  Yes  No

If so:

- a. Are individual employee usernames and passwords required to access the electronic timekeeping system?  Yes  No  
b. Is the timesheet signed by the employee at the end of the payroll period?  Yes  No  
c. Is the timesheet signed by the supervisor at the end of the payroll period?  Yes  No  
d. Who, in addition to the employee, has access to an employee's timesheet?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

62) Are timesheets/timecards reviewed and compared with production schedules (e.g., route schedules, dispatch reports, etc.)?  Yes  No

63) How does your agency disburse payroll?  Direct Deposit  Check  Cash

a. If disbursed by check:

- i. Who creates the checks? \_\_\_\_\_  
ii. Who distributes the checks? \_\_\_\_\_

64) Is the payroll bank account reconciled by a designated employee who: Yes No

- a. Is not involved in preparing the payroll?    
b. Does not sign the checks?    
c. Does not handle the check distributions?    
d. Who reconciles the payroll bank account (name and title)?  
\_\_\_\_\_

- 65) Are payroll registers reconciled regularly to the general ledger control accounts?  Yes  No  
 a. If yes, by who: \_\_\_\_\_  
 b. How often: \_\_\_\_\_

**Federal Reimbursement Requests**

- 66) Who creates the federal reimbursement request? \_\_\_\_\_  
 \_\_\_\_\_
- 67) Who approves the federal reimbursement request? \_\_\_\_\_
- 68) Who verifies the allocation of expenses between cost categories (e.g., direct and indirect, administrative and operating)? \_\_\_\_\_
- 69) Who verifies actual expenses are supported by available documents (name and title)?  
 \_\_\_\_\_
- 70) Are federal reimbursement requests and supporting documentation maintained separately from other accounting records?  Yes  No
- 71) How does the agency determine whether grant expenditures are allowable before they are incurred? \_\_\_\_\_  
 \_\_\_\_\_
- 72) Describe the process used to ensure that only approved allowable costs have been charged to grants? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 73) Does the agency use a separate grants management system to track grant activity?  Yes  No  
 a. If yes, does the grants management system track:
- |                             | Yes                      | No                       |
|-----------------------------|--------------------------|--------------------------|
| i. Amount Awarded           | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. Grant Balances          | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. Grant Expiration Dates | <input type="checkbox"/> | <input type="checkbox"/> |

**Force Account Labor**

- 74) Does the agency charge its own employee labor directly to capital projects funded by grants?  Yes  No  
 a. If yes, does the agency have a force account plan that has been approved by FTA?  Yes  No

**Budget Controls**

- 75) Are budget vs. actual performance reports prepared and reviewed by the agency?  Yes  No  
 a. If yes, by who? \_\_\_\_\_  
 b. At what time interval (e.g., monthly, quarterly, etc.)? \_\_\_\_\_

- c. Is budget performance measured and reported within a reasonable amount of time after the end of the period?  Yes  No
- d. Are actual expenditures compared with budgeted amounts?  Yes  No
- e. Are variances investigated and explained?  Yes  No
- f. Are variances communicated to the appropriate level of management?  Yes  No
- g. Is corrective action taken in a timely manner?  Yes  No

76) Are senior management approvals and/or board of director approvals needed to enact the capital budget?  Yes  No

77) Are there formal (written) procedures in place to ensure that grant budget revisions are made only when properly authorized and justified?  Yes  No

**Information Technology**

78) Are unique and confidential passwords required to access IT systems?  Yes  No

79) Are passwords changed at regular intervals?  Yes  No

80) Are passwords cancelled for terminated employees?  Yes  No

81) Are there restrictions on the length and type of password that can be chosen?  Yes  No

82) Do individuals have access only to those programs or files that are necessary to perform their duties?  Yes  No

83) Are there appropriate procedures for backup and storage of programs and data files?  Yes  No

**Related Party Transactions**

Please provide the following information for any vendors related to any employees:

**Vendors Related to Agency Employees**

Name:	Contact Information:	How Related:	Products/Services Provided:	Total Payments During Year:
				\$
				\$
				\$
				\$
				\$
				\$
				\$

Please provide the following information for all employees who are related to any other employees:

**Employees Related to Other Employees**

	<b>Name or ID:</b>	<b>Title/Position:</b>	<b>Wages/Salary:</b>	<b>Bonus:</b>	<b>Other Compensation:</b>	<b>Total Compensation:</b>
			\$	\$	\$	\$
1	Total Hours Worked During Year:	Job Duties: Related to: How Related (e.g., spouse, parent, child, sibling, in law):				
			\$	\$	\$	\$
2	Total Hours Worked During Year:	Job Duties: Related to: How Related:				
			\$	\$	\$	\$
3	Total Hours Worked During Year:	Job Duties: Related to: How Related:				
			\$	\$	\$	\$
4	Total Hours Worked During Year:	Job Duties: Related to: How Related:				
			\$	\$	\$	\$
5	Total Hours Worked During Year:	Job Duties: Related to: How Related:				



# North Dakota Department Of Transportation



## TITLE VI COMPLIANCE REVIEW

Transit Agency:

Reviewers:

Site Review Date:

File Review Date:

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## Purpose and Directions

The North Dakota Department of Transportation (NDDOT) conducts compliance and good practice reviews of state transit agencies to ensure they meet the conditions of receipt of Federal Transit Administration (FTA) assistance, NDDOT program requirements, promote good management practices among public transportation providers, and identify training and technical assistance needs.

Transit agencies will be selected for a Title VI Compliance review using a random generated process that will select ten percent of the available pool or a minimum of one review every three years. If any major deficiencies or noncompliance issues are identified via the review process or if complaints have been reported, the NDDOT staff may conduct additional reviews as deemed necessary.

NDDOT will conduct the reviews as follows:

NDDOT will initiate the review process with your agency through the BlackCat oversight process. You must return the completed questionnaire to NDDOT via the BC Oversight process. If a question doesn't apply to your agency, put "NA" in the response box.

Prior to the on-site visit, NDDOT will review your responses, along with the plans, policies, and documents uploaded in BlackCat Oversight. The on-site visit presents an opportunity for NDDOT to observe your transit Title VI Program as well as address any Title VI questions and concerns the transit agency may present.

Following the on-site visit, NDDOT will follow up noting any deficiencies and/or recommendations in BC Oversight. These deficiencies and recommendations need to be resolved in a timely manner and responded to through the BlackCat Oversight process.

### **Please have the following documents uploaded in the designated BlackCat Oversight folder**

- Title VI Plan
  - Title VI Notice to the Public
  - Title VI Complaint Form & Instructions on how to file a complaint
  - SFN: 60805 – Transit Title VI – List of Investigations, Lawsuits, and Complaints
- Public Participation Plan
  - Limited English Proficiency (LEP) Plan
  - Copy of materials used to promote your services to minority and LEP populations
- Planning & Advisory Boards
  - Update Transit Board Members if necessary, under Organization>Transit Board Members
  - Board meeting minutes, resolution, or other appropriate documentation showing policy decisions were reviewed and approved by appropriate governing entity or officials.

Attendance Sheet

Name	Title	Phone	Email

## Notice to the Public

Federal Transit Administration (FTA) requires that each sub-recipient notify the public of its rights under Title VI.

*Transit Agencies must notify the public of its protection under Title VI, how to obtain additional information on nondiscrimination obligations, and how to file a complaint.*

The notice must include the following:

- A policy statement that the agency operates programs without regard to race, color, and national origin
- A description of the procedures that members of the public should follow to request additional information on the subrecipient’s nondiscrimination obligations
- A description of the procedures that members of the public should follow to file a discrimination complaint against the subrecipient
- A statement that the agency’s Title VI obligations and complaint procedure will be translated into other languages as needed
- North Dakota Department of Transportation (NDDOT) requires the notice be placed in all vehicles, the reception area of your office, all public meeting spaces of the agency’s office, and the agency’s website if they have one. Templates are available on the NDDOT Transit Providers website and BlackCat Global Resources.

1. Did you utilize the NDDOT template to create your Title VI Notice or develop your own?	Click here to enter text.	
2. Does the notice include all the required information?	Click here to enter text.	
a. Statement identifying discrimination of race, color, and national origin	Click here to enter text.	
b. Agency name	Click here to enter text.	
c. Contact person	Click here to enter text.	
d. Phone number	Click here to enter text.	
e. Website, if applicable	Click here to enter text.	
3. Please describe where the notices are posted. Do public information materials such as signs on buses, schedule, brochures, and your agency’s website notify beneficiaries of their protections under Title VI?	Click here to enter text.	
4. Are notices posted in all vehicles?	Click here to enter text.	

## Complaint Form and Instructions

FTA requires each subrecipient to have complaint forms with instructions for the public to use when filing a Title VI complaint.

1. Did you utilize the NDDOT template to develop your complaint form and instructions or did you develop your own?	Click here to enter text.	
2. Has the complaint form been translated into other languages? If yes, what languages?	Click here to enter text.	
3. Do you have resources available to translate into other languages if requested?	Click here to enter text.	
4. Is the complaint form accessible to the public? If yes, how can the public access the form?	Click here to enter text.	

## Title VI Complaints, Investigations and Lawsuits

FTA requires that the Title VI program include a list of transit-related Title VI complaints, investigations and lawsuits. NDDOT must be informed whenever there is a Title VI complaint filed.

Please note that Equal Employment Opportunity (EEO), Americans with Disabilities Act (ADA), and Service complaints are not recognized under Title VI by FTA, so do not list complaints of those type on this form. If the agency is part of a city, county, or human service agency, only list Title VI complaints, investigations, or lawsuits related to transit services. NDDOT utilizes SFN: 60805 for reporting Title VI complaints.

1. Has your agency uploaded SFN: 60805 Transit Title VI – List of Investigations, Lawsuits, and Complaints form into Black Cat Grants System as part of the application process?	Click here to enter text.	
2. How does your transit agency track complaints and determine if they are related to Title VI or other non-discrimination directives?	Click here to enter text.	
3. Who investigates complaints? Who investigates complaints relating to the director?	Click here to enter text.	
4. Since submitting SFN: 60805 Transit Title VI – List of Investigations, Lawsuits, and Complaints form, have you had any Title VI complaints, investigations, or lawsuits related to your transit agency?	Click here to enter text.	

## Public Participation

FTA requires that the Title VI Program has a public participation plan that includes outreach to engage minority and Limited English Proficient (LEP) populations. The plan may address other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others. NDDOT applicants for FTA assistance are required to comply with several requirements to help meet this Title VI requirement. Requirements include the published notice of intent to apply to NDDOT for FTA 5310 assistance where applicants must participate in public transit-human services transportation coordinated plan development prior to applying for funds. Other public participation methods include open board/council meetings, council meetings of cities and counties that provide local funding, transit/client advisory committees, public involvement efforts for Transit Development Plans (TDPs), passenger surveys, marketing efforts such as booths at fairs, and presentations to service and other organizations.

1. Did you utilize the NDDOT template to create your Public Participation Plan or develop your own?	Click here to enter text.	
2. Did your board approve your Public Participation Plan?	Click here to enter text.	
3. Has your agency implemented substantial service or fare changes since your last Title VI policy update? If yes, was the opportunity provided for a public hearing and public comment?	Click here to enter text.	
4. If yes, were the needs of minority or low-income populations addressed prior to making the change?	Click here to enter text.	
5. If yes, did the agency analyze if there were any adverse effects on minority or low-income populations?	Click here to enter text.	
6. How are individuals provided opportunities to participate in the transit planning and decision-making process without regard to race, color, and national origin?	Click here to enter text.	
7. Has the need for transportation improvements been expressed? If yes, please describe.	Click here to enter text.	
8. What outreach efforts were undertaken to ensure involvement and participation by minority, low-income and LEP populations? What roles did they play in the planning process?	Click here to enter text.	
9. How does your transit agency assess service and interact with the public? (i.e. suggestion boxes, rider surveys,	Click here to enter text.	

rides taken by board members or management staff, etc.)		
10. Have any public hearings, for any reason, been held in since your last Title VI policy update	Click here to enter text.	
a. Are board/council meetings open to the public?	Click here to enter text.	
b. How do you publicize the dates, times, and location of board/council meetings?	Click here to enter text.	
c. Where are the board/council meetings held?	Click here to enter text.	
d. Is the location accessible to persons with disabilities?	Click here to enter text.	
e. Are transit services available to the location and during the hours of the board/council meetings? If yes, please describe. If no, do you offer transportation to the meetings upon request?	Click here to enter text.	
f. What other efforts have been made to ensure that the transit riders or clients can attend board/council meetings?	Click here to enter text.	
11. Do you rely on any counties or cities for funding? If yes, please describe how interested parties can comment on your budget and services at city and county council meetings.	Click here to enter text.	

## Limited English Proficiency (LEP)

FTA requires that the Title VI program include a plan for providing language assistance to LEP persons. An LEP person is someone “who speaks English less than very well”, as per US Census Bureau designation.

1. Did you utilize the NDDOT template to create your LEP Plan or develop your own?	Click here to enter text.	
2. Was your LEP Plan approved by your board?	Click here to enter text.	
3. Describe how you provide services to areas with minorities and LEP populations? Is it the same level and quality of service that is provided in areas without minority	Click here to enter text.	



or LEP populations? Please provide a copy of the materials used to promote your service to minority and LEP populations.		
4. How has your transit agency assessed and addressed the ability of persons with LEP to use transit services?	Click here to enter text.	
5. What census data was used for the 4-Factor Analysis?	Click here to enter text.	
6. What is the frequency of contact with LEP persons and the languages spoken by these persons?	Click here to enter text.	
7. Provide description of service (type, days, and hours), and major activity centers served (communities, employers, park and ride lots, government and human service agencies, medical facilities, shopping centers, and recreation facilities).	Click here to enter text.	
8. Do any staff members speak languages other than English? If yes, what language? Does transit agency utilize staff members to translate?	Click here to enter text.	
9. Have you translated documents into other languages? If yes, list the documents and languages they are translated into.	Click here to enter text.	
10. What other language assistance efforts are available , such as, I Speak Cards, Google Translate, state contract, etc.?	Click here to enter text.	
11. Has your agency made arrangements with other organizations to provide language assistance efforts? If yes, what organizations and what services?	Click here to enter text.	
12. How are LEP persons notified of language assistance services?	Click here to enter text.	
13. Discuss outreach programs (travel training, school presentations, community presentations, etc.) efforts to potentially reach LEP persons.	Click here to enter text.	
14. How do you monitor and evaluate language assistance efforts?	Click here to enter text.	
15. What training has been provided to your employees for language assistance?	Click here to enter text.	
16. What is your annual estimated cost of language assistance efforts for your agency?	Click here to enter text.	

## Planning & Advisory Boards

FTA requires that the Title VI program present the racial make-up of all transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the subrecipient, and a description of the efforts to encourage the participation of minorities on such committees.

1. List all transit-related boards and committees and the purpose of each.	Click here to enter text.	
2. How are members selected?	Click here to enter text.	
3. What is the racial make-up of each board and committee?	Click here to enter text.	
4. What efforts are undertaken to encourage participation of minorities on these committees?	Click here to enter text.	

## Subrecipients

FTA requires the Title VI program to include procedures for monitoring subrecipients for compliance with Title VI.

1. Does your transit agency provide any FTA funds to any other transit-related agency? If yes, they would be considered a subrecipient. Please list them.	Click here to enter text.	
2. How does your transit agency monitor subrecipients for compliance with Title VI?	Click here to enter text.	

## Facility Location Equity Analysis

FTA requires the Title VI program to include procedures for ensuring an equity analysis of facility locations is conducted during the planning for a construction of a new facility. The NDDOT Transit Section ensures compliance with this requirement when providing FTA funding for a new facility.

1. Does your transit agency plan to construct a new facility?	Click here to enter text.	
2. If yes, has an equity analysis been completed?	Click here to enter text.	
3. Has the equity analysis been submitted to NDDOT? If no, when does your agency plan to submit the completed equity analysis to NDDOT?	Click here to enter text.	

***The remaining section only applies to operators of Fixed-Route service. Sub-recipients that only provide Demand-Response service do not need to complete this section.***

## Fixed-Route System-wide Service Standards

1. What types of fixed-route bus service do you provide?		
a. Local Fixed Route - Services provided on a repetitive, fixed schedule basis along a specific route with vehicles stopping to pick-up and deliver passengers to specific locations; each fixed route trip serves the same origins and destinations.	Click here to enter text.	
b. Deviated Fixed Route - Transit service that operates along a fixed alignment or path at generally fixed times but may deviate from the route alignment to collect or drop off passengers who have requested the deviation.	Click here to enter text.	
c. Commuter - Fixed-route bus systems that are primarily connecting outlying areas with a central city through bus service that operates with at least five miles of continuous closed-door service. This service may operate motor coaches (aka over-the-road buses), and usually features peak scheduling multiple-trip tickets and limited stops in the central city.	Click here to enter text.	
d. School Tripper - Additional capacity that an agency adds to an existing public transit route to meet the demands of traveling students. Is the additional service open to the general public?	Click here to enter text.	

## Vehicle Load (Capacity) Standards

Vehicle load is best described as the ratio of passengers to the total number of seats on a vehicle. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e. local bus, express bus, bus rapid transit, etc. as applicable) as the standard may differ by mode.

1. Have you adopted vehicle capacity standards? If yes, what are they?	Click here to enter text.	
2. Do you allow standees on buses for each type of service provided? If no, please explain.	Click here to enter text.	
3. Are standees allowed on buses at all times of day (peak and off-peak)?	Click here to enter text.	
4. Have you adopted the manufacturer's capacity standards for seating and standing passengers?	Click here to enter text.	
5. Do you regularly have standees on buses? If yes, do you have plans to increase the amount of services to reduce the number of standees?	Click here to enter text.	

## Vehicle Headway Standards

Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour. Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle headway standard is generally expressed for peak and off-peak service as an increment of time (peak: every 15 minutes; and off-peak: every 30 minutes).

1. Have you adopted vehicle headway standards? If yes, what are they?	Click here to enter text.	
2. What are the headways for each type of fixed-route service?	Click here to enter text.	
3. Are the headways the same for peak and off-peak hours? If no, describe the differences.	Click here to enter text.	
4. What are the headways for evening service?	Click here to enter text.	
5. What are the headways for Saturday and Sunday service?	Click here to enter text.	
6. How do you set the headways?	Click here to enter text.	

## On-Time Performance Standards

On-time performance is a measure of runs completed as scheduled. The provider must first define what is considered to be "on-time". On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of performance for the system.

1. What is your on-time performance standard(s)?	Click here to enter text.	
2. Have you set a system-wide goal for on-time performance? If yes, what is the goal?	Click here to enter text.	
3. Do you have problems with on-time performance?	Click here to enter text.	

## Service Availability Standards

Service availability is a general measure of the distribution of routes within a transit provider's service area. A standard might also indicate the maximum distance between stops between stations or stops. These measures related to coverage and stop/station distances might vary by population density.

1. What criteria are used to decide where to locate local fixed-route service?	Click here to enter text.	
2. Do you provide general public demand response service in areas serviced by fixed routes? If no, how far from the fixed-routes do you provide general public demand-response service?	Click here to enter text.	
3. Describe spacing of bus stops, if used.	Click here to enter text.	
4. Describe your policy regarding activity centers served (employers, shopping centers, hospitals, clinics, senior housing centers, city halls, etc.).	Click here to enter text.	

## Fixed-Route System-Wide Policies

FTA requires operators of fixed-route service to set system-wide policies for each fixed-route mode of service provided and include the policies in the Title VI program. The policies must address distribution of service amenities, such as passenger shelters, and the assignment of buses to garages and routes.

1. Describe the passenger amenities, such as passenger shelters, benches, and waste receptacles and where they are located.	Click here to enter text.	
2. How do you determine where to place each type of passenger amenity?	Click here to enter text.	
3. How and where do you distribute route and schedule information?	Click here to enter text.	
4. What kind of route and schedule information, if any, is provided at the bus stops?	Click here to enter text.	
5. Discuss implementation or plans for electronic/passenger information for bus departures and arrivals, if any.	Click here to enter text.	

6. Discuss the number of bus garages/storage locations. How are buses allocated to the different locations? If only one location, respond "N/A".	Click here to enter text.	
7. How are buses assigned to routes?	Click here to enter text.	

Comments:

---

NDDOT Transit Reviewer

---

Date

North Dakota Department of Transportation

Transit Section -- Bi-Annual Compliance Review

EXHIBIT M

Vehicle Inspection Checklist

Agency Name:

Inspection Date:

VIN:

Vehicle Year:

Agency ID:

License Plate:

Current Mileage:

Vehicle Type:

Manufacturer:

Model:

L Rearview Mirror:

R Rearview Mirror:

Windshield Wipers:

Tire Tread Depth:

Vehicle Exterior Clean:

AC/Heating:

Accident Procedures:

Cell Phone:

Vehicle Interior Clean:

Insurance Card:

Rear View Mirror:

Two Way Radio:

Vehicle Registration:

Windows:

Horn:

General Notes:

RF Turn Signal:

R Headlight - Dim:

RR Turn Signal:

R Brake Light:

LF Turn Signal:

L Headlight - Dim:

LR Turn Signal:

L Brake Light:

RF Parking Light:

R Headlight - High:

RR Tail Lamp:

Emergency Flasher:

LF Parking Light:

L Headlight - High:

LR Tail Lamp:

Backup Lights:

Interior Lights (passenger compartment):

Lighting Notes:

Anti-Skid Floor:

First Aid Kit:

Seatbelts:

Title VI Signage:

Non-Slip Step Stool:

Spill Kit:

Seatbelt Cutter:

Parking Brake:

Fire Extinguisher:

3 Road Triangles:

Seatbelt Extension:

No Smoking Sign:

Safety Notes:

Does the vehicle have a lift?

What is the date of the last lift maintenance?

Does the ADA feature of this vehicle function

properly?Lift Functionality Notes:

Does the vehicle have a ramp?

Ramp Type:

Ramp Condition:

Ramp Condition Notes:

Are oil changes performed according to vehicle manufacturer's specifications?

Are the tires rotated when deemed necessary?

Preventative Maintenance Notes:

Last Inspection Date:

Last Rating:

Current Vehicle Rating:

Overall Vehicle Rating:

Current Rating Notes:

Inspected by:

North Dakota Department of Transportation  
Transit Section -- Biennial Compliance Review  
Equipment Inspection Checklist

EXHIBIT N

---

Inspection Date:

Facility Name:

Address:

City:

Zip:

Equipment Name:

Inservice date:

Equipment Type:

Equipment Year:

Serial Number:

Agency ID:

Manufacturer:

Was the equipment purchased with Federal Funds?

Was the equipment purchased with State Funds?

Is the equipment under warranty?

Has regular preventive maintenance been performed on this equipment?

Are Maintenance records entered for this equipment in Transit Miner?

Is this equipment in good working order?

Current Rating:

Equipment Notes:



North Dakota Department of Transportation  
Transit Section -- Bi-Annual Compliance Review  
Facility Inspection Checklist

EXHIBIT O

Facility Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
Street Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Is this a section of a larger facility? \_\_\_\_\_ Is this facility federally funded (whole or partial)? \_\_\_\_\_  
Primary Mode: \_\_\_\_\_ Year built or reconstructed (as new): \_\_\_\_\_ Size in squarefeet: \_\_\_\_\_  
Facility Type: \_\_\_\_\_ Subtype of facility: \_\_\_\_\_  
Facility Notes: \_\_\_\_\_  
Is a Maintenance checklist posted? \_\_\_\_\_ Is a written maintenance plan available? \_\_\_\_\_  
Has the agency followed the written plan? \_\_\_\_\_ Is a MSDS book available? \_\_\_\_\_  
Preventative Maintenance Notes: \_\_\_\_\_

Rating Scale: 5 - Excellent 4 - Good 3 - Adequate 2 - Marginal 1 - Poor

Date of Assessment: \_\_\_\_\_ Overall Condition Rating: \_\_\_\_\_

**Substructure Score:**      Foundation: \_\_\_\_\_      Basement: \_\_\_\_\_  
Substructure Notes: \_\_\_\_\_

**Shell score:**      Superstructure/structural frame: \_\_\_\_\_      Roof: \_\_\_\_\_      Exterior: \_\_\_\_\_      Shell Appurtenances: \_\_\_\_\_  
Shell Notes: \_\_\_\_\_

**Interiors Score:**      Partitions: \_\_\_\_\_      Stairs: \_\_\_\_\_      Finishes: \_\_\_\_\_  
Interior Notes: \_\_\_\_\_

**Conveyance Score:**      Elevators: \_\_\_\_\_      Escalators: \_\_\_\_\_      Lifts: \_\_\_\_\_  
Conveyance Notes: \_\_\_\_\_

**Plumbing score:**      Fixtures: \_\_\_\_\_      Water Distribution: \_\_\_\_\_      Sanitary Waste: \_\_\_\_\_      Rain water drainage: \_\_\_\_\_  
Plumbing Notes: \_\_\_\_\_

**HVAC Score:**      Heat generation and distribution systems: \_\_\_\_\_      Cooling generation and distribution systems: \_\_\_\_\_  
Testing, balancing, controls and instrumentation: \_\_\_\_\_      Chimneys and vents: \_\_\_\_\_  
HVAC Notes: \_\_\_\_\_

**Fire Score:**      Sprinklers: \_\_\_\_\_      Standpipes: \_\_\_\_\_      Hydrants and other fire protection specialties: \_\_\_\_\_  
Fire Extinguisher: \_\_\_\_\_      Fire Extinguisher Inspection: \_\_\_\_\_  
Fire Notes: \_\_\_\_\_

**Electrical Score:**      Electrical service & distribution: \_\_\_\_\_      Lighting & branch wiring: \_\_\_\_\_  
Communications & Security: \_\_\_\_\_      Other electrical systems-related pieces: \_\_\_\_\_  
Electrical Notes: \_\_\_\_\_

**Site Score:**      Roadways/driveways: \_\_\_\_\_      Parking lots: \_\_\_\_\_      Pedestrian areas: \_\_\_\_\_  
Site development: \_\_\_\_\_      Landscaping and irrigation: \_\_\_\_\_      Site utilities: \_\_\_\_\_  
Site Notes: \_\_\_\_\_

Is there a sign in the building indicating Title VI compliance? \_\_\_\_\_      Is the facility/building ADA compliant? \_\_\_\_\_  
Title VI & ADA Notes: \_\_\_\_\_

# North Dakota Department of Transportation

## Federal Section 5310 Compliance and Good Practices Review

Transit Agency:

Location:

Reviewer(s):

Site Review Date:

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## Purpose and Directions

The North Dakota Department of Transportation (NDDOT) conducts compliance and good practice reviews of state transit agencies to ensure they meet the conditions of receipt of Federal Transit Administration (FTA) assistance, NDDOT program requirements, promote good management practices among public transportation providers, and identify training and technical assistance needs.

NDDOT will conduct the reviews as follows:

NDDOT will initiate the review process with the transit agency through the BlackCat (BC) Oversight process via a compliance questionnaire. The completed questionnaire must be returned to NDDOT via the BC Oversight process. If a question doesn't apply to the agency, put "NA" in the response box. Transit agencies will be given four weeks to complete the review questionnaire and upload the requested material to the folders in Oversight.

Prior to the on-site visit, NDDOT will conduct a desk review reviewing the questionnaire responses, along with the plans, policies, and reports in BC Resources. Please input the requested material below into the appropriate folders in Oversight. The on-site visit presents an opportunity for NDDOT to observe the transit service and operation, discuss and further inquire on topics based on the responses in the completed review questionnaire, as well as address any questions and concerns the transit agency may present.

Following the on-site visit, NDDOT will follow-up noting any deficiencies and/or recommendations in BC Oversight. All deficiencies and recommendations need to be resolved in a timely manner and responded to through the Oversight process. Recommendations represent best practices and the transit agency is not obligated to implement recommendations. Each finding and recommendation must be addressed in the BC Oversight process in order to be able to close-out the review.

**Please have the following documents uploaded into the designated BlackCat Oversight folders for review.**

### Governance

- 3 – 5+ year plan
- Records/minutes of most recent council meeting

### Financial Management

- Local Match sources and amounts

### Procurement

- Written procurement procedures
- List of items purchased with NDDOT awarded funds that are over the \$5,000 threshold, along with their procurement process

### EEO

- Sample job posting and advertisement
- Sample job application

#### Service Provision

- Service policy/operators' manual
- Proof of training provided (sample)
- Complaint/comment resolution procedures
- Passenger standards of conduct (handbook)

#### Maintenance

- Vehicle preventive maintenance plan
- TAM Plan
- Vehicle Pre/Post-trip checklist
- Facility and equipment maintenance plan and inspection checklist
- Inventory of capital assets, vehicles, equipment and facilities

#### Safety

- Accident procedures and forms
- Safety\Operator policies

#### Civil Rights

- Title VI Policy (Notice, Complaint Form and Procedures)
- Limited English Proficiency Plan
- Copy of materials used to promote your service to minority and LEP populations
- Public Participation Plan
- Board minutes approving plan
- EEO – Sample job application, posting and advertisement

#### ADA

- Complaint process
- Securement\Assistance policies

#### Nondiscrimination in Delivery of Service

- Complaint procedures

#### Other

- Coordinated Human Service Plan

Thank you for your cooperation and we look forward to a productive site visit.

NDDOT Transit Staff.

**Attendance Sheet**

<b>Name</b>	<b>Title</b>	<b>Phone</b>	<b>Email</b>

## Administration and Management

Transit Agencies must have the legal capacity to receive federal and state grants. Transit Agencies must have a designated body legally responsible for the overall organization, management and operation of the transportation system.

### *Managerial Capacity*

Transit Agencies must have the managerial capacity to implement the project, manage grants, and comply with federal and state requirements. To demonstrate managerial capacity, transit agencies must have an appropriate organizational structure; an adequate number of staff to implement the project; management staff with the requisite skills, education, training, and experience; adequate documentation of key policies; a systematic process for determining the number and size of vehicles for the fleet; the ability to submit timely, complete accurate reports, and collect and analyze key performance data.

1. Who is responsible for the day-to-day management of the transit program?	Click here to enter text.	
2. Do you have written procedures that address the following aspects of transportation program management? <i>Grantees should document their transportation policies.</i>		
a) Maintenance plans/TAM plans required	Click here to enter text.	
b) Emergency procedures	Click here to enter text.	
c) Safety policies and procedures <i>Required as July 20, 2020</i>	Click here to enter text.	
d) Training program	Click here to enter text.	
e) Complaint resolution procedures	Click here to enter text.	
3. Who is responsible for purchasing vehicles? Is there a systematic process for determining the number and size of vehicles for the fleet? Are decisions for expanding the fleet based on ridership projections? If yes, how are the projections developed? <i>NDDOT requires each transit to have a 3 to 5+ year plan for vehicle and facility needs.</i>	Click here to enter text.	
4. Are all required reports submitted on time; ridership, claims for payment, charter, 5310? If no, what are the reasons for the delay? <i>Reviewer – discuss any comments or issues with the reports.</i>	Click here to enter text.	
5. Do you contract with any private operators or other agencies? If yes, please identify. Who is responsible for managing the contract? What	Click here to enter text.	

<p>procedures are used to ensure that quality service is provided?  <i>Transit Agencies must have procedures for managing service contractors to ensure that quality service is provided.</i></p>		
<p>6. Please describe your staffing and the responsibilities of key staff. Does the number of staff appear appropriate for the number and complexity of tasks and the size of the program?  <i>NDDOT requires that grantees have the sufficient staff to implement the program.</i></p>	Click here to enter text.	

### **Financial Management**

Transit Agencies must have sufficient local resources to provide the required match to carry out a proposed project. Transit Agencies must also have the financial management systems to account for, and report on federal and state assistance. Transit Agencies must practice sound financial management practices.

<b>Financial Capacity</b>		
1. What is your Transit Agency DUNS Number?	Click here to enter text.	
2. Describe internal controls for processing payment of invoices, approvals, frequency which invoices are paid, etc.	Click here to enter text.	
3. List sources and approximate amounts of local funding for operating, capital and operating bus expenses. Are the sources of local funding sufficient to operate the project and maintain transit's assets? <i>Transit Agencies must have sufficient local resources to carry out the proposed project and maintain project equipment.</i>	Click here to enter text.	
<b>Budgeting</b>		
1. Please describe the process used to develop the budget. Who is responsible for developing the budget?	Click here to enter text.	
2. Does the board review and approve the budget and budget revisions?	Click here to enter text.	
3. Are 3 -5+ years financial needs defined during the annual budget process reviewed?	Click here to enter text.	
4. Are anticipated fare box revenue, contributions, grants, contracts, and other program income projected in the budget?	Click here to enter text.	



5. Are actual expenditures compared with budgeted expenditures to prevent budget overruns? How often?	Click here to enter text.	
6. Are revenues from federal, state, and local government sources, service contracts, and fares compared with the projections in the budget? How often?	Click here to enter text.	

### ***Transit Asset Management***

Transit Asset Management (TAM) is the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risk, and costs over their life cycles for the purpose of providing safe, cost-effective, and reliable public transportation. Transit Agencies must follow the State TAM Plan or a plan approved by the NDDOT.

1. Does your agency have a written TAM plan? Is it uploaded to BC Resources? <i>A TAM Plan is required if your agency owns, operates or manages a public transit service.</i>	Click here to enter text.	
2. Is your TAM Account Executive certificate completed and uploaded in BC Resources?	Click here to enter text.	
3. Are your asset lists, vehicle, equipment and facility, complete and current in BC Inventories? Are retired vehicles disposed of properly in the Inventory system?	Click here to enter text.	
4. Is maintenance performed on vehicles and facility recorded in a TAM Maintenance program? <i>Reviewer – Select a vehicle’s maintenance records to review.</i>	Click here to enter text.	
5. Describe how you attend to any needed maintenance promptly in order to maintain your capital assets in best condition and optimal working operation?	Click here to enter text.	
6. Describe your process for replacing vehicles, the timeline for replacement, and how you prioritize which/when vehicles to replace? Are these plans apparent in your 3-5 Year Plan?	Click here to enter text.	

### ***Satisfactory Continuing Control***

Transit Agencies must maintain control of FTA-funded equipment and facilities and use them for public transportation purposes. Transit Agencies must obtain prior written approval from NDDOT before

purchasing a vehicle, or prior to selling, transferring, leasing, or disposing of vehicles that have not met the useful life benchmark and have been purchased with Section 5310 funds that have passed through the NDDOT. The fleet should be appropriate for the type of service, ridership volumes, and scheduling patterns. The vehicle spare ratio must be reasonable for the type of service, the size and age of the fleet, service demand, and current and projected ridership.

1. Total number of vehicles in your fleet? How many were funded with NDDOT assistance? How many vehicles are ADA accessible?	Click here to enter text.	
2. How often is the maximum number of vehicles required?	Click here to enter text.	
3. Are the vehicles used appropriately for the type of service, ridership volumes, and scheduling patterns?	Click here to enter text.	
4. Do you anticipate additional ridership in the next 3 years? If yes, by how much, and to what do you attribute the increased ridership?	Click here to enter text.	
5. Have “back-up” arrangements been made to deliver service when breakdowns occur or during peak service times?	Click here to enter text.	
6. What is the average age of the fleet?	Click here to enter text.	
7. What is the average mileage of the fleet?	Click here to enter text.	
8. Have you sold or disposed of any FTA-funded vehicles in the past year? If yes: Please list the vehicles. Did you obtain approval from NDDOT? <i>NDDOT requires that Transit Agencies obtain approval before selling or disposing of vehicles on which it holds federal interest.</i>	Click here to enter text.	
9. If any vehicles are leased did NDDOT approve the leases in writing?	Click here to enter text.	
<b>Insurance</b>		
10. Has an updated proof of insurance on each vehicle been provided to NDDOT? <i>NDDOT requires that Transit Agencies provide annual proof of insurance on FTA-funded equipment.</i>	Click here to enter text.	
11. Do you have a combined single limit of coverage of at least \$1 million? What general liability insurance coverage do you have on FTA-funded facilities? <i>NDDOT requires Transit Agencies to maintain a minimum of a combined single limit of coverage of \$1 million on vehicles.</i>	Click here to enter text.	

<b>Inventory and Controls</b>		
<p>12. What procedures and practices are used to prevent loss, damage, or theft of property and inventory? Examples of procedures include insurance, locks on doors, controlled access to supplies, fencing, lighting, inventory and tagging of all equipment, and annual physical inventories that are reconciled to inventory lists. <i>Transit Agencies must have procedures to prevent loss, damage, or theft of property and inventory.</i></p>	Click here to enter text.	
<p>13. Is there a current, complete inventory of all assets purchased with FTA and State funds?</p>	Click here to enter text.	
<p>14. Is a physical inventory of equipment taken at least annually and reconciled to the inventory records?</p>	Click here to enter text.	

### **Maintenance**

Transit Agencies must maintain FTA-funded vehicles, equipment and facilities with a written maintenance plan. Transit Agencies must maintain equipment and facilities at a high level of cleanliness, safety, and mechanical soundness. Transit Agencies must have a pre-trip inspection program that addresses vehicle condition, appearance, cleanliness, and safety. Deficiencies noted in a pre-trip inspection must be repaired in a timely manner. Transit agencies must have a facility maintenance checklist.

<b>Vehicle Maintenance</b>		
<p>1. Reviewer – Review vehicle preventive maintenance in TAM prior to onsite visit. Note deficiencies for each file inspected. <i>If determined that an agency is not meeting the preventive maintenance on-time standard of at least 80 percent of its scheduled preventive maintenance, the agency must provide a report documenting the dates and mileage between maintenance for three months. If a repeat deficiency occurs, the agency must submit the above information for 12 months to demonstrate they have conducted at least 80 percent of its preventive maintenance on-time for 12 consecutive months.</i></p>		
<p>2. Who is responsible for maintenance? Is the person qualified for the responsibility?</p>	Click here to enter text.	

<p>3. Do preventive maintenance schedules for each type of vehicle in the fleet meet the manufacturers' minimum requirements? <i>Preventive maintenance schedule must meet manufacturers' minimum requirements.</i></p>	<p>Click here to enter text.</p>	
<p>4. Is a preventive maintenance program in place for lifts and other accessibility features such as ramps, public announcement systems, and annunciators? <i>Transit Agencies must maintain all accessibility features and equipment in optimal operating condition.</i></p>	<p>Click here to enter text.</p>	
<p>5. What procedures are used to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections? <i>Transit Agencies must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance in a timely manner.</i></p>	<p>Click here to enter text.</p>	
<p>6. Are pre-trip inspections conducted prior to placing a vehicle in service? <i>Pre-trip inspections must be conducted prior to placing a vehicle in service. The pre-trip inspection form must address safety; vehicle operation; appearance; cleanliness; and passenger comfort.</i> Reviewer –review inspection sheets</p>	<p>Click here to enter text.</p>	
<p>7. Are deficiencies noted in pre-trip inspections repaired in a timely manner and properly reviewed by management? How does the agency document maintenance activity performed to correct the reported defect?</p>	<p>Click here to enter text.</p>	
<p>8. Does the pre-trip inspection program address lifts and other accessibility features, such as ramps, public announcement systems, and tie-downs? <i>Transit Agencies must have a regular system of checks and inspections for lifts and other accessibility features.</i></p>	<p>Click here to enter text.</p>	

<p>9. When a lift is found to be inoperative, is the vehicle taken out of service by the beginning of the next service day and repaired before returning to service? What alternative arrangements are made for riders? <i>Transit Agencies must remove vehicles with inoperative lifts from service before the next day unless no spare is available and taking the vehicle out of service would reduce the level of service.</i></p>	<p>Click here to enter text.</p>	
<p>10. If a vehicle with an inoperable lift is kept in service, is it repaired within 5 days from the day which the lift is found to be inoperable? If no, why not? <i>Transit Agencies in areas of less than 50,000 must repair the lift within 5 days.</i></p>	<p>Click here to enter text.</p>	
<p>11. Are FTA-funded vehicles leased to providers? If yes, does the lease agreement require the lessee to adhere to NDDOT maintenance standards? <i>NDDOT requires Transit Agencies that lease FTA-funded vehicles to providers to require the lessee to adhere to NDDOT's maintenance standards.</i></p>	<p>Click here to enter text.</p>	
<p>12. How are work orders or histories maintained that document the work performed, parts used, time spent, mileage, and date? <i>Maintenance must be documented in the TAM system.</i></p>	<p>Click here to enter text.</p>	
<p>13. What is the system for identifying and pursuing warranty claims effectively and promptly to conclusion? <i>Good practice</i></p>	<p>Click here to enter text.</p>	
<p>14. What is your system for responding to recalls? <i>Good practice</i></p>	<p>Click here to enter text.</p>	
<p>15. How is the preventive maintenance program reviewed for costs and effectiveness? <i>Good practice</i></p>	<p>Click here to enter text.</p>	
<p>16. Describe any instances of vehicles (within their useful life) being out of service for extended periods of time (more than 2 weeks) due to mechanical issues?</p>	<p>Click here to enter text.</p>	
<p>17. How are maintenance histories for the fleet reviewed to uncover trends or problems?</p>	<p>Click here to enter text.</p>	

18. Has a maintenance quality control or assurance program been implemented to verify the execution and quality of repairs, examine the quality of new and used parts used in repairs, and ensure that repairs are fully documented?	Click here to enter text.	
19. Where are transit vehicles stored?	Click here to enter text.	
<b>Facility and Equipment Maintenance</b> <i>The following questions are for Transit Agencies that operate out of an FTA-funded facility.</i>		
20. Is there a written facility and equipment maintenance plan and inspection checklist? <i>Transit Agencies must have a written facility and equipment maintenance plan for FTA-funded facilities and facility-related equipment.</i>	Click here to enter text.	
23. Are the facilities inspected at least once a year to determine what repairs and/or maintenance are needed to the equipment or building? What was the date of the last inspection? <i>Inspections should be recorded in the TAM Preventive Maintenance system.</i>	Click here to enter text.	
26. Do preventive maintenance checklists follow the minimum requirements determined by the manufacturer, supplier or builder? Does the written TAM Plan and inspection checklist address equipment such as hydraulic lifts, bus washers, roofing systems, and HVAC systems?	Click here to enter text.	
28. Do the files indicate that preventive maintenance inspections of facilities and related equipment are conducted at the intervals required by the plan? Reviewer - sample maintenance records.	Click here to enter text.	
30. Are any features of facilities or related equipment under warranty? If yes, please list. Are warranty claims pursued?	Click here to enter text.	
31. What documentation does the Transit Agency maintain to ensure compliance with applicable safety and environmental regulations (OSHA, fire prevention, insurance standards, etc.)?	Click here to enter text.	
32. Reviewer - are the facilities clean and well maintained? Are there any visible defects?	Click here to enter text.	

## Safety and Security

Transit Agencies must document that drivers have a valid operator’s license and have a safe driving record. All safety devices must be maintained in operative condition. All vehicles must be outfitted with a blood-borne pathogens kit, first-aid kit, fire extinguisher, bi-directional reflective triangles, and web cutters. Drivers and front seat passengers must wear seat belts. Requiring passengers in the rear seats to wear seatbelts must be addressed in each agency’s policy handbook. Smoking is prohibited in all vehicles. Drivers must focus on driving and limit distractions when vehicles are in motion.

<p>1. Does the agency have a FTA-required, written Public Transportation Agency Safety Plan (PTASP)? <i>Plans are due by July 20, 2020.</i></p>	<p>Click here to enter text.</p>	
<p>2. Is documentation maintained which verifies that all drivers, including volunteer drivers, of vehicles (owned, leased, loaned): <i>Good practice</i></p>		
<p>a. Have a valid operator’s license (and current US DOT physical if driver is a CDL holder)</p>	<p>Click here to enter text.</p>	
<p>b. Have a safe driving record acceptable for insurance coverage</p>	<p>Click here to enter text.</p>	
<p>c. Received first aid training</p>		
<p>d. Received training in defensive driving</p>	<p>Click here to enter text.</p>	
<p>e. Received training in passenger assistance and safety</p>	<p>Click here to enter text.</p>	
<p>f. Received training in operation of lifts and other accessibility equipment</p>	<p>Click here to enter text.</p>	
<p>g. Received substance abuse training</p>	<p>Click here to enter text.</p>	
<p>3. Does the pre-trip inspection address the following required safety equipment?</p> <ul style="list-style-type: none"> <li>• Blood-borne pathogen kit</li> <li>• First-aid kit (full)</li> <li>• Fire extinguisher (charge and inspection date)</li> <li>• Bi-directional reflective triangles</li> <li>• Seatbelt cutters</li> </ul> <p><i>All vehicles must be outfitted with a blood-borne pathogens kit, first-aid kit, fire extinguisher, bi-directional reflective triangles, and web cutters.</i></p>	<p>Click here to enter text.</p>	
<p>4. Are all required safety devices or systems installed and functioning properly on vehicles? Are fire extinguishers secure, accessible, of the correct type, tagged and inspected annually? <i>All safety devices must be maintained in optimal condition. Fire extinguishers must be</i></p>	<p>Click here to enter text.</p>	

<i>secured, accessible, tagged and inspected annually...</i>		
5. Describe your procedure to handle accidents and medical emergencies? Are these procedures and accident forms kept on board the vehicles? <i>Good Practice - to have a written procedure for handling accidents and medical emergencies.</i>	Click here to enter text.	
6. Are passengers required to wear a seat belt? <i>If yes, it must be stated in the passenger policy handbook.</i>	Click here to enter text.	
7. Is smoking prohibited signage on vehicles? <i>Smoking is prohibited on all vehicles.</i>	Click here to enter text.	
8. Are drivers allowed to use a cell phone while the bus is in motion? <i>Good Practice – follow the State of ND laws regarding distracted driving and sending and receiving text messages while in operation.</i>	Click here to enter text.	
9. Are all carry-on items properly stowed before moving vehicle? <i>NDDOT requires that all carry-on items be properly secured before moving a vehicle.</i>	Click here to enter text.	
10. Have there been any incidents, injuries, or fatalities since the last review? <i>Required to be reported to NDDOT within 24 hours.</i>	Click here to enter text.	

### **Procurement**

Transit Agencies must comply with the relevant sections of FTA C 4220.1F and ND State Procurement Office requirements. Transit Agencies must obtain prior state approval for federally funded purchases of equipment and transportation service contracts.

1. Who is responsible for purchasing/leasing equipment and vehicles?	Click here to enter text.	
2. Are procurement procedures written and approved by the board and NDDOT?	Click here to enter text.	
3. Do policies and procedures adequately address such matter as: <i>Required</i>	Click here to enter text.	
a. Need and use of formal advertising	Click here to enter text.	
b. Bidding	Click here to enter text.	
c. Negotiating	Click here to enter text.	
d. Use of sole source	Click here to enter text.	
e. Selection procedures	Click here to enter text.	
f. Required signatures	Click here to enter text.	



g. Review of procurement requests to avoid duplicative or unnecessary purchases	Click here to enter text.	
h. Award to responsible bidders/proposers	Click here to enter text.	
i. Protest procedures	Click here to enter text.	
j. Contract administration system	Click here to enter text.	
k. Settlement of contract issues and disputes	Click here to enter text.	
l. Documentation of procurement history	Click here to enter text.	
m. Inclusion of Federal and State Clauses	Click here to enter text.	
4. Are technical specifications prepared at the appropriate level of detail to accommodate competitive bidding and user requirements? <i>Required</i>	Click here to enter text.	
5. Are qualified bidders lists and histories maintained for competitive bidding?	Click here to enter text.	
6. What is the dollar threshold for sealed bids?	Click here to enter text.	
7. What are the purchasing procedures for which sealed bids are not required?	Click here to enter text.	
8. Who reviews and approves purchases? What are the dollar thresholds?	Click here to enter text.	
9. Do the above procedures provide for full and open competition? <i>Procurement procedures must provide for free and open competition.</i>	Click here to enter text.	
10. What single purchases of \$5,000+ were made with FTA or State funds since the last site visit? What procedures were followed for each of the purchases? Were the procedures followed for full and open competition? Examples: maintenance services, vehicles, construction, professional services, etc. Please list all procurements of \$5,000+ made with FTA or State funds since the last site visit. Have these purchases been added to BC and TAM Inventories? <i>Reviewer review a sample of procurement files to confirm that the Transit Agency provided for free and open competition.</i>		
<b>Item</b>	<b>Amount</b>	<b>Procurement Method</b>
Click here to enter text.	Click here to enter text.	
Click here to enter text.	Click here to enter text.	
Click here to enter text.	Click here to enter text.	
Click here to enter text.	Click here to enter text.	
Click here to enter text.	Click here to enter text.	

**Debarment/Suspension**

Transit Agencies are prohibited from contracting for goods and services from individuals or organizations that have been suspended or debarred from receiving federally assisted contracts.

Answer these questions only if you received a grant that exceeds \$25,000 <sub>7</sub> and have procured goods and services from sources other than ND State Bid.		
<p>1. Have you become aware of any new information, following the award of a contract or subcontract, that an excluded party is involved in any covered transactions? If yes, did you promptly inform NDDOT in writing? <i>Transit Agencies must provide immediate written notice to NDDOT for reporting to FTA if they learn that their certification or the certification of any contractors is no longer valid.</i></p>	Click here to enter text.	
<p>2. Was the required certification clause included in all procurements exceeding \$25,000? <i>The debarment and suspension certification clause must be included in all procurements exceeding the federal small purchase threshold, currently \$25,000.</i></p>	Click here to enter text.	
<p>3. Was the GSA website checked to ensure that the bidder was not debarred or suspended? <i>Transit Agencies must search the Excluded Parties Listing Service at <a href="http://www.sam.gov">http://www.sam.gov</a> for contracts exceeding \$25,000 before entering into any third party contracts exceeding \$25,000.</i></p>	Click here to enter text.	

### **Lobbying**

Recipients of grants and federal contracts exceeding \$100,000 must certify that they have not, and will not, use federal funds to pay for lobbying. Transit Agencies certify to NDDOT. Contractors certify to the Transit Agency.

Answer these questions only if you received a grant that exceeded \$100,000.		
<p>1. Are FTA funds used for lobbying? <i>Transit Agencies may not use federal funds for lobbying.</i></p>	Click here to enter text.	
<p>2. Have you signed lobbying certifications with procurement solicitations exceeding \$100,000? <i>Transit Agencies must obtain signed lobbying certifications with bids for contracts exceeding \$100,000.</i></p>	Click here to enter text.	

## Operation and Service Provisions

### ***Training and Ridership Services***

Transit Agencies should have effective procedures to ensure quality service is being delivered to the public. A comprehensive training program is a key component of a quality assurance program. Transit Agencies must have a training program for drivers and must track training that drivers have received. Transit Agencies must monitor service to ensure that drivers follow policy and procedures and provide quality service. While it is required that all drivers who drive- 20+ hours per week complete the Passenger Service and Safety (PASS) driver certification program, NDDOT recommends all drivers complete PASS Training.

<p>1. What kind of training do you provide operators/drivers? Schedulers/dispatchers? Is appropriate staff trained in the basics of transit? <i>Good practice</i></p>	<p>Click here to enter text.</p>	
<p>2. Does the training provided to operators/drivers address? a) Defensive driving</p>	<p>Click here to enter text.</p>	
<p>b) Passenger assistance and safety</p>	<p>Click here to enter text.</p>	
<p>c) Operation of lifts or other accessibility features</p>	<p>Click here to enter text.</p>	
<p>d) Correct use of securement devices</p>	<p>Click here to enter text.</p>	
<p>e) Agency policies</p>	<p>Click here to enter text.</p>	
<p>f) How to complete driver paperwork</p>	<p>Click here to enter text.</p>	
<p>g) Substance abuse awareness training</p>	<p>Click here to enter text.</p>	
<p>3. Are files maintained that document when training was received and when refresher training is needed? <i>Transit Agencies must track training received by operator.</i></p>	<p>Click here to enter text.</p>	
<p>4. Has documentation been uploaded into the BC Resources that all safety-sensitive employees received 60 minutes of training on the effects and consequence of prohibited drug use?</p>	<p>Click here to enter text.</p>	
<p>5. Has documentation been uploaded into BC Resources that supervisors who are designated to determine whether reasonable suspicion exists to require a safety-sensitive employee to undergo alcohol and/or drug-testing has been provided the necessary training?</p>	<p>Click here to enter text.</p>	

<p>6. For demand-response service, what are the procedures for scheduling and dispatching trips? Have any trips been denied? If yes, are they tracked and periodically reviewed by management? <i>Good practice</i> Reviewer – please review passenger trip logs.</p>	Click here to enter text.	
<p>7. Are basic transit measurements reviewed? If yes, what key management decisions have been made with the data? <i>Good practice</i></p>	Click here to enter text.	
<p>a. Revenue miles</p>	Click here to enter text.	
<p>b. Revenue hours</p>	Click here to enter text.	
<p>c. Total passengers</p>	Click here to enter text.	
<p>d. Total seats available per hour and per mile</p>	Click here to enter text.	
<p>e. Total fares</p>	Click here to enter text.	
<p>f. Total cost</p>	Click here to enter text.	
<p>g. Cost per mile</p>	Click here to enter text.	
<p>h. Cost per hour</p>	Click here to enter text.	
<p>i. Average cost per passenger</p>	Click here to enter text.	
<p>8. List the annual ridership figures for the past 3 years below. Please explain why ridership is increasing, decreasing, or staying the same.</p>	Click here to enter text.	
<p><b>Year</b></p>	<p><b>Ridership</b></p>	<p><b>Elderly &amp; Disabled Rides</b></p>
<p><b>2019</b> (July 1 – June 30)</p>	Click here to enter text.	Click here to enter text.
<p><b>2018</b> (July 1- June 30)</p>	Click here to enter text.	Click here to enter text.
<p><b>2017</b> (July 1 – June 30)</p>	Click here to enter text.	Click here to enter text.
<p>9. Have there been any incidents, injuries or fatalities since the last compliance review? Does your agency track close call incidents and have there been any since the last review?</p>	Click here to enter text.	
<p>10. How are passenger complaints logged and resolved? What is your Agency’s policy on the timeline to address complaints? <i>Good practice</i></p>	Click here to enter text.	

11. Do you have a Rider Handbook governing standard of behavior by passengers on buses and transit property? <i>Good practice</i>	Click here to enter text.	
12. Has there been any significant changes in service that has been implemented since the last compliance review? If yes, please describe.	Click here to enter text.	
13. Reviewer – address any ridership concerns.	Click here to enter text.	

### ***Equal Employment Opportunity (EEO)***

Transit Agencies may not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, or physical or mental disability. An EEO program is required of all subrecipients that employ 50 or more transit-related employees AND receive capital or operating assistance in excess of \$1 million or planning assistance in excess of \$250,000 in the previous federal fiscal year.

14. Who is responsible for ensuring that EEO obligations are fulfilled?	Click here to enter text.	
15. Are EEO statements included on your job applications and employment notices? Reviewer - Sample <i>Job applications and employment notices should include an EEO statement.</i>	Click here to enter text.	
16. Does the subrecipient receive federal operating or capital funds in excess of \$1 million or planning assistance funds in excess of \$250,000 and employ 50 or more transit-related employees? <i>* If yes to <b>both</b>, the subrecipient is required to have an EEO program.</i>	Click here to enter text.	

### ***ADA***

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility. Public entities operating a fixed-route system must provide paratransit or other special service that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system.

1. What types of services (fixed route, deviated fixed route, commuter, university, and/or demand response) do you provide?	Click here to enter text.	
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<p>2. Have any complaints of discrimination due to disability been received from riders or employees? If yes, please describe the complaints. What is the process to resolve the complaints? How long do you maintain the complaints on file? <i>ADA complaints need to be maintained on file for at least a year and a log of ADA complaints at least five years.</i></p>	<p>Click here to enter text.</p>	
<p>3. Are facilities accessible?</p>	<p>Click here to enter text.</p>	
<p>4. When planning new or rehabilitated facilities, what steps are taken to ensure that the facilities comply with ADA?</p>	<p>Click here to enter text.</p>	
<p>5. If you have non-accessible vehicles in your fleet, how do you ensure that equivalent service is provided? <i>ADA requires that service to individuals with disabilities to be equivalent to the service provided other individuals with respect to response time, fares, geographic service area, hours and days of service, and capacity.</i></p>	<p>Click here to enter text.</p>	
<p>6. Are system brochures, application forms, rider handbooks, and occasional bulletins available in alternative formats upon request? What formats? <i>ADA requires public information to be made available in alternative formats upon request. Examples of alternative formats include large type, audiotapes, and Braille.</i></p>	<p>Click here to enter text.</p>	
<p>7. Is your system's TDD number printed on all public materials where your voice telephone number appears? <i>The TDD number should be listed wherever the voice telephone number appears.</i></p>	<p>Click here to enter text.</p>	
<p>8. What is the process to request a reasonable modification? How is the public informed on how to make requests for reasonable</p>	<p>Click here to enter text.</p>	

<p>modifications? <i>A process for requesting reasonable modification to accommodate a person with a disability is required and must be readily available to the public.</i></p>		
<p>9. How are personnel trained to perform reasonable modification requests? <i>Drivers and dispatchers need to be trained on how to handle requests for reasonable modification.</i></p>	Click here to enter text.	
<p>10. Do all accessible vehicles have a securement system for wheelchairs?</p>	Click here to enter text.	
<p>11. What is your policy for providing service if a mobility device cannot be secured? <i>ADA requires that service must be provided even when a mobility device cannot be secured.</i></p>	Click here to enter text.	
<p>12. Do drivers provide assistance to passengers as necessary and upon request with ramps, lifts, and securement devices?</p>	Click here to enter text.	
<p>13. Do you permit individuals that do not use wheelchairs to use lifts?</p>	Click here to enter text.	
<p>14. What is your policy regarding service animals? <i>ADA requires that operators permit service animals to travel with riders.</i></p>	Click here to enter text.	
<p>15. Do you provide service to persons using respirators or portable oxygen? .</p>	Click here to enter text.	
<p>16. How are policies governing service to passengers covered under the ADA, conveyed to drivers?</p>	Click here to enter text.	
<p>17. Are drivers trained in passenger assistance and sensitivity (PASS)? How soon after being hired does the training occur?</p>	Click here to enter text.	
<p>18. Are drivers trained in use of accessibility equipment? How soon after being hired does the training occur?</p>	Click here to enter text.	
<p><b>The following questions 19 - 25 are for providers of deviated fixed routes. If doesn't apply, answer "NA" in each response.</b></p>		
<p>19. Do you provide deviated fixed-route service? If yes, do public</p>	Click here to enter text.	

<p>materials and bus schedules clearly state eligibility requirements and procedures for requesting deviated fixed-route service?</p>		
<p>20. Do you have a policy governing stop announcements? Does it meet ADA requirements? <i>For deviated fixed route service, ADA requires drivers to announce stops at transfer points with other fixed routes, major intersections and destination points, upon request, and at intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.</i></p>	Click here to enter text.	
<p>21. When multiple routes serve the same stop, what mechanism is in place to alert individuals with visual impairments or other disabilities to the route number and destination?</p>	Click here to enter text.	
<p>22. Are lifts/ramps deployed at any stop?</p>	Click here to enter text.	
<p>23. Are operators required to report lift failures promptly?</p>	Click here to enter text.	
<p>24. Is alternative service provided to persons stranded for more than 30 minutes due to failures? <i>If a lift or ramp failure occurs on a route where the headway is greater than 30 minutes and the passenger cannot be served, the Transit Agency is required to provide alternative service promptly.</i></p>	Click here to enter text.	
<p>25. Are persons sitting in priority seats requested to vacate those seats when a person with a disability needs to use them? <i>When an individual with a disability needs to sit in a seat or occupy a wheelchair securement location, the Transit Agency shall ask the passenger to move in order to allow the individual with a disability to occupy the seat or securement location.</i></p>	Click here to enter text.	



The following questions 26 - 39 are for providers of fixed-route service (excluding commuter and university service). If doesn't apply, answer "NA" in each response.		
<p>26. Describe your eligibility process. How do you ensure that only those who are unable to use the fixed-route system are certified as eligible?</p> <p><i>Eligibility is to be strictly limited to certain categories of individuals:</i></p> <ul style="list-style-type: none"> <li>• Any person with a disability who is unable to board, ride, or disembark from an accessible vehicle without the assistance of another person (except for the operator of a lift or other boarding device)</li> <li>• Any person with a disability who could ride an accessible vehicle, but the route is not accessible, or the lift does not meet ADA standards.</li> <li>• Any person with a disability who has a specific impairment related condition that prevents the person from traveling to or from a boarding/ disembarking location.</li> </ul>	Click here to enter text.	
<p>27. Are ADA complementary paratransit eligibility decisions made within 21 days of receipt of a complete application? If no, is presumptive eligibility granted?</p>	Click here to enter text.	
<p>28. Are persons who are denied eligibility given notice of their right of appeal? Is presumptive eligibility granted if the appeal is not decided within 30 days until eligibility is denied?</p>	Click here to enter text.	
<p>29. Do you provide complementary paratransit service to ADA eligible individuals and their personal care attendants (PCA)? Do you charge the PCA a fare?</p>	Click here to enter text.	
<p>30. Do you provide complementary paratransit service to ADA-eligible visitors for up to 21 days over a year's period?</p>	Click here to enter text.	

31. Do you provide service within ¾ miles of fixed routes and the core service area?	Click here to enter text.	
32. At a minimum, do you provide curb-to-curb service? Origin-to-destination when necessary?	Click here to enter text.	
33. Is service provided the same days and hours as fixed-route service?	Click here to enter text.	
34. Are the fares no more than twice the fares for fixed-route service?	Click here to enter text.	
35. Do you place restrictions or priorities based on trip purpose? <i>Providers may not place restrictions or priorities based on trip purpose.</i>	Click here to enter text.	
36. Is next day service provided? If yes, what percent of reservations are made for the next day? <i>At a minimum, next day service must be provided.</i>	Click here to enter text.	
37. Are requests for reservations accepted during normal business hours on all days prior to days of service, even if the administrative office is closed? How are reservations accepted when the administrative office is closed?	Click here to enter text.	
38. Are trips scheduled within one hour of requested trip time? <i>Trips must be scheduled within one hour of the requested trip time.</i>	Click here to enter text.	
39. Is a no-show suspension/late cancellation suspension policy used? If yes: <i>ADA allows providers to temporarily suspend service for a pattern or practice of no-shows. Only no-shows that are under the rider's normal control should be counted against the rider.</i>	Click here to enter text.	
a. What is the suspension policy for no-shows?	Click here to enter text.	
b. How does the state or subrecipient determine whether or not no-shows are under the rider's control?	Click here to enter text.	
c. Are no-shows caused by operator error counted against the rider?	Click here to enter text.	

d. What are the thresholds for a cancellation before it is considered a no-show?	Click here to enter text.	
e. Are only riders who have demonstrated a true pattern or practice of no-shows suspended?	Click here to enter text.	
f. Are financial penalties assessed for no-shows? <i>Systems may not impose a financial penalty as part of a no-show policy, including charging for fare for the no-show trip.</i>	Click here to enter text.	
g. Are riders allowed to contest no-shows?	Click here to enter text.	
h. Is there an appeals process for suspensions? <i>The policy should allow riders to contest no-shows and there must be an appeals process for suspension.</i>	Click here to enter text.	
<b>The purpose of the following questions 40 - 44 to determine if there is a capacity constraint. Transit Agencies may not restrict capacity to limit the number of complementary paratransit trips.</b>		
40. For next day service, at what time of day are reservations cut off?	Click here to enter text.	
41. What percent of requests are denied? How do you monitor trip denials?	Click here to enter text.	
42. What do you consider an on-time trip? How do you monitor on-time performance? What is your on-time performance rate?	Click here to enter text.	
43. How do you monitor missed trips? What percent of trips are missed?	Click here to enter text.	
44. <i>Reviewer: Do the answers to the above questions indicate that a capacity constraint exists?</i>	Click here to enter text.	

**School Bus**

Transit Agencies are prohibited from providing exclusive bus service unless the service qualifies under an allowable exemption and is approved by the FTA Administrator. In no case can federally funded equipment or facilities be used to provide exclusive school bus service. Head Start transportation is considered human service transportation, not school bus service.

<p>1. Is exclusive school bus service operated? If yes, has the FTA administrator approved the service? Is it operated only with non-federally funded equipment and from non-federally funded facilities?</p>	<p>Click here to enter text.</p>	
<p>2. Are you a fixed-route operator that provides school “tripper” service? A tripper is an extra bus that is added to a route to provide capacity or service that cannot be accommodated by the buses already in service. If yes, does the tripper service meet the criteria to be considered public transit service?</p>	<p>Click here to enter text.</p>	

## **Service Planning**

### ***Service Eligibility***

Section 5310 funds must be used to support the special transportation needs of elderly individuals and individuals with disabilities.

<p>1. What types of contract and subscription service do you provide? With whom? Do the contacts and subscription service interfere with the provision of public transit? Have you had to deny public transit trips because the contracts and subscription service utilized all available capacity? If yes, how often?</p>	<p>Click here to enter text.</p>	
<p>2. Do you provide service to the general public while providing contract and subscription services?</p>	<p>Click here to enter text.</p>	
<p>3. Do you rank trips by purpose? If yes, please provide the order of priority. Does the ranking of trips discourage the general public from using the service? Have you denied service because a trip with a lower-ranked purpose could not be accommodated? If yes, how often?</p>	<p>Click here to enter text.</p>	
<p>4. Are vehicles clearly identified as general public transit service? Is the phone number to call for a ride on the vehicles? <i>Vehicles must be clearly identified as general public service.</i></p>	<p>Click here to enter text.</p>	
<p>5. Are the vehicles marked in any way that represents exclusive use for a specific organization or clientele?</p>	<p>Click here to enter text.</p>	

6. Are any of your trips sponsored by Medicaid or a Veteran’s grant?	Click here to enter text.	
7. Does the agency answer the phone in such a way that the general public knows they contacted a public transit provider? Do you have a direct line for transportation or do all transportation calls go through the general receptionist?	Click here to enter text.	
8. How are you listed in the phonebook, on your website, and Facebook?	Click here to enter text.	

***Title VI and Nondiscrimination in the Delivery of Service***

FTA and NDDOT prohibit discrimination on the grounds of race, color, or national origin and on the grounds of low-income status in accordance with Title VI of the Civil Rights Act of 1964. There are other Federal statutes, regulations, Executive Orders, and laws that prohibit discrimination on the basis of gender, age, religion, and disability. Transit Agencies must notify the public of its protection under Title VI, how to obtain additional information on nondiscrimination obligations, and how to file a complaint. The notification may not be limited to a notice on the Transit Agency’s website.

1. Do your Title VI notices include all the required information? a. Statement identifying discrimination of race, color, and national origin b. Agency name c. Contact person d. Phone number e. Website if applicable	Click here to enter text.	
2. Describe where the notices are posted.	Click here to enter text.	
3. Is the Title VI plaque posted in all vehicles?	Click here to enter text.	
4. Has your transit agency developed a Title VI complaint form and instructions? Who investigates complaints? <i>NDDOT title VI forms can be found at:</i> <a href="https://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm">https://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm</a>	Click here to enter text.	
5. Has your complaint form been translated into other languages? If yes, what languages?	Click here to enter text.	
6. Are your complaint form and instructions accessible to the public? If yes, where can the public access it?	Click here to enter text.	
7. Has SFN: 60805 Transit Title VI – List of Investigations, Lawsuits, and	Click here to enter text.	

Complaints been uploaded into BlackCat Grants system as part of the application process?		
8. Have any complaints concerning discrimination in the delivery of service been received since the last review? If yes, how were the complaints tracked, identified and resolved? <i>Title VI complaints must be reported to NDDOT within 24 hours of receipt of the complaint.</i>	Click here to enter text.	
9. Have you implemented substantial service or fare changes in the past 3 years? If yes, was an opportunity provided for a public hearing and public comment?	Click here to enter text.	
10. How are individuals provided opportunities to participate in the transit planning and decision-making process without regard to race, color, or national origin? Has a need for transportation improvements been expressed? If yes, please describe.	Click here to enter text.	
11. How are limited English proficiency (LEP) persons notified of language assistance? Please provide a copy of the materials used to promote your service to minority and LEP populations.	Click here to enter text.	
12. What is the frequency of contact with LEP persons? What languages were spoken? Do you have any translation services available?	Click here to enter text.	
13. Have you translated documents into Spanish or another language? If yes, list the documents and languages they are translated into.	Click here to enter text.	
14. What other language assistance efforts have you used? (I Speak Cards, Google Translate, Language Line, etc.)	Click here to enter text.	
15. How does your Transit Agency provide training to employees on free language assistance for LEP users, regarding complaint procedures, ADA requirements, reasonable modification and treatment of passengers with disabilities?	Click here to enter text.	

**Public Participation**

The federal Government mandates public involvement prior to raising fares, implementing major reductions in service, or applying for grants to finance transportation improvement projects.

1. Has your Transit Agency implemented substantial service or fare changes? Was an opportunity provided for a public hearing?	Click here to enter text.	
2. Have any public hearings for any reason been held in the last 3 years?	Click here to enter text.	
3. How are individuals provided opportunities to participate in the transit planning and decision-making process without regard to race, color, or national origin?	Click here to enter text.	
4. How does your transit agency assess service and interact with the public? (suggestion boxes, rider surveys, rides taken by council members or management staff, etc.)	Click here to enter text.	
5. Are board/council meetings open to the public? How do you publicize dates, times, and location of board/council meetings?	Click here to enter text.	

**Fixed-Route Systemwide Service Standards (Only complete if your agency provides a Fixed-Route Service)**

1. Has your Transit Agency established fixed-route system-wide standards? If yes, describe the types of routes you provide?	Click here to enter text.	
2. Has your Transit Agency adopted vehicle capacity standards? If yes, please describe?	Click here to enter text.	
3. Has your Transit Agency adopted vehicle headway standards? If yes, please describe.	Click here to enter text.	
4. What is your on-time performance standard(s)?	Click here to enter text.	
5. Has your Transit Agency set system-wide policies for each fixed-route mode of service?	Click here to enter text.	

### **Human Service Coordinated Plan**

FTA requires that Transit Agencies applying for funding under the Section 5310 program submit a locally developed, coordinated public transit-human services transportation plan and that the plan be developed through a process that includes public, private, and non-profit transportation and human services providers and participation by members of the public. These plans are used to identify the transportation needs of individuals with disabilities, older adults, and people with low income. Transit Agencies located in the planning area of a metropolitan planning organization (MPO) must ensure that their program of projects is included in a Transportation Improvement Program (TIP) for the area.

1. Has an annual human service coordination plan been submitted and approved by NDDOT?		Click here to enter text.	
2. Since submitting your plan\update, have any additional efforts been made to coordinate service? If yes, please describe.		Click here to enter text.	
3. Are there more opportunities for coordination?		Click here to enter text.	
4. Do you have a current list of all providers of passenger transportation in your service area?		Click here to enter text.	
5. Please List below all Section 5310 and 5311 Transit Agencies that operate in your service area, how many vehicles they operate, the days and hours of operation, and the number of trips they provide. Please list your efforts to coordinate with each agency and the reasons for now coordinating with each agency.			
<b>Section 5310/11 Transit Agency</b>	<b>Days and Hours of Service*</b>	<b>Coordination Efforts/Reasons for not Coordinating</b>	
Click here to enter text.	Click here to enter text.	Click here to enter text.	
Click here to enter text.	Click here to enter text.	Click here to enter text.	
6. What groups are represented on the local transportation advisory committee (TAC)? Are private-for-profit and private-nonprofit transportation providers represented on the TAC?		Click here to enter text.	
7. Have you submitted your grant application to the TAC for review and comment?		Click here to enter text.	
8. Did you provide reasonable notice to transportation		Click here to enter text.	



providers when you submitted your application?		
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*Comments*

*Findings after Compliance Review*

\_\_\_\_\_ Transit Agency was Compliant

\_\_\_\_\_ Transit Agency was Compliant upon Modification/Attention and Follow Up is needed  
 Date given to have findings returned to NDDOT \_\_\_\_\_  
 Date requested material was returned to NDDOT \_\_\_\_\_

\_\_\_\_\_ Non-Compliant  
**Major items need immediate attention or risk loss of funding**  
 Date given to have findings returned to NDDOT \_\_\_\_\_  
 Date requested material was returned to NDDOT \_\_\_\_\_

\_\_\_\_\_  
 NDDOT Transit Reviewer

\_\_\_\_\_  
 Date

# North Dakota Department Of Transportation



Federal Sections 5311, 5310, 5339 and State Aid  
Compliance and Good Practices Review

Transit Agency:

Reviewers:

Site Review Date:

File Review Date:

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## Purpose and Directions

The North Dakota Department of Transportation (NDDOT) conducts compliance and good practice reviews of state transit agencies to ensure they meet the conditions of receipt of Federal Transit Administration (FTA) assistance, NDDOT program requirements, promote good management practices among public transportation providers, and identify training and technical assistance needs.

Compliance reviews will be conducted on a three-year rotation. On-site inspections of the transit agencies' complete fleet and facilities will be completed every other year. If any major deficiencies or noncompliance issues are identified via the review process, the NDDOT staff may conduct additional reviews as deemed necessary.

NDDOT will conduct the reviews as follows:

NDDOT will initiate the review process with the transit agency through the BlackCat (BC) Oversight process via a compliance questionnaire. The completed questionnaire must be returned to NDDOT via the BC Oversight process. If a question doesn't apply to the agency, put "NA" in the response box. Transit agencies will be given four weeks to complete the review questionnaire and upload the requested material to the folders in Oversight.

Prior to the on-site visit, NDDOT will conduct a desk review reviewing the questionnaire responses, along with the plans, policies, and reports in BC Resources. Please input the requested material below into the appropriate folders in Oversight. The on-site visit presents an opportunity for NDDOT to observe the transit service and operation, discuss and further inquire on topics based on the responses in the completed review questionnaire, as well as address any questions and concerns the transit agency may present.

Following the on-site visit, NDDOT will follow up noting any deficiencies and/or recommendations in BC Oversight. These deficiencies and recommendations need to be resolved in a timely manner and responded to through the Oversight process. Recommendations represent best practices and the transit agency is not obligated to implement recommendations. Each finding and recommendation must be addressed in the BC Oversight process in order to be able to close out the review.

**Please have the following documents uploaded into the designated BlackCat Oversight folders for review.**

### Governance

- Articles of Incorporation
- Bylaws
- Records/minutes of most recent board meeting

### Financial Management

- Samples of time sheet and corresponding payroll records
- Receipts from most recent quarterly budget report (if requested)
- Proof of approval of indirect costs from cognizant agency (if applicable)
- Cost Allocation plan (if applicable)

### Procurement

- Written procurement procedures
- List of items purchased over the \$2,000 threshold with their procurement process

#### Service Provision

- Proof of training provided
- Complaint/comment resolution procedures
- Passenger standards of conduct (Rider Handbook)

#### Maintenance

- Vehicle preventive maintenance plan
- TAM Plan
- Vehicle Pre/Post-trip checklist
- Facility and equipment maintenance plan and inspection checklist

#### Safety

- Accident procedures and forms
- Safety\Emergency Policies

#### ADA

- ADA Securement\Assistance Policies
- ADA Complaint Resolution procedures

#### Civil Rights

- Title VI Policy, Notice, Complaint Form and Procedures
- Limited English Proficiency Plan
- Copy of materials used to promote your services to minority and LEP populations
- Public Participation Plan
- EEO - Sample job application, posting and advertisement

#### Marketing

- Sample of marketing plan materials (schedules, brochures, newspaper ads, etc.)
- Sample customer survey and most recent results

#### Other

- 3-5 Year Plan
- Coordinated Human Service Plan (if applicable)

We look forward to a productive on-site visit.

*NDDOT Transit Staff*

## Location of Review

1. What is the address of the on-site review location?	Click here to enter text.
2. What is the best phone number for contacting the director or person attending the on-site review?	Click here to enter text.

## Attendance Sheet

Name	Title	Phone	Email



## Governance

Transit Agencies must have the legal capacity to receive federal and state grants. Transit Agencies must have a designated body legally responsible for the overall organization, management and operation of the transportation system. The Board should be both representative of the community to provide management with community advice and bring management and other expertise from which transit management can draw. The Board should meet regularly and must conduct business in an open and transparent manner. The Board should set policies, goals, and objectives for the system while not involving itself in day-to-day operations.

1. What is the name of the designated body legally responsible for the overall organization, management, and operation of the transit system?	Click here to enter text.	
2. Do the articles of incorporation specifically mention public transportation or coordination of transportation?	Click here to enter text.	
3. What are the board bylaws for its governance which include?		
a. Duties and Transit responsibilities	Click here to enter text.	
b. Method of member selection	Click here to enter text.	
c. Terms of office	Click here to enter text.	
d. Frequency and notification of meetings	Click here to enter text.	
e. Avoiding conflict of interest in selection of board members	Click here to enter text.	
4. Are the board member's names, mailing address and email address current in the BC System?	Click here to enter text.	
5. Does the sample of board records indicate that board minutes are complete and signed by the secretary? <i>Required</i>	Click here to enter text.	
6. Are board members encouraged to ride the service? <i>Good practice</i>	Click here to enter text.	
7. Do most board members regularly attend meetings? <i>Good practice</i>	Click here to enter text.	
8. Are financial reports submitted to the board for its review and action? How often? <i>Good practice</i>	Click here to enter text.	
9. How often does the board review, and if needed, revise goals, objectives, and targets? Is the agency's 3 – 5 Year Plan reviewed and approved by the board? <i>Good practice</i>	Click here to enter text.	

10. Does the board involve itself in day-to-day operations? <i>The board should not involve itself in day-to-day operations.</i>	Click here to enter text.	
11. Does the board formally review the performance of the transit director at least annually? <i>Good practice</i>	Click here to enter text.	
12. If you are a non-profit agency that administers several programs, or part of a city or county, is there a transit committee to advise the Board on transit policy? <i>Good practice</i>	Click here to enter text.	

### **Managerial Capacity**

Transit Agencies must have the managerial capacity to implement the project, manage grants, and comply with federal and state requirements. To demonstrate managerial capacity, transit agencies must have an appropriate organizational structure; an adequate number of staff to implement the project; management staff with the requisite skills, education, training, and experience; adequate documentation of key policies; a systematic process for determining the number and size of vehicles for the fleet; the ability to submit timely, complete accurate reports, and collect and analyze key performance data.

1. Who is responsible for the day-to-day management of the transit program?	Click here to enter text.	
2. Do you have <b>Written Procedures</b> that address the following aspects of transportation program management?		
a. Maintenance plans/TAM plans <i>Required</i>	Click here to enter text.	
b. Emergency procedures	Click here to enter text.	
c. Safety policies and procedures	Click here to enter text.	
d. Training program	Click here to enter text.	
e. Complaint resolution procedures	Click here to enter text.	
3. Who is responsible for purchasing vehicles? Is there a systematic process for determining the number and size of vehicles for the fleet? Are decisions for expanding the fleet based on ridership projections? If yes, how are the projections developed? <i>NDDOT requires each transit to have a 3 to 5 Year Plan for vehicle and facility needs.</i>	Click here to enter text.	
4. Are all required reports submitted on time, MIS Drug & Alcohol, NTD, DBE, Ridership, Budget, Charter, 5310? If no, what are the reasons for the delay?	Click here to enter text.	

<i>Reviewer – discuss any comments or issues with the reports.</i>		
5. Do you contract with any private operators or other agencies? If yes, please identify. Who is responsible for managing the contract? What procedures are used to ensure that quality service is provided? <i>Transit Agencies must have procedures for managing service contractors to ensure that quality service is provided.</i>	Click here to enter text.	
6. How do you ensure that your staff is current on required training; i.e. PASS, Drug & Alcohol, Title VI, etc.?	Click here to enter text.	
7. How often do you use the Internet to access FTA regulations and circulars? <i>Good practice</i>	Click here to enter text.	

### **Financial Management**

Transit Agencies must have sufficient local resources to provide the required match to carry out a proposed project. Transit Agencies must also have the financial management systems to account for and report on federal and state assistance. Transit Agencies must practice sound financial management practices.

<b>Financial Capacity</b>		
1. List sources and approximate amounts of local funding for operating, capital and admin expenses. Are the sources of local funding sufficient to operate the project and maintain transit's assets?	Click here to enter text.	
2. Describe internal controls for fare collection; include process for deposit, approvals, frequency, etc.	Click here to enter text.	
3. How are fares reconciled with the passenger logs? Describe the procedures in place to protect fare collections from theft or loss	Click here to enter text.	
4. Describe internal controls for processing payment of invoices, approvals, frequency which invoices are paid, etc.	Click here to enter text.	
<b>Accounting Systems and Policies</b>		
1. What are the accounting policies for the following?		
a. The retention of records <i>Transit Agencies' records retention must, at a minimum, meet State of ND</i>	Click here to enter text.	

	<i>transit requirements; 10 yrs. if pertaining to Civil Rights; 6 yrs. beyond closure of a grant; 3 yrs. beyond a revision or termination of Drug &amp; Alcohol and Audit matters.</i>		
	b. Requirements and schedules for audits	Click here to enter text.	
	2. What are the written travel policies for staff and board members? a. Use of State per diem or GSA rate, or actual expenses, basis of reimbursement?	Click here to enter text.	
	b. Requirements for receipts for lodging and meals when reimbursement is made for actual cost	Click here to enter text.	
	c. Requirements for approval of travel requests	Click here to enter text.	
	3. Are timesheets approved by an official who is not responsible for their preparation? Reviewer – Compare time sheets to payroll sample <i>Good practice</i>	Click here to enter text.	
<b>Audits</b>			
	4. If more than \$750,000 in federal funds were expended during the last fiscal year, was a single audit conducted in accordance with 2 CFR 200, Subpart F: Audit Requirements? When was the audit conducted and who performed the audit? <i>2 CFR 200, Subpart F requires that any Transit Agency that expends more than \$750,000 in federal funds in a year must have an independent single audit conducted.</i>	Click here to enter text.	
	5. Since the last review, have audit findings been submitted that relate to the transit program? <i>Transit Agencies must submit audit findings that relate to the transit program to NDDOT.</i>	Click here to enter text.	
	6. List any findings from the audit? <i>Transit Agencies must resolve audit findings in a timely manner.</i>		
<b>Finding</b>	<b>Response</b>	<b>Status</b>	
Click here to enter text.	Click here to enter text.	Click here to enter text.	

Click here to enter text.	Click here to enter text.	Click here to enter text.	
7. When did you submitted your Single Audit Certification Form SFN: 60639? <i>NDDOT requirement. If there is not a current certification on file with Local Government, no claim payments will be issued.</i>	Click here to enter text.		
<b>Indirect Costs</b>			
1. Are indirect costs charged to grants? If yes, has proof of approval by cognizant agency been uploaded to BlackCat Resources? <i>Per 2 CFR Part 200, indirect costs are costs that are incurred for a common or joint purpose that benefit more than one cost objective and are not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved.</i>	Click here to enter text.		
a. If any agency expenses are shared costs, has the cost allocation plan to support indirect costs been submitted to, and approved by the state? <i>The plan must be submitted to NDDOT for approval and uploaded to BC Resources.</i>	Click here to enter text.		
b. If agency has shared expenses have procedures been established to ensure that costs are classified as either direct or indirect?	Click here to enter text.		
c. If yes, has the plan been followed?	Click here to enter text.		
d. If yes, is the rate and methodology been reviewed annually?	Click here to enter text.		
<b>Budgeting</b>			
1. Please describe the process used to develop the budget. Who is responsible for developing the budget?	Click here to enter text.		
2. Does the board review and approve the budget and budget revisions?	Click here to enter text.		
3. Are 3 -5+ years financial needs defined during the annual budget process reviewed?	Click here to enter text.		
4. Are anticipated fare box revenue, contributions, grants, contracts, and other program income projected in the budget?	Click here to enter text.		

5. Are actual expenditures compared with budgeted expenditures to prevent budget overruns? How often?	Click here to enter text.	
6. Are revenues from federal, state, and local government sources, service contracts, and fares compared with the projections in the budget? How often?	Click here to enter text.	
Reviewer – Please select random line expenses from most recent quarterly budget report and verify receipts against submitted expenses.		

### ***Technology and Information Systems***

Transit Agencies should use information technology to improve productivity and provide needed financial and performance information. Computers funded with FTA funds must be used to support the transit program and should have procedures in place to protect hardware and software.

1. Do you have a website? What is the address? Who maintains it? How often is it reviewed and updated? <i>NDDOT strongly encourages a transit website.</i>	Click here to enter text.	
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### ***Satisfactory Continuing Control***

Transit Agencies must maintain control of FTA-funded equipment and facilities and use them to provide public transportation. Transit Agencies must obtain prior written approval from NDDOT before purchasing a vehicle, or prior to selling, transferring, leasing, or disposing of vehicles that have not met useful life. The fleet should be appropriate for the type of service, ridership volumes, and scheduling patterns. The vehicle spare ratio must be reasonable for the type of service, the size and age of the fleet, service demand, and current and projected ridership. Transit Agencies should have at minimum, a 3-5 year fleet replacement plan.

1. Does your agency have capital responsibility for any facilities?	Click here to enter text.	
2. Is your facility used for vehicle storage, administration, parking, maintenance or other? If other, please explain.	Click here to enter text.	
3. Total number of vehicles in your fleet? How many vehicles are ADA accessible?	Click here to enter text.	
4. What is the number of spare vehicles?	Click here to enter text.	
5. How often is the maximum number of vehicles required?	Click here to enter text.	
6. Does the spare ratio appear reasonable given the size and age of the fleet, the frequency of peak service demand, and the projected ridership growth?	Click here to enter text.	

Does the spare ratio indicate a need for additional vehicles? <i>NDDOT considers a spare ratio of approximately 20 percent reasonable.</i>		
7. Do you anticipate additional ridership in the next 3 - 5 years? If yes, by how much and to what do you attribute the increase? Will the increase dictate a need for expansion vehicles?	Click here to enter text.	
8. Describe what “back-up” arrangements would be made to provide service when breakdowns occur or during peak service times?	Click here to enter text.	
9. What is the average age of the fleet?	Click here to enter text.	
10. What is the average mileage of the fleet?	Click here to enter text.	
11. Is there a fleet replacement plan? If yes, how often is it updated? <i>NDDOT requires each transit to have a 3 to 5 Year Plan for vehicle and facility needs.</i>	Click here to enter text.	
12. Have you sold or disposed of any FTA-funded vehicles in the past year? If yes, please list the vehicles. Did you obtain approval from NDDOT? <i>NDDOT requires that Transit Agencies obtain approval before selling or disposing of vehicles with federal interest.</i>	Click here to enter text.	
13. If any vehicles are leased did NDDOT approve the leases in writing?	Click here to enter text.	
<b>Insurance</b>		
14. Has an updated proof of vehicle insurance been uploaded to BC Resources? <i>NDDOT requires Transit Agencies to maintain a minimum of a combined single limit of coverage of \$1 million on vehicles.</i>	Click here to enter text.	
15. Has an updated proof of liability insurance been uploaded to BC Resources?	Click here to enter text.	
16. If your agency owns an FTA-funded facility, have you verified it is not located in a special flood hazard area (100-year flood zone)?	Click here to enter text.	
17. If the facility is located in a special flood hazard area, does your agency have adequate flood insurance?	Click here to enter text.	

<i>Proof of flood insurance must be uploaded in BlackCat Resources if your FTA-funded facility is located in a special flood hazard area.</i>		
<b>Inventory and Controls</b>		
18. What procedures and practices are used to prevent loss, damage, or theft of property and inventory? Examples of procedures include insurance, locks on doors, controlled access to supplies, fencing, lighting, inventory and tagging of all equipment, and annual physical inventories that are reconciled to inventory lists.	Click here to enter text.	
19. Is there a current, complete inventory of all assets purchased with FTA and State funds listed in BC and TAM Inventories? <i>NDDOT requires Transit Agencies track assets, valued at \$5,000+, through the BlackCat Inventories and Transit Asset Management (TAM).</i>	Click here to enter text.	
20. Is a physical inventory of equipment taken at least annually and reconciled to the inventory records?	Click here to enter text.	
21. Are facility use or lease agreements current for all facilities? Are copies of the agreements uploaded to BC Resources?	Click here to enter text.	

## **Procurement**

Transit Agencies must comply with the relevant sections of FTA C 4220.1F and ND State Procurement Office requirements. Transit Agencies must obtain prior state approval for federally funded purchases of capital assets and transportation service contracts.

1. Who is responsible for purchasing/leasing equipment and vehicles?	Click here to enter text.	
2. Are procurement procedures written and approved by the board and NDDOT? <i>Transit Agencies should have written procurement procedures.</i>	Click here to enter text.	
3. Do policies and procedures adequately address such matter as: <i>Required</i>		
a. Need and use of formal advertising	Click here to enter text.	
b. Bidding	Click here to enter text.	
c. Negotiating	Click here to enter text.	



d. Use of sole source	Click here to enter text.	
e. Selection procedures	Click here to enter text.	
f. Required signatures	Click here to enter text.	
g. Review of procurement requests to avoid duplicative or unnecessary purchases	Click here to enter text.	
h. Award to responsible bidders/proposers	Click here to enter text.	
i. Protest procedures	Click here to enter text.	
j. Contract administration system	Click here to enter text.	
k. Settlement of contract issues and disputes	Click here to enter text.	
l. Documentation of procurement history	Click here to enter text.	
m. Inclusion of Federal and State Clauses	Click here to enter text.	
4. Are technical specifications prepared at the appropriate level of detail to accommodate competitive bidding and user requirements? <i>Required</i>	Click here to enter text.	
5. Are qualified bidders lists and histories maintained for competitive bidding?	Click here to enter text.	
6. What is the dollar threshold for sealed bids?	Click here to enter text.	
7. What are the purchasing procedures for which sealed bids are not required?	Click here to enter text.	
8. Who reviews and approves purchases? What are the dollar thresholds?	Click here to enter text.	
9. Do the above procedures provide for full and open competition? <i>Procurement procedures must provide for free and open competition.</i>	Click here to enter text.	
10. What single purchases of \$5,000+ were made with FTA or State funds since the last site visit? What procedures were followed for each of the purchases? Were the procedures followed for full and open competition? Examples: maintenance services, vehicles, construction, professional services, etc. Please list all procurements of \$5,000+ made with FTA or State funds since the last site visit. Have these purchases been added to BC and TAM Inventories?		
<b>Item</b>	<b>Amount</b>	<b>Procurement Method</b>
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.

<i>Reviewer, review a sample of procurement files to confirm that the Transit Agency provided for free and open competition.</i>		
11. Was state approval obtained for federally funded equipment purchased directly? <i>NDDOT must approve all equipment purchases.</i>	Click here to enter text.	

### ***Debarment/Suspension***

Transit Agencies are prohibited from contracting for goods and services from individuals or organizations that have been suspended or debarred from receiving federally assisted contracts.

1. Is your agencies sam.gov certification current? If no, please explain. When is your recertification date? <i>Agencies must recertify annually.</i>	Click here to enter text.	
2. Have you become aware of any new information, following the award of a contract or subcontract, that an excluded party is involved in any covered transactions? If yes, did you promptly inform NDDOT in writing? <i>Transit Agencies must provide immediate written notice to NDDOT for reporting to FTA if they learn that their certification or the certification of any contractors is no longer valid.</i>	Click here to enter text.	
3. Was the required certification clause included in all procurements exceeding \$25,000? <i>The debarment and suspension certification clause must be included in all procurements exceeding the federal small purchase threshold, currently \$25,000.</i>	Click here to enter text.	
4. Was the System for Award Management (SAM) website checked to ensure that the bidder was not debarred or suspended? <i>Transit Agencies must search the Excluded Parties Listing Service at <a href="http://www.sam.gov">http://www.sam.gov</a> for contracts exceeding \$25,000 before entering into any third party contracts exceeding \$25,000.</i>	Click here to enter text.	

### ***Lobbying***

Recipients of grants and federal contracts exceeding \$100,000 must certify that they have not, and will not, use federal funds to pay for lobbying. Transit Agencies certify to NDDOT. Contractors certify to the Transit Agency. *Indian tribal organizations are exempt from lobbying requirements (31 U.S.C. § 1352).*

Answer these questions only if you received a grant that exceeded \$100,000.		
1. Are FTA funds used for lobbying? <i>Transit Agencies may not use federal funds for lobbying.</i>	Click here to enter text.	
2. Have you obtained signed lobbying certifications with procurement solicitations exceeding \$100,000? <i>Transit Agencies must obtain signed lobbying certifications with bids for contracts exceeding \$100,000.</i>	Click here to enter text.	

### ***Personnel***

1. Who is responsible for personnel management?	Click here to enter text.	
2. Are personnel policies written and approved by the board? Policies should address benefits, overtime, vacation, and pensions. <i>Good practice</i>	Click here to enter text.	
3. Describe how time and attendance records are processed. Are they kept, signed by all employees, reviewed by anyone?	Click here to enter text.	
4. Number of transit employees?	Click here to enter text.	
5. Are all required labor posters posted? <a href="http://www.dol.gov/oasam/boc/osdbu/sbr/efa/poster/matrix.htm">http://www.dol.gov/oasam/boc/osdbu/sbr/efa/poster/matrix.htm</a>	Click here to enter text.	
6. How did the COVID-19 pandemic affect your staff; reduction in hours, administrative leave, training, etc.?	Click here to enter text.	

### **Operations and Service Provisions**

#### ***Training and Ridership Service***

Transit Agencies should have effective procedures to ensure quality service is being delivered to the public. A comprehensive training program is a key component of a quality assurance program. Transit Agencies need a training program for drivers and need to track training that drivers have received. Transit Agencies must monitor service to ensure that drivers follow policy and procedures and provide quality service. While it is required that all drivers who drive 20+ hours per week complete the Passenger Service and Safety (PASS) driver certification program, NDDOT recommends all drivers complete PASS Training.

1. What kind of training do you provide operators/drivers and schedulers/dispatchers? Is appropriate staff trained in the basics of transit? <i>Good practice</i>	Click here to enter text.	
2. Does the training provided to operators/drivers address? a) Defensive driving	Click here to enter text.	
b) Passenger assistance and safety	Click here to enter text.	
c) Operation of lifts or other accessibility features	Click here to enter text.	
d) Correct use of securement devices	Click here to enter text.	
e) Agency policies	Click here to enter text.	
f) How to complete driver paperwork	Click here to enter text.	
g) Distracted Driving	Click here to enter text.	
h) What to do in case of an accident	Click here to enter text.	
3. Are files maintained that document when training was received and when refresher training is needed? <i>Transit Agencies must track training received by operator.</i> Reviewer – please view training records	Click here to enter text.	
4. Has documentation been uploaded into the BC Resources that all safety-sensitive employees received 60 minutes of training on the effects and consequence of prohibited drug use?	Click here to enter text.	
5. Has documentation been uploaded into BC Resources that supervisors who are designated to determine whether reasonable suspicion exists to require a safety-sensitive employee to undergo alcohol and/or drug-testing has been provided the necessary training?	Click here to enter text.	
6. For demand-response service, what are the procedures for scheduling and dispatching trips? Have any	Click here to enter text.	

trips been denied? If yes, are they tracked and periodically reviewed by management? <i>Good practice</i> Reviewer – please review passenger trip log and verify against most recent submitted ridership report.		
7. Are basic transit measurements reviewed? If yes, what key management decisions have been made with the data? <i>Good practice</i>		
a. Revenue miles	Click here to enter text.	
b. Revenue hours	Click here to enter text.	
c. Total passengers	Click here to enter text.	
d. Total seats available per hour and per mile	Click here to enter text.	
e. Total fares	Click here to enter text.	
f. Total cost	Click here to enter text.	
g. Cost per mile	Click here to enter text.	
h. Cost per hour	Click here to enter text.	
i. Average cost per passenger	Click here to enter text.	
j. Fare box recovery ratio	Click here to enter text.	
8. List the annual ridership figures for the past 3 years below. Please explain why ridership is increasing, decreasing, or staying the same.	Click here to enter text.	
<b>Year</b>	<b>General Public</b>	<b>Elderly &amp; Disabled</b>
SFY 2020 (July 1 – June 30)	Click here to enter text.	Click here to enter text.
SFY 2019 (July 1 – June 30)	Click here to enter text.	Click here to enter text.
SFY 2018 (July 1 – June 30)	Click here to enter text.	Click here to enter text.
9. Describe how COVID-19 has affected your agency’s ridership.	Click here to enter text.	
10. Have there been any incidents or fatalities since the last compliance review? Does your agency track close call incidents and have there been any since the last review?	Click here to enter text.	
11. How are passenger service complaints logged and resolved? What is your Agency’s policy regarding the timeline to address complaints? How are service and personnel compliments recognized?	Click here to enter text.	

12. Do you have a Rider Handbook governing standard of behavior by passengers on buses and transit property? <i>Good practice</i>	Click here to enter text.	
13. What is your policy regarding passengers cancelling trips? Estimate what percent of your scheduled trips are cancelled annually.	Click here to enter text.	
14. Has there been any significant changes in service that has been implemented since the last compliance review? Include any affects COVID-19 has had on your service; limiting quantity of passengers, changes to trip purposes or destinations, reducing hours of operation training of staff etc.	Click here to enter text.	
Reviewer – address any ridership concerns.		

## Maintenance

Transit Agencies must maintain FTA-funded rolling stock, equipment and facilities and must have written maintenance plans. Transit Agencies must follow the State TAM Group Plan, or a plan approved by the NDDOT. Transit Agencies must maintain equipment and facilities at a high level of cleanliness, safety, and maintained in good or better condition. Through the TAM Program, Transit Agencies have a process to track preventive maintenance activity. Transit Agencies must have a pre-trip or post-trip inspection program that addresses vehicle condition, appearance, cleanliness, and safety. Any deficiencies noted in a pre-trip inspection must be repaired in a timely manner.

<b>Vehicle Maintenance</b>		
Reviewer – <i>Review vehicle</i> preventive maintenance in Web-TAM prior to onsite visit. Note deficiencies for each file inspected. <i>If determined that an agency is not meeting the preventive maintenance on-time standard of at least 80 percent of its scheduled preventive maintenance, the agency must provide a report documenting the dates and mileage between maintenance for three months. If a repeat deficiency occurs, the agency must submit the above information for 12 months to demonstrate they have conducted at least 80 percent of its preventive maintenance on-time for 12 consecutive months.</i>		
1. Who is responsible for maintenance? Is there a written Vehicle Maintenance Plan and checklist?	Click here to enter text.	

<p>2. Do preventive maintenance schedules for each type of vehicle in the fleet meet the manufacturers' minimum requirements? <i>Preventive maintenance schedule must meet manufacturers' minimum requirements.</i></p>	<p>Click here to enter text.</p>	
<p>3. Is a preventive maintenance program in place for lifts and other accessibility features such as ramps, public announcement systems, and annunciators? <i>Transit Agencies must maintain all accessibility features and equipment in optimal operating condition.</i></p>	<p>Click here to enter text.</p>	
<p>4. What procedures are used to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections? <i>Transit Agencies must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance in a timely manner.</i></p>	<p>Click here to enter text.</p>	
<p>5. Are pre/post-trip inspections conducted prior to placing a vehicle in service? <i>Pre/post-trip inspections must be conducted prior to placing a vehicle in service. The pre/post-trip inspection form must address safety; vehicle operation; appearance; cleanliness; and passenger comfort.</i> Reviewer – sample review</p>	<p>Click here to enter text.</p>	
<p>6. How are deficiencies noted in pre/post-trip inspections repaired in a timely manner and properly reviewed by management?</p>	<p>Click here to enter text.</p>	
<p>7. Describe any instance of vehicles within their useful life, being out of service for extended periods of time (more than 2 weeks) due to mechanical issues. <i>Transit Agencies must notify NDDOT when a vehicle has been removed from service for more than 2 weeks.</i></p>		

<p>8. Does the pre/post-trip inspection program address lifts and other accessibility features, such as ramps, public announcement systems, and tie-downs? <i>Transit Agencies must have a regular system of checks and inspections for lifts and other accessibility features.</i></p>	<p>Click here to enter text.</p>	
<p>9. When a lift is found to be inoperative, is the vehicle taken out of service by the beginning of the next service day and repaired before returning to service? What alternative arrangements are made for riders? <i>Transit Agencies must remove vehicles with inoperative lifts from service before the next day unless no spare is available and taking the vehicle out of service would reduce the level of service.</i></p>	<p>Click here to enter text.</p>	
<p>10. If a vehicle with an inoperable lift is kept in service, is it repaired within 5 days from the day which the lift is found to be inoperable? If no, why not? <i>Transit Agencies in areas of less than 50,000 must repair the lift within 5 days.</i></p>	<p>Click here to enter text.</p>	
<p>11. Are FTA-funded vehicles leased to providers? If yes, does the lease agreement require the lessee to adhere to NDDOT maintenance standards?</p>	<p>Click here to enter text.</p>	
<p>12. Is the TAM system used to track maintenance performed, date and mileage when work is completed, and vendor where work is performed? <i>NDDOT requires that maintenance be documented.</i></p>	<p>Click here to enter text.</p>	
<p>13. Are warranty claims being pursued effectively and promptly to conclusion and recorded on the warranty tracking form available in BC Global Resources? <i>Reviewer review warranty tracking form.</i></p>	<p>Click here to enter text.</p>	
<p>14. Is the tracking form utilized to record information regarding recalls? <i>Good practice</i></p>	<p>Click here to enter text.</p>	
<p>15. Is the preventive maintenance program reviewed for costs and effectiveness? <i>Good practice</i></p>	<p>Click here to enter text.</p>	
<p>16. Are there indicators of repetitive occurrences of a particular type of</p>	<p>Click here to enter text.</p>	



problem in any one make of rolling stock?		
17. Where are transit vehicles stored?	Click here to enter text.	
18. Describe any additional precautionary measures your agency has done to combat the spread of COVID-19 on vehicles.	Click here to enter text.	
<b>Facility and Equipment Maintenance</b>		
<i>The following questions are for Transit Agencies that operate out of an FTA-funded facility.</i>		
19. Is there a written facility and equipment maintenance plan and inspection checklist? <i>Transit Agencies must have a written maintenance plan for FTA-funded facilities and facility-related equipment.</i>	Click here to enter text.	
20. Are the facilities inspected at least once a year to determine what repairs and/or maintenance are needed to the equipment or building? What was the date of the last inspection? <i>This must be recorded in TAM Preventive Maintenance Tracking.</i>	Click here to enter text.	
21. Do preventive maintenance checklists follow the minimum requirements determined by the manufacturer, supplier or builder?	Click here to enter text.	
22. Is maintenance performed on facilities and equipment recorded in the TAM system? If no, why not?	Click here to enter text.	
23. Do the records indicate that preventive maintenance inspections of facilities and related equipment are conducted at the intervals required by the plan? Reviewer - sample maintenance records.	Click here to enter text.	
24. Are any features of facilities or related equipment under warranty? Are warranty claims pursued and recorded on the Warranty tracking form?	Click here to enter text.	
25. Describe any additional precautions your agency performed in your facility to prevent the spread of COVID-19.	Click here to enter text.	
26. Reviewer - are the facilities clean and well maintained? Are there any visible defects?		
27. What documentation does the Transit Agency maintain to ensure compliance with applicable safety and	Click here to enter text.	

environmental regulations (OSHA, fire prevention, insurance standards, etc.)?		
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### *Safety and Security*

Transit Agencies must document that drivers have a valid operator’s license and have a safe driving record. All safety devices must be maintained in operative condition. Drivers and front seat passengers must wear seat belts. Requiring passengers in the rear seats to wear seatbelts must be addressed in each agency’s policy handbook. **Smoking is prohibited in all vehicles.** Drivers must focus on driving and limit distractions when vehicles are in motion.

3. Is documentation maintained which verifies that all drivers (including volunteers) of vehicles:		
a. Have a valid operator’s license (and current US DOT physical if driver is a CDL holder)	Click here to enter text.	
b. Have a safe driving record acceptable for insurance coverage	Click here to enter text.	
c. Received first aid training and blood pathogens <i>Good practice</i>	Click here to enter text.	
d. Received training in defensive driving	Click here to enter text.	
e. Received training in passenger assistance and safety	Click here to enter text.	
f. Received training in operation of lifts and other accessibility equipment	Click here to enter text.	
g. Received substance abuse training	Click here to enter text.	
4. Does the pre-trip inspection address the following required safety equipment? <ul style="list-style-type: none"> <li>• Blood-borne pathogen kit (spill kit)</li> <li>• First-aid kit (full)</li> <li>• Fire extinguisher (charged and inspection date)</li> <li>• Bi-directional reflective triangles</li> <li>• Seatbelt cutters</li> </ul> <i>These items are required to be part of all transit vehicles.</i>	Click here to enter text.	
5. Are all required safety devices or systems installed and functioning properly on vehicles? Are fire extinguishers secure, accessible, of the correct type, tagged and inspected annually? <i>Fire extinguishers must be secured, accessible, tagged and inspected annually.</i>	Click here to enter text.	
6. Describe procedures and timeline to handle accidents and medical	Click here to enter text.	

emergencies? Are these procedures and accident forms kept on board the vehicles? <i>Transit Agencies must have a written procedure for handling accidents and medical emergencies.</i>		
7. Are all passengers required to wear a seat belt? <i>If yes, it must be stated in the passenger policy handbook.</i>	Click here to enter text.	
8. Is smoking prohibited signage on vehicles? <b>Smoking is prohibited on all transit vehicles.</b>	Click here to enter text.	
9. Are drivers allowed to use a cell phone while the bus is in motion? <i>NDDOT prohibits sending and receiving text messages while in operation.</i>	Click here to enter text.	
10. Describe how carry-on items are properly stowed before moving vehicle?	Click here to enter text.	
11. Have there been any incidents or fatalities since the last review? <i>Required to be reported to NDDOT within 24 hours.</i>	Click here to enter text.	

### Charter Bus

Transit Agencies are prohibited from using federally funded equipment and facilities to provide charter service except in accordance with allowable exemptions or exceptions.

1. Do you operate charter service? If yes, describe the charter service provided. How many requests do you receive for charter service in an average year? <i>Charter service is defined as transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price; or transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:</i> <ul style="list-style-type: none"> <li>• <i>A premium fare is charged that is greater than the usual or customary fixed route fare; or</i></li> <li>• <i>The service is paid for in whole or in part by a third party.</i></li> </ul>	Click here to enter text.	
2. If yes, under what exceptions is the charter service operated? Did you follow the procedures required by the exception? Have you ever advertised charter service?	Click here to enter text.	

<p>3. If yes, have you completed and submitted the Charter Service Reporting Form for each charter trip? <i>Required by NDDOT for service provided under the exception for Gov't Officials, Qualified Human Service Organizations, Leasing, and when no registered charter provider responds to a notice.</i></p>	<p>Click here to enter text.</p>	
<p>4. If yes, do you maintain charter records for at least three years? Are these procedures documented?</p>	<p>Click here to enter text.</p>	
<p>5. Have any charter complaints been filed alleging that the charters are in violation of the FTA regulations? <i>Any charter companies filing a complaint that their company was not offered an opportunity to provide service must be reported to the NDDOT Transit office.</i></p>	<p>Click here to enter text.</p>	
<p>6. What available charter operators are in your area and if so, have you ever done charter service with them?</p>	<p>Click here to enter text.</p>	

### School Bus

Transit Agencies are prohibited from providing exclusive school bus service unless the service qualifies under an allowable exemption and is approved by the FTA Administrator. In no case can federally funded equipment or facilities be used to provide exclusive school bus service. Head Start transportation is considered human service transportation, not school bus service.

<p>1. Is the transport of school children to/from school done on an exclusive basis (e.g., in demand response mode, is the run built entirely on school children)? If yes, has the FTA administrator approved the service? Is it operated only with non-federally funded equipment and from non-federally funded facilities? <i>Transit Agencies are prohibited from providing exclusive school bus service unless the service qualifies under and allowable exemption and is approved by the FTA administrator. In no case can federally funded equipment or facilities be used to provide exclusive school bus service.</i></p>	<p>Click here to enter text.</p>	
<p>2. Are you a fixed-route operator that provides school "tripper" service? If yes, does the tripper service meet the following criteria to be considered public transit service?</p>	<p>Click here to enter text.</p>	

<p>a. Regulatory scheduled public transportation service?</p> <p>b. Buses are clearly marked as open to the public.</p> <p>c. Service has been modified to meet needs of students/school personnel?</p> <p>d. Service uses various fare collection systems or subsidies?</p> <p>e. Buses have no special designations (e.g., school bus, school special)?</p> <p>f. Buses use regular bus stops.</p> <p>g. Service is noted on published schedules.</p> <p><i>If no, the service does not qualify as public transit service and cannot be provided with FTA-funded equipment or out of FTA-funded facilities.</i></p>		
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### ***Drug and Alcohol Program***

Transit Agencies must have drug and alcohol-testing procedures in place for all safety-sensitive employees.

<p>1. Who is the person assigned to run the drug and alcohol program for your agency? Is a notice posted informing safety sensitive employees who to contact if they have any questions regarding the drug and alcohol policy or the federal regulations? Reviewer check for notice.</p>	<p>Click here to enter text.</p>	
<p>2. Who is the consortium/third party administrator (TPA)? <i>The consortium/TPA draws the random sample, contacts the medical review officer (MRO), and usually contacts the collection site.</i></p>	<p>Click here to enter text.</p>	
<p>3. What is the name of the drug testing lab? Is the lab certified by the US Department of Health and Human Services (DHHS)? <i>The drug testing lab must be DHHS-certified.</i></p>	<p>Click here to enter text.</p>	
<p>4. Who your medical review officer (MRO)? <i>The MRO reviews the results of all positive drug tests to confirm that they are truly positive and provides a quality assurance review of the drug testing process. The MRO must be a licensed physician with appropriate medical training and knowledge of substance-abuse disorders.</i> Reviewer check for MRO certification.</p>	<p>Click here to enter text.</p>	

<p>5. Who provides the breath alcohol technicians (BAT) or the non-evidentiary alcohol-screening testing technicians (STT)?  <i>The BAT and STT work for the collection site. The BAT conducts DOT breath alcohol screening and confirmation tests while the STT conducts saliva alcohol screening tests.</i>  <b>Reviewer check for BAT and STT certifications.</b></p>	<p>Click here to enter text.</p>	
<p>6. Who is the substance abuse professional (SAP)?  <i>When an employee or applicant fails a drug or alcohol test, you must refer him or her to the SAP. The SAP conducts a clinical assessment and evaluation of employees that test positive for drugs or alcohol and recommends a treatment program. The SAP must be a licensed professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. If you do not have a SAP directly under contract, contact your third party administrator for his or her qualifications.</i>  <b>Reviewer check for SAP certifications.</b></p>	<p>Click here to enter text.</p>	
<p>7. Do you have an updated drug and alcohol policy approved by your Governing Board, NDDOT and uploaded to BlackCat Resources?</p>	<p>Click here to enter text.</p>	
<p>8. What positions are in the testing pool? Are all positions safety-sensitive?</p>	<p>Click here to enter text.</p>	
<p>9. Were annual MIS drug and alcohol reports submitted on time? Were the tests conducted at a random rate of 50 percent for drugs and 10 percent for alcohol?</p>	<p>Click here to enter text.</p>	
<p>10. Who selects employees for random testing? Are random selections available for the past two years? How often are the names received for random testing from the third-party administrator? Do the reports indicate that the Transit Agency conducts random testing?</p>	<p>Click here to enter text.</p>	
<p>11. Are the date and time of notification and collection documented?  <i>Random tests must be spread throughout the year, the draw period, and the hours of service. The date and time of notification and collection must be documented.</i></p>	<p>Click here to enter text.</p>	
<p>12. Do you ensure that a completed testing form is sent to the collection site when employees are sent for testing?</p>	<p>Click here to enter text.</p>	
<p>13. Do you make proper post-accident determinations regarding testing?  <i>Fatal accident: Employers must test all surviving covered employees on duty in the vehicle at the time of the accident and any other covered employee whose performance may have contributed to the accident.</i>  <i>Nonfatal accidents: Employers must test all covered employees on duty in the vehicle at the time of the accident and any other covered employee whose performance may have contributed to the accident unless the employer</i></p>	<p>Click here to enter text.</p>	

<p><i>determines that an employee's performance did not contribute to the accident. The employer must document the decision on whom to test and not to test.</i></p>		
<p>14. Who maintains the drug and alcohol-testing program records? Where are the records maintained in a secure location with controlled access? <i>Transit Agencies must maintain drug and alcohol-testing records in a secure location with controlled access. Reviewer should view locations of secured records.</i></p>	<p>Click here to enter text.</p>	
<p>15. Are the following records maintained for at least 1 year? a. Alcohol test results less than 0.02 b. Verified negative drug test results</p>	<p>Click here to enter text.</p>	
<p>16. Are the following records maintained for at least 2 years? a. Collection process for alcohol-testing except calibration of evidentiary breath testing devices b. Collection process for drug testing c. Alcohol education and training records d. Drug education and training records</p>	<p>Click here to enter text.</p>	
<p>17. Are the records from previous employers kept at least 3 years?</p>	<p>Click here to enter text.</p>	
<p>18. Are the following records maintained for at least 5 years? a. Alcohol test records with alcohol readings of 0.02 or greater b. Drug-test records with verified positive results c. Calibration documentation of evidentiary breath-testing devices d. SAP evaluations and referrals of employees for alcohol misuse e. Employee compliance with recommendations of the SAP for drug use and/or alcohol misuse, including results of return-to-duty and follow-up testing f. SAP evaluation and referrals of employees for drug use g. MIS reports h. Refusals</p>	<p>Click here to enter text.</p>	
<p>19. Is an employee's permission obtained before releasing drug and alcohol-testing records (except to the MRO, SAP, or program manager)? <i>An employee's permission must be obtained before releasing drug and alcohol-testing records to someone other than the MRO, SAP, or program manager.</i></p>	<p>Click here to enter text.</p>	
<p>20. Are the following types of drug and alcohol tests conducted? a. Pre-Employment (drugs only)</p>	<p>Click here to enter text.</p>	

<ul style="list-style-type: none"> <li>b. Random</li> <li>c. Post-Accident</li> <li>d. Reasonable Suspicion</li> <li>e. Return to Duty</li> <li>f. Follow-up</li> </ul>		
<p>21. Are the following substances tested?</p> <ul style="list-style-type: none"> <li>a. Marijuana</li> <li>b. Cocaine</li> <li>c. Opioids Phencyclidine</li> <li>d. Amphetamines</li> <li>e. Alcohol</li> </ul>	Click here to enter text.	
<p>22. Are employees and applicants for safety-sensitive positions who have verified positive drug-test results or a breath-alcohol concentration of 0.04 or greater referred to a SAP for evaluation even if they are to be terminated? Describe the process in place when there is a positive test result.</p> <p><i>Employees and applicants who have a verified positive drug-test result or a breath-alcohol concentration of 0.04 or greater must be referred to a SAP for evaluation even if they are to be terminated.</i></p>	Click here to enter text.	
<p>23. In what instances are post-accident tests performed?</p>	Click here to enter text.	
<p>24. Has documentation been uploaded into the BlackCat Grant System that all safety-sensitive employees receive 60 minutes of training on the effects and consequence of prohibited drug use? When do you provide the training to new hires?</p>	Click here to enter text.	
<p>25. Has documentation been uploaded into the BlackCat Grant System that supervisors who are designated to determine whether reasonable suspicion exists to require a safety-sensitive employee to undergo alcohol and-or drug-testing been provided the following training?</p> <ul style="list-style-type: none"> <li>a. At least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable <b>alcohol misuse</b>.</li> <li>b. Additional 60 minutes of training on the physical, behavioral, and performance indicators of probable <b>drug use</b>.</li> </ul>	Click here to enter text.	
<p>26. Do you obtain and review for completeness and accuracy the employer copies of the custody and control forms and alcohol testing forms? If you find a problem with a form, do you follow up with the collection site in writing and ask for documentation of the corrective action?</p>	Click here to enter text.	
<p>27. Is Drug Free Workplace signage posted visible to employees? Is educational material on effects and</p>	Click here to enter text.	



consequences of substance abuse displayed? Are community service hotline numbers displayed? Reviewer check for signage.		
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## Service Planning

### *Service Eligibility*

Section 5311 funds must be used for public transportation projects and intercity projects in non-urbanized areas. Section 5310 funds must be used to support the special transportation needs of elderly individuals and individuals with disabilities.

1. What types of contract and subscription service do you provide? With whom? Do the contracts and subscription service interfere with the provision of public transit? Have you had to deny public transit trips because the contracts and subscription service utilized all available capacity? If yes, how often? <i>Subscription service (i.e., trips provided to eligible ADA paratransit riders who make trips on a repeated or recurring basis, such as to school, work, religious services, dialysis treatment, etc.), is permitted as long as it does not absorb more than 50% of the available trips at a given time of day.</i>	Click here to enter text.	
2. Do you provide service to the general public while providing contract and subscription services? <i>Section 5311 service must be provided to the general public and be available during normal commute times.</i>	Click here to enter text.	
3. Do you rank trips by purpose? If yes, please provide the order of priority. Does the ranking of trips discourage the general public from using the service? Have you denied service because a trip with a lower-ranked purpose could not be accommodated? If yes, how often?	Click here to enter text.	
4. Are vehicles clearly identified as general public transit service? Is the phone number to call for a ride on the vehicles?	Click here to enter text.	

<i>Vehicles must be clearly identified as general public service.</i>		
5. Are the vehicles marked in any way that represents exclusive use for a specific organization or clientele? <i>Vehicles may not display markings that imply exclusive use for a specific organization or clientele.</i>	Click here to enter text.	
6. Are any of your trips sponsored by Medicaid? Are any of your trips sponsored by Veterans Services?	Click here to enter text.	
7. Describe any incidental trips your agency provided due to COVID-19.	Click here to enter text.	
8. Does the agency answer the phone in such a way that the general public knows they contacted a public transit provider? Do you have a direct line for transportation or do all transportation calls go through the general receptionist?	Click here to enter text.	
9. How are you listed in the phonebook, on your website, and Facebook?	Click here to enter text.	
10. Do you provide meal delivery or other incidental services? If yes, how many meals or other incidental services do you deliver? At what times of the day? Do the services interfere with the provision of transit service? Do the incidental services bear the costs of the service? <i>Transit Agencies may provide incidental service with FTA-funded vehicles, but the service must not interfere with the provision of transit service and must bear the costs of providing the service.</i>	Click here to enter text.	

## Marketing

1. How do you advertise your transit service? What media are used and how often?	Click here to enter text.	
2. Do you conduct rider satisfaction surveys? How often? When was the last survey? What were the results from the survey and how were the results implemented into the Transit Agency's service? <i>Good practice</i>	Click here to enter text.	

3. Please describe your fare structure.	Click here to enter text.	
4. Is the fare policy formally adopted by the board based on financial and socio-economic considerations? <i>Good practice</i>	Click here to enter text.	
5. Is the fare policy reviewed annually? <i>Good practice</i>	Click here to enter text.	
6. When was the last fare increase?	Click here to enter text.	
7. Where is the following information available to the public? Is it easy for the public to understand? Is the information available in any alternative formats?		
a. Schedules and timetables	Click here to enter text.	
b. Route maps	Click here to enter text.	
c. How-to-ride information	Click here to enter text.	
d. Telephone information (including a dedicated number for general public service)	Click here to enter text.	
8. How and where are marketing materials (brochures, schedules, etc.) distributed? Are they displayed at key public locations such as city halls, libraries, community centers, shopping malls, etc.?	Click here to enter text.	
9. Do you have a website? If yes, does the website provide information on:	Click here to enter text.	
a. Hours and days of service?	Click here to enter text.	
b. Types of service?	Click here to enter text.	
c. How to plan a trip?	Click here to enter text.	
d. Bus schedules and maps?	Click here to enter text.	
e. Public meetings and hearings?	Click here to enter text.	
f. Route and schedule changes?	Click here to enter text.	
g. Transit advisory committee participation and meetings?	Click here to enter text.	
h. Customer service number?	Click here to enter text.	
i. Links to other transit system websites?	Click here to enter text.	
j. TDD number?	Click here to enter text.	
k. Protection under Title VI?	Click here to enter text.	
l. How to file a compliment, complaint, or suggestion, including a Title VI complaint?	Click here to enter text.	
m. ADA complementary paratransit	Click here to enter text.	
n. Reasonable Modification		
10. What public awareness communication was provided to your passengers and community regarding COVID-19 and how did you disperse this information??		

## Civil Rights

### *Disadvantaged Business Enterprise (DBE)*

The DBE program is designed to enable small businesses owned and controlled by socially and economically disadvantaged individuals to compete for federally funded contracts let by State and local transportation agencies that receive funds from the DOT. Transit Agencies must provide disadvantaged business enterprises (DBEs) the maximum opportunity to compete for, and perform contracts and subcontracts financed in whole or in part with federal funds.

<p>1. Did the Transit Agency report on DBE activity in the biannual reports? <i>Transit Agency must submit biannual DBE activity reports.</i></p>	<p>Click here to enter text.</p>	<p>Click here to enter text.</p>
<p>2. Do the reports indicate that the Transit Agency has been successful in contracting with DBEs?</p>	<p>Click here to enter text.</p>	<p>Click here to enter text.</p>
<p>3. What good faith efforts have been taken to ensure that DBEs have the maximum opportunity to compete for, and perform contracts and subcontracts financed in whole or in part with FTA funds? <i>Transit Agency must take good faith efforts to ensure that DBEs have the maximum opportunity to compete for, and perform contracts and subcontracts financed in whole or in part with FTA funds.</i></p>	<p>Click here to enter text.</p>	<p>Click here to enter text.</p>
<p>4. Do you have a current NDDOT list of certified DBE firms? Do you consult this list when making purchases? <i>NDDOT provides all Transit Agencies a listing of certified DBE firms at <a href="https://dotnd.diversitycompliance.com">https://dotnd.diversitycompliance.com</a></i></p>	<p>Click here to enter text.</p>	<p>Click here to enter text.</p>
<p>5. Were any DBE complaints received since the last review? If yes, describe the complaint and how it was resolved. What is the process for handling and resolving such complaints?</p>	<p>Click here to enter text.</p>	<p>Click here to enter text.</p>

### *Equal Employment Opportunity (EEO)*

Transit Agencies may not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, or physical or mental disability.

1. Who is responsible for ensuring that EEO obligations are fulfilled?	Click here to enter text.	
2. Are EEO statements included on your job applications and employment notices? <b>Reviewer – View sample</b> <i>Job applications and employment notices should include an EEO statement.</i>	Click here to enter text.	

### ADA

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility. Entities operating a fixed-route system must provide paratransit or other special service that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system.

1. What types of services (fixed route, deviated fixed route, and/or demand response) do you provide?	Click here to enter text.	
2. Since the last compliance review have any ADA complaints of discrimination due to disability been received from riders or employees? If yes, please describe the complaints. What is the process to resolve the complaints?	Click here to enter text.	
3. Are facilities accessible? Describe the interior and exterior accessible features for your facility.	Click here to enter text.	
4. Do you have non-accessible vehicles in your fleet? Describe how your agency ensures that equivalent service is provided? Has your agency completed and uploaded the Certification of Equivalent Service into BlackCat? <i>ADA requires that service to individuals with disabilities to be equivalent to the service provided other individuals with respect to response time, fares, geographic service area, hours and days of service, and capacity.</i>	Click here to enter text.	

<p>5. Are system brochures, application forms, rider handbooks, and occasional bulletins available in alternative formats upon request? What formats? <i>ADA requires public information to be made available in alternative formats upon request. Examples of alternative formats include large type, audiotapes, and Braille.</i></p>	<p>Click here to enter text.</p>	
<p>6. Is your system's TDD number printed on all public materials where your voice telephone number appears? <i>The TDD number should be listed wherever the voice telephone number appears.</i></p>	<p>Click here to enter text.</p>	
<p>7. Do all accessible vehicles have a securement system for wheelchairs? How do you ensure your staff is trained on the accessible equipment? <i>ADA requires that all accessible vehicles have a securement system for wheelchairs.</i></p>	<p>Click here to enter text.</p>	
<p>8. What is your policy for providing service if a mobility device cannot be secured? <i>ADA requires that service must be provided even when a mobility device cannot be secured.</i></p>	<p>Click here to enter text.</p>	
<p>9. Do drivers provide assistance to passengers as necessary and upon request with ramps, lifts, and securement devices? <i>ADA requires drivers and other personnel to aid as necessary and upon request.</i></p>	<p>Click here to enter text.</p>	
<p>10. Do you permit individuals that do not use wheelchairs to use lifts? <i>ADA requires operators to deploy lifts for standees upon request.</i></p>	<p>Click here to enter text.</p>	
<p>11. What is your policy regarding service animals? <i>ADA requires that operators permit service animals to travel with riders. Comfort animal do not fall under this category.</i></p>	<p>Click here to enter text.</p>	
<p>12. Do you provide service to persons using respirators or portable oxygen? <i>ADA requires operators to provide service to persons using respirators or portable oxygen.</i></p>	<p>Click here to enter text.</p>	

<p>13. Do you have a Request for Reasonable Modification Policy? How is the general public made aware of the policy and process for requesting a reasonable modification? How are personnel trained to perform reasonable modification requests? <i>Drivers and dispatchers need to be trained on how to handle requests for reasonable modification.</i></p>	<p>Click here to enter text.</p>	
<p>14. How are policies governing providing service to passengers covered under the ADA conveyed to drivers?</p>	<p>Click here to enter text.</p>	
<p>15. Are drivers trained in passenger assistance and sensitivity (PASS)? How soon after being hired does the training occur? <i>ADA requires that drivers receive training in passenger assistance and sensitivity.</i></p>	<p>Click here to enter text.</p>	
<p>16. Are drivers trained in use of accessibility equipment? How soon after being hired does the training occur? <i>ADA requires that drivers receive training in the use of accessibility equipment.</i></p>	<p>Click here to enter text.</p>	
<p><b>The following questions 17-23 are for providers of deviated fixed routes. If doesn't apply, answer "NA" in each response.</b></p>		
<p>17. Do you provide deviated fixed-route service? If yes, do public materials and bus schedules clearly state eligibility requirements and procedures for requesting deviated fixed-route service?</p>	<p>Click here to enter text.</p>	
<p>18. Do you have a policy governing stop announcement? Does it meet ADA requirements? <i>For fixed route and deviated fixed route service, ADA requires drivers to announce stops at transfer points with other fixed routes, major intersections and destination points, upon request, and at intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.</i></p>	<p>Click here to enter text.</p>	
<p>19. When multiple routes serve the same stop, what mechanism is in place to alert individuals with visual</p>	<p>Click here to enter text.</p>	

<p>impairments or other disabilities to the route number and destination? <i>ADA requires that operators have such a mechanism.</i></p>		
<p>20. Are lifts/ramps deployed at any stop? <i>ADA requires that operators permit a passenger who uses a lift or ramp to board or disembark from a vehicle at any designated stop, unless the lift or ramp cannot be deployed, the lift will be damaged if it is deployed or temporary conditions preclude the safe use of the stop by all passengers (i.e. the stop is “closed” for the duration of such conditions).</i></p>	Click here to enter text.	
<p>21. Are operators required to report lift failures promptly? <i>Operators must report immediately any in-service lift and ramp failures.</i></p>	Click here to enter text.	
<p>22. Is alternative service provided to persons stranded for more than 30 minutes due to failures? <i>If a lift or ramp failure occurs on a route where the headway is greater than 30 minutes and the passenger cannot be served, the Transit Agency is required to provide alternative service promptly.</i></p>	Click here to enter text.	
<p>23. Are persons sitting in priority seats requested to vacate those seats when a person with a disability needs to use them? <i>When an individual with a disability needs to sit in a seat or occupy a wheelchair securement location, the Transit Agency shall ask the passenger to move in order to allow the individual with a disability to occupy the seat or securement location. However, they cannot force the individual to move.</i></p>	Click here to enter text.	
<p><b>The following questions 24-44 are for providers of fixed-route service. If doesn't apply, answer "NA" in each response.</b></p>		
<p>24. Are your schedules readily available to the special and general public? If yes, explain where a person could find your schedule. If no, why not?</p>	Click here to enter text.	
<p>25. Is priority seating designated and properly signed on all fixed-route vehicles? <i>Each vehicle shall contain sign(s) which indicate that seats in the front</i></p>		



<p><i>of the vehicle are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them. At least one set of forward-facing seats shall be so designated.</i></p>		
<p>26. What are your procedures to communicate route stops with persons with hearing and vision disabilities?</p>	<p>Click here to enter text.</p>	
<p>27. Describe the eligibility process. How do you ensure that only those who are unable to use the fixed route system are certified as eligible? <i>Eligibility is to be strictly limited to certain categories of individuals:</i></p> <ul style="list-style-type: none"> <li>• <i>Any person with a disability who is unable to board, ride, or disembark from an accessible vehicle without the assistance of another person (except for the operator of a lift or other boarding device)</i></li> <li>• <i>Any person with a disability who could ride an accessible vehicle, but the route is not accessible, or the lift does not meet ADA standards.</i></li> <li>• <i>Any person with a disability who has a specific impairment related condition that prevents the person from traveling to or from a boarding/disembarking location.</i></li> </ul>	<p>Click here to enter text.</p>	
<p>28. Are ADA complementary paratransit eligibility decisions made within 21 days of receipt of a complete application? If no, is presumptive eligibility granted? <i>Eligibility decisions must be made within 21 days of receipt of an application; if not then presumptive eligibility must be granted until an eligibility decision is made.</i></p>	<p>Click here to enter text.</p>	

<p>29. Are persons who are denied eligibility given notice of their right of appeal? Is presumptive eligibility granted if the appeal is not decided within 30 days until eligibility is denied? <i>Persons denied eligibility must be given written notice of the right of appeal. If the appeal is not decided within 30 days, presumptive eligibility must be granted until the appeal is decided.</i></p>	<p>Click here to enter text.</p>	
<p>30. Do you provide complementary paratransit service to ADA eligible individuals and their personal care attendants (PCA)? Do you charge the PCA a fare? <i>ADA requires that you provide complementary paratransit service to a PCA and prohibits charging the PCA a fare.</i></p>	<p>Click here to enter text.</p>	
<p>31. Do you provide complementary paratransit service to ADA eligible individuals and at least one companion? Additional companions if space permits? <i>ADA requires the provision of service to at least one companion and additional companions if space permits.</i></p>	<p>Click here to enter text.</p>	
<p>32. Do you provide complementary paratransit service to ADA-eligible visitors for up to 21 days over a year's period? <i>ADA requires service to be provided to ADA-eligible visitors for up to 21 days over a year's period.</i></p>	<p>Click here to enter text.</p>	
<p>33. Do you provide service within ¼ miles of fixed routes and the core service area? <i>Complementary paratransit service must be provided with ¼ miles of fixed routes and the core service area.</i></p>	<p>Click here to enter text.</p>	
<p>34. At a minimum, do you provide curb-to-curb service? Origin-to-destination when necessary? <i>At a minimum, complementary paratransit service must be curb-to-curb service but must be origin-to-destination when needed.</i></p>	<p>Click here to enter text.</p>	
<p>35. Is service provided the same days and hours as fixed-route service?</p>	<p>Click here to enter text.</p>	

<i>Complementary paratransit must be provided the same days and hours as fixed-route service.</i>		
36. Are the fares no more than twice the fares for fixed-route service? <i>Fares for complementary paratransit service cannot be more than twice the fares for fixed-route service.</i>	Click here to enter text.	
37. Do you place restrictions or priorities based on trip purpose? <i>Providers may not place restrictions or priorities based on trip purpose.</i>	Click here to enter text.	
38. Is next day service provided? If yes, what percent of reservations are made for the next day? <i>At a minimum, next day service must be provided.</i>	Click here to enter text.	
39. Are requests for reservations accepted during normal business hours on all days prior to days of service, even if the administrative office is closed? How are reservations accepted when the administrative office is closed? <i>Requests for reservations must be accepted during normal business hours on all days prior to days of service, even if the administrative office is closed. Answering machines can be used to take reservations.</i>	Click here to enter text.	
40. Are trips scheduled within one hour of requested trip time? <i>Trips must be scheduled within one hour of the requested trip time.</i>	Click here to enter text.	
41. Is a no-show suspension/late cancellation suspension policy used? If yes: <i>ADA allows providers to temporarily suspend service for a pattern or practice of no-shows. Only no-shows that are under the rider's normal control should be counted against the rider.</i>	Click here to enter text.	
a. What is the suspension policy for no-shows?	Click here to enter text.	
b. How does the state or subrecipient determine whether no-shows are under the rider's control?	Click here to enter text.	
c. Are no-shows caused by operator error counted against the rider?	Click here to enter text.	

d. What are the thresholds for a cancellation before it is considered a no-show?	Click here to enter text.	
e. Are only riders who have demonstrated a true pattern or practice of no-shows suspended?	Click here to enter text.	
f. Are financial penalties assessed for no-shows? <i>Systems may not impose a financial penalty as part of a no-show policy, including charging for fare for the no-show trip.</i>	Click here to enter text.	
g. Are riders allowed to contest no-shows?	Click here to enter text.	
h. Is there an appeal process for suspensions? <i>The policy should allow riders to contest no-shows and there must be an appeal process for suspension.</i>	Click here to enter text.	
<b>The purpose of the following questions 41-44 is to determine if there is a capacity constraint. Transit Agencies may not restrict capacity to limit the number of complementary paratransit trips.</b>		
42. For next day service, at what time of day are reservations cut off?	Click here to enter text.	
43. What percent of requests are denied? How do you monitor trip denials?	Click here to enter text.	
44. What do you consider an on-time trip? How do you monitor on-time performance? What is your on-time performance rate?	Click here to enter text.	
45. How do you monitor missed trips? What percent of trips are missed?	Click here to enter text.	
<i>Reviewer: Do the answers to the above questions indicate that a capacity constraint exists?</i>		

***Title VI and Nondiscrimination in the Delivery of Service***

FTA prohibits discrimination on the grounds of race, color, or national origin and on the grounds of low-income status in accordance with Title VI of the Civil Rights Act of 1964. There are other Federal statutes, regulations, Executive Orders, and laws that prohibit discrimination based on gender, age, religion, and disability. Transit Agencies must notify the public of its protection under Title VI, how to obtain additional information on nondiscrimination obligations, and how to file a complaint. The notification may not be limited to a notice on the Transit Agency’s website.

1. Do your Title VI notices include all the required information?	Click here to enter text.	
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<ul style="list-style-type: none"> <li>a. Statement identifying discrimination of race, color, and national origin</li> <li>b. Agency name</li> <li>c. Contact person</li> <li>d. Phone number</li> <li>e. Website if applicable</li> </ul>		
<p>2. Describe where the notices are posted.</p>	Click here to enter text.	
<p>3. Is the Title VI plaque posted in all vehicles?</p>	Click here to enter text.	
<p>4. Has your transit agency developed a Title VI complaint form and instructions? Who investigates complaints? Who investigates complaints involving the Director? <i>NDDOT Title VI forms can be found at: <a href="https://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm">https://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm</a></i></p>	Click here to enter text.	
<p>5. Has your complaint form been translated into other languages? If yes, what languages?</p>	Click here to enter text.	
<p>6. Are your complaint form and instructions accessible to the public? If yes, where can the public access it?</p>	Click here to enter text.	
<p>7. Has SFN: 60805 Transit Title VI – List of Investigations, Lawsuits, and Complaints been uploaded into BC Resources? If your agency did not have any, enter “None” in each section.</p>	Click here to enter text.	
<p>8. Have any complaints concerning discrimination in the delivery of service been received since the last review? If yes, how were the complaints tracked, identified and resolved? <i>Title VI complaints must be reported to NDDOT within 24 hours of receipt of the complaint.</i></p>	Click here to enter text.	
<p>9. How are Limited English proficiency (LEP) persons notified of language assistance?</p>	Click here to enter text.	
<p>10. What is the frequency of contact with LEP persons? What languages were spoken? Do you have any translation services available?</p>	Click here to enter text.	

11. Have you translated documents into another language? If yes, list the documents and languages they are translated into.	Click here to enter text.	
12. What other language assistance efforts have you used? (I Speak Cards, Google Translate, state contract, etc.)	Click here to enter text.	
13. How does your Transit Agency provide training to employees on free language assistance for LEP users, complaint procedures, ADA requirements, reasonable modification and treatment of passengers with disabilities?	Click here to enter text.	

### Public Participation

The federal Government mandates public involvement prior to raising fares, implementing major reductions in service, or applying for grants to finance transportation improvement projects.

1. Has your Transit Agency implemented substantial service or fare changes? Was an opportunity for a public hearing or public comment for this or any other reasons provided? <i>You must provide a 30-day comment period prior to increasing fares or a reduction in service.</i>	Click here to enter text.	
2. If yes, were the needs of minority or low-income populations addressed prior to making the change?	Click here to enter text.	
3. If yes, did the agency analyze if there were any adverse effects on minority or low-income populations?	Click here to enter text.	
4. How are individuals provided opportunities to participate in the transit planning and decision-making process without regard to race, color, or national origin? Has a need for transportation improvements been expressed? If yes, please describe.	Click here to enter text.	
5. How does your transit agency assess service and interact with the public? (suggestion boxes, rider surveys, rides taken by board members or management staff, etc.)	Click here to enter text.	

6. Are board/council meetings open to the public? How do you publicize dates, times, and location of board/council meetings?	Click here to enter text.	
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***Fixed-Route System-wide Service Standards (Only complete if your agency provides a Fixed-Route Service)***

1. Has your Transit Agency established fixed-route system-wide standards? If yes, describe the types of routes you provide?	Click here to enter text.	
2. Has your Transit Agency adopted vehicle capacity standards? If yes, please describe?	Click here to enter text.	
3. Has your Transit Agency adopted vehicle headway standards? If yes, please describe.	Click here to enter text.	
4. What is your on-time performance standard(s)?	Click here to enter text.	
5. Has your Transit Agency set system-wide policies for each fixed-route mode of service?	Click here to enter text.	

***Human Service Coordinated Plan***

FTA requires that Transit Agencies applying for funding under the Section 5310 program submit a locally developed, coordinated Public Transit Human Services Transportation Plan and that the plan be developed through a process that includes public, private, and non-profit transportation and human services providers and participation by members of the public. These plans are used to identify the transportation needs of individuals with disabilities, older adults, and people with low income. Transit agencies located in the planning area of a metropolitan planning organization (MPO) must ensure that their program of projects is included in a Transportation Improvement Program (TIP) for the area.

1. When was a Human Service Coordination Plan been submitted and approved by NDDOT? <i>Required for 5310 application for funds.</i>	Click here to enter text.	
2. Since submitting your plan\update, have any additional efforts been made to coordinate service? If yes, please describe.	Click here to enter text.	
3. Are there more opportunities for coordination?	Click here to enter text.	
4. Do you have a current list of all providers of passenger transportation in your service area?	Click here to enter text.	

5. Have you invited school districts to participate in your transportation coordination efforts?	Click here to enter text.	
6. Description any coordination activities between your agency, other transportation partners, and human services providers.	Click here to enter text.	

*Findings after Compliance Review*

\_\_\_\_\_ Transit Agency was In-Compliance

\_\_\_\_\_ Transit Agency was In-Compliance upon Modification/Attention and Follow Up is needed

\_\_\_\_\_ Non-Compliance

**Comments:**

\_\_\_\_\_  
NDDOT Transit Reviewer

\_\_\_\_\_  
Date



# Facility, Equipment and Vehicle Inspection

## Agency Name

### Purpose and Directions

The North Dakota Department of Transportation (NDDOT) conducts vehicle and facility inspections of state Transit Agencies to ensure they meet the conditions of receipt of Federal Transit Administration (FTA) assistance, NDDOT program requirements, safety practices among public transportation providers, and to keep assets with FTA interest in a state of good repair.

Your agency has been selected for an on-site inspection. Please complete this document and upload into the Black Cat Oversight.

Forms that contain information on what will be inspected during the site visit can be found under Global Resources in the Vehicle Facility Inspection file.

### Areas/items to be inspected at the time of the site visit (not all-inclusive).

#### Signage and Safety items required in vehicles

- Registration card
- Proof of insurance
- Reflective road triangles
- Fire extinguisher (current tags)
- No smoking sign
- Title VI notice
- First Aid kit
- Spill kit
- Seatbelt cutter
- Accident procedures and forms (not required, but recommended)

#### On-site Inspection

- **Vehicles**
  - Required signage and safety items listed above
  - All lights on the vehicle, inside and out
  - Tires
  - Horn
  - Exterior signage stating public welcome
  - Interior signage stating no smoking, and Title VI compliance
  - Windshield and windshield wipers
  - Exterior mirrors
  - Cleanliness and condition, inside and out
  - Anti-skid step stool, if applicable

- Parking brake
- Manual or automatic ramp
- Lift
  
- **Facility**
  - Substructure
    - Foundation, basement
  - Shell
    - Frame, columns, walls
    - Exterior windows, doors, paint and masonry finishes
    - Siding, fascia, downspouts, etc.
  - Interiors
    - Partitions, walls, interior doors, fittings, signage
    - Stairs, interior stairs and landings
    - Finishes and materials used on walls, floors, and ceilings
    - Ceilings, walls, floors, offices, damage, uncluttered
    - Ventilation, chemical storage, MSDS, debris
    - Parts and equipment properly stored
  - Plumbing
    - Fixtures, water hookups, water connects
    - Water distribution, hot and cold water, bathroom fixtures, floor drains
  - HVAC
    - Heating/cooling generation and distribution systems
    - Chimneys and vents
  - Fire Protection
    - Sprinklers, fire extinguishers
    - Exit doors, clearly marked
    - Hydrants and other protection specialties
    - Electrical panel, heat producing equipment, electrical cords, debris free
  - Electrical
    - Lighting and branch wiring (interior and exterior)
    - Wiring, outlets, switches
    - Other related pieces: lightning protection, generators, emergency lighting.
  - Site
    - ADA access
    - Roadways, driveways, curbs, markings,
    - Parking lots, markings
    - Pedestrian areas, sidewalks, steps, markings
    - Site development, fences, walls, miscellaneous structures
    - Landscaping, irrigation, rain water drainage
  - Miscellaneous
    - Supplies, garbage bags, cleaners, paper supplies, shovel, broom, squeegee
    - Pre/Post trip sheets, vehicle reports, rider sheets
    - Title VI, ADA, clean-up/first aid kits, facility maintenance checklist

- **Equipment**
  - Clean and maintained
  - Undamaged
  - Operational

**VEHICLE INVENTORY**

Please update the current mileage of each vehicle under Inventories in BlackCat. Place a checkmark for the vehicles your agency has in your Fleet Inventory. Place a checkmark for any vehicles currently under a manufacturer’s warranty.

Check if Correct	Under Warranty	Unit ID	Vehicle Year	Title Number	VIN Number

If your agency operates a vehicle that is not listed above, please add the vehicle(s) into the inventory section in BlackCat prior to the on-site review. Please verify that all vehicles are included in BlackCat and Web-TAM and all required information is completed.

**NDDOT Use Only**

- Verified vehicle maintenance was conducted per maintenance plan
- Verified that all vehicle maintenance has been entered into Web-TAM
- Verified vehicle maintenance was addressed in agency’s maintenance plan
- Verified vehicle (s) have been entered into BlackCat

**FACILITY INVENTORY**

Verify the facility information listed below. If necessary, please change the information below in the area provided and in BlackCat.

<b>Facility Address</b>


**Please provide a brief description of any improvements, expansions, or retrofits since the last onsite inspection.**

**NDDOT Use Only**

- Verified facility maintenance was conducted per maintenance plan
- Verified that all facility maintenance has been entered into Web-TAM
- Verified facility maintenance was addressed in agency’s maintenance plan
- Verified facility has been entered into Web-TAM
- Verified facility has been entered into BlackCat

**EQUIPMENT AND NON-REVENUE VEHICLES INVENTORY**

Verify the equipment information listed below. If necessary, please change the information below in the area provided and in BlackCat. This includes equipment \$5,000 and up. Equipment with a value of \$50,000 and up, is required to be in BlackCat and Web-TAM with maintenance tracking. Please include non-revenue vehicles in this category. If you do not have any equipment that fits these criteria, please type “none.”

Check if Correct	Under Warranty	FTA Funded Equipment
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
		<b>FTA Funded Non-Revenue Vehicles</b>

Check if Correct	Under Warranty	Unit ID	Vehicle Year	Title Number	VIN Number
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				

**NDDOT Use Only**

- Verified equipment maintenance was conducted per maintenance plan
- Verified that all equipment maintenance has been entered into Web-TAM
- Verified equipment maintenance was addressed in agency's maintenance plan
- Verified equipment with total cost of \$50,000 and up has been entered into Web-TAM
- Verified equipment with total cost of \$5,000 and up has been entered into BlackCat

I hereby certify that as a person authorized to sign for

\_\_\_\_\_  
 Transit Agency Name

\_\_\_\_\_ certifies that the above agency assets are correct and all information is included in BlackCat and Web-TAM.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_, of North Dakota Department of Transportation, has examined the records in BlackCat and Web-TAM and find that the agency assets complete.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

Thank you for your cooperation and we look forward to a productive site visit.

*NDDOT Transit Staff*

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with 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.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)]

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor, \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.

\_\_\_\_\_  
Signature of Contractor's Authorized Official

\_\_\_\_\_  
Name and Title of Contractor's Authorized Official

\_\_\_\_\_  
Date