



# Transit Manager's Toolkit



Prepared for  
National RTAP

Prepared by  
KFH Group, Inc.

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## Welcome to the Transit Manager's Toolkit

Welcome to the National RTAP Transit Manager's Toolkit! This [online Toolkit](#) was developed to give new transit managers the information they will need on day one to ensure their rural transit organizations are operating smoothly and are in compliance with the federal regulations associated with receiving Federal Transit Administration (FTA) Section 5311 funding.

While this Toolkit covers many topics regarding compliance, it is important to note that this list is not exhaustive, and transit managers should not rely on this Toolkit alone to ensure they are meeting all federal requirements. Currently, the Toolkit focuses on the federal regulations in place as of February 2024, with the [Bipartisan Infrastructure Law](#), enacted as the Infrastructure Investment and Jobs Act on November 15, 2021, being the most recent authorization of the transportation programs of the U.S. Department of Transportation.

The Toolkit contains the following section categories: Administration, Operations and Planning, Compliance, and Tribal Transit. To view the topics included in each section, see the table of contents or visit the [online Toolkit](#) and click on any of the sections in the left toolbar to expand your navigation options. Federal circulars are referenced throughout the Toolkit, and to learn more about what a circular is, access a list of circulars that are relevant to transit managers in the [Federal Regulations and Circulars section](#).

We will be adding to this Toolkit as additional guidance is issued and new topics arise. If you find that this Toolkit does not cover a topic that you are looking for, feel free to use the [Suggest a Topic](#) form to submit your topic idea. Note that the [online Toolkit](#) is updated more frequently than the PDF version.

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# Mission and Leadership

## Introduction

This section of the Transit Manager's Toolkit discusses the importance of a transit organization's mission, vision, and values. It also provides an introduction to working with a transit board. The section is organized in the following subsections:

- Mission, Vision, and Values
  - Creating Mission and Vision Statements
  - Mission and Values
  - Communicating with Staff about Vision and Mission
  - Diversity, Equity, and Inclusion
  - Professional Development and Establishing Performance Goals
  - Further Reading about Vision, Mission, and Staff Development
- Working with a Board
  - Advisory vs. Governing Boards
    - Advisory Boards
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## Mission, Vision, and Values

Transit leaders need to have the values and vision of their agency clearly identified in their mission statement. This mission statement should express the core values that drive strategic planning of the organization

- A vision statement is a view of an organization at its future best.
- A mission statement identifies why an organization exists.
- A value statement describes core beliefs and principles that guide an organization.

The vision is the long-term role the transit manager sees the organization playing in the community. This vision can change as an organization grows and re-evaluates its purpose. A transit manager should promote a vision for the organization based on values shared by the management, staff, and the community. Without a vision and mission statement, it will be difficult to provide appropriate services, develop employee skills, and measure the success of the organization.

The organization's mission and vision drive strategic planning, service planning, and long-range planning. The performance and behavior of the agency's employees should be also related to the mission and vision. The transit manager may also wish to establish written organizational values, principles, and beliefs that guide organizational behavior.

## Creating Mission and Vision Statements

The mission statement describes what the organization does for the community and should always align with the vision of the organization.

If an organization does not have a written vision and mission statement, this is an opportunity to establish both statements through a collective process. Vision and mission statements should be reviewed periodically to ensure they still align with the services the agency provides.

The process of creating a mission statement should be collaborative, but the writing of the statement should be led by one person. The following are characteristics of a strong mission statement:

- No longer than a few sentences
- Sixth grade level of comprehension
- Written in active voice
- Has few superlative adjectives or adverbs, if any
- Direct and honest

Mission statements should be reviewed for their effectiveness and validity. Keep these questions in mind:

- Is it relevant and current?
- Is it too difficult to understand?
- Will it inspire staff?
- Will it unify staff?

Consider reviewing the vision and mission statements of other transit systems, and then getting input from employees. A table at the end of this page shows examples of rural, tribal, and small urban transit systems' vision and mission statements.



## Mission and Values

As discussed in the [Leading the Rural Transit Agency technical brief](#), values are the core beliefs and principles that guide the organization, enabling the organization to realize its vision and its mission. The agency's vision, mission and values give the transit agency, its employees, and the community a compass and a guiding star.

The following is excerpted from “Mission & Values: Meaningful Words,” written by Michael Noel and published in Community Transportation magazine by the Community Transportation Association of America (CTAA), Expo 2004, Vol. 22 No. 4, pages 12-14, used with permission from CTAA.

*The more often organizational leaders talk about the mission, the more it influences the decisions and behavior of the organization. While much has been written about the writing of mission statements, the more important question is how are these words used after they're posted on the wall or the official letterhead? At the Area Transportation Authority of North Central Pennsylvania (ATA), a Board-Staff Retreat is held each year to review the previous year and plan out the future. Item One on the agenda is “The Review and Reaffirmation of the ATA Mission.” The lesson gained from this activity is that the mission should serve the organization. It should define and guide the organization's decisions made about service, fares, purchases and employee behavior. Also, I know that team-centered organizations, those who engage front-line employees in the development of mission and values, get great buy-in from everybody.*

See the [Human Resources section](#) of the Toolkit for an example of an employee performance code, excerpted from the same article, that resulted from discussing values, rather than rules, as a way to both simplify what is expected from employees and how they conduct themselves.

## Communicating with Staff about Vision and Mission

Vision and mission statements should be shared with the staff and community. If this is not done, staff members may not be aware of the common goals of the organization, and the community will not have accurate expectations of the services that the organization can provide. As a best practice, the vision and mission statements should be developed and periodically updated with input from employees.

## Leading with Diversity, Equity, and Inclusion

Many transit agencies are working to enhance inclusiveness, diversity, and equity within the organization as well as in the services provided. To be effective, transit leadership must embrace the concept of diversity, equity, and inclusion, and instill these values throughout all facets of the service, including the agency's vision, mission, and strategic plan. For more information, see the [Human Resources section](#) of the Toolkit as well as National RTAP's [Diversity, Equity and Inclusion in Public Transportation](#) spotlight article.

## Professional Development and Establishing Performance Goals

Vision and mission statements should be considered when establishing professional development programs and employee performance goals. Each milestone should directly support the mission of the organization while developing the skills of the employee. As an organization serves new populations, provides new services, and implements new technologies, employees' training and milestones should reflect these changes and give them the tools necessary to succeed. The success of the organization is dependent on each employee reaching their full potential in the workplace. Employee behaviors and performance can be tied to the organization's mission and values.

## Further Reading about Vision, Mission, and Staff Development

To learn more about vision and mission statements and communicating this information to transit system staff, see National RTAP's [Leading the Rural Transit Agency](#) technical brief and [Roles and Responsibilities of Transit Managers](#).

There is also valuable information on mission and leadership in these National RTAP technical briefs:

- [Getting Started: Creating a Vision & Strategy for Community Transit](#) and [Developing, Designing & Delivering Community Transportation Services](#) provide more information on mission and values and their relationship to strategic planning.
- [Applying Good Business Practices](#) provides more information about professional development.

## Working with a Board

A transit manager typically has direct contact with both governing and advisory boards. It is important to understand the role that each type of board plays within the organization.

### [Advisory vs. Governing Boards](#)

There are generally two types of transit agency boards, each providing valuable service in different capacities. Many transportation organizations receive direction from one or both types of boards: advisory and governing. While both types of boards provide valuable and meaningful service to their organizations, their respective roles must be thoroughly understood both internally and externally.

### Advisory Boards

Advisory boards typically are made up of stakeholders in the community that care about the services provided by the transportation organization. The make-up usually is representative of the various target audiences and actual riders of the organization. The advisory board seldom has legal or fiduciary responsibility for the organization. They provide input into the service, quality and design,

often as either consumers or as a representative of a consumer group (such as older adults, people with low income, people with disabilities, specific neighborhoods, etc.), which challenge the organization to be more sensitive to their needs or more aware of service improvements the organization may want to consider.

Members of advisory boards are generally varied in age, gender and professional background, but come together due to a shared interest in the service the organization provides. Under the [U.S. DOT implementing regulations of Title VI of the Civil Rights Act of 1964](#), an agency is required to make all efforts to ensure the board is a reflection of the demographics of the community served, and no one can deny board participation based on race, color or national origin. An advisory board rarely has legal or fiduciary responsibility for the organization, but they do provide input on how the organization can better serve the community. FTA Title VI requirements related to minority representation on transit-related, non-elected planning boards, advisory councils or committees, or similar committees can be found in Chapter 3 and Appendix F of FTA Circular 4702.1B, [Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#).

## **Governing Boards**

Governing Boards represent and are the legal entity of the transportation organization. Members are normally elected or appointed to specific terms (such as 2-5 years). This type of board has the legal and fiduciary responsibility of the organization. The governing board would be the entity that creates organizational policy, approves budgets, monitors performance (operationally and fiscally), and enters into legal and binding contracts. Unlike the advisory board, the governing board members have the authority to give the final opinion on matters concerning the organization.

For rural transit agencies that are part of a local government, the governing board is typically an elected body. For a county or municipality, this would be the elected governing board, such the council or board of commissioners. The governing board of a regional transit authority or district is often comprised of elected officials from each city or county that belongs to the authority/district. Governance structures of different types of public bodies vary by state and organization type. For a tribal transit agency, tribal leadership, such as a tribal council, would be the governing body.

Appointed (non-elected) governing boards are common for rural transit agencies that are nonprofit organizations. Members of appointed governing boards often are chosen for their professional expertise in business, government, legal, or fiscal venues.

## **Summary of Different Roles of Advisory and Governing Boards**

In general, advisory boards have a significant role in representing the consumer, while governing boards need to ensure that policy, finance, and service performance are delivered in a business-like method that insures long-term stability. When these two types of boards work together in supportive roles, the transportation organization matures and improves both in its quality and quantity of service.

The following table summarizes the responsibilities of advisory and governing boards.

Task	Advisory	Governing
Formulates the organization's Mission/Purpose	X	X
Selects the Executive Director		X
Supports and reviews Executive Director's performance		X
Ensures organizational planning	X	X
Ensures adequate resources		X
Oversees and monitors use of resources	X	X
Determines and maintains the organization's programs and services		X
Enhances the organization through advocacy	X	X
Serves as a court of appeals, where appropriate		X
Assesses its own performance	X	X

### Role of the Board

Boards are generally involved in higher level planning and policy while it is the staff that is responsible for implementation. Although each board will have a unique relationship with its organization, there are four primary roles that a board serves: stewardship, safety concerns, legal concerns, and advocacy.

#### **Stewardship**

A benefit of the board is that it is removed from the daily operations of the organization. With this distance, the board is better able to balance the needs of the community with the resources available to the transit system. Because of this ability to balance needs with available resources, boards are involved in maintaining the financial health of the organization. This can include reviewing the organization's budget and financial statements as well as understanding funding requirements at the local, state and federal levels. Not only do the numbers need to be checked for accuracy and compliance with funding requirements, but the board should also be evaluating whether the costs and spending align with the organization's mission statement.

#### **Safety Concerns**

Through coordination with the staff, boards should actively ensure that proper safety measures are in place. This can include assuring safety training for employees, proper vehicle and facility maintenance, and procedures for emergency situations.

#### **Legal Concerns**

As noted above, the governing board is the legal body for the transit program. As such, the members must approve all contracts, labor agreements, personnel policies, etc. If it is a public organization, all board meetings, records, and decisions must be made available to the public under federal and state laws related to transparency in government. Such laws vary from state to state, but typically include having open-door meetings that are advertised to the community.

## Advocacy

Board members must be ambassadors of the organization and public transportation throughout the community. A board member should promote public transportation in his/her daily activities speak positively about the organization's services and be the face of the organization in the community. Each board member should attend board meetings, community meetings and other events where the presence of the organization is needed.

For more information, please see National RTAP's [Boards that Perform](#) training module.

## Examples of Transit System Vision and Mission Statements

The following examples were accessed from the Internet in December 2021. Many of the web pages cited also contain examples of values and guiding principles.

Transit System	Mission	Vision	Source
AMTRAN, Altoona, PA  (small urban)	To improve the economic well-being and the quality of life of our customers, our community, and our AMTRAN Team through the provision of excellent transportation services.	To be an integral and irreplaceable component of the region's transportation infrastructure, and an innovative leader in public transportation excellence in Pennsylvania and throughout the USA.	<a href="http://www.amtran.org/mission-vision-strategies">http://www.amtran.org/mission-vision-strategies</a>
Benzie Bus, Beulah, MI  (rural)	Benzie Bus connects people of all ages and abilities to our community and promotes independence and prosperity through a safe and convenient public transit system.	Benzie Bus envisions a future in our Benzie County community in which: <ul style="list-style-type: none"> <li>• All people can live, learn, work, and play conveniently and independently without driving.</li> <li>• People choose to travel via public transportation because it is a safe, affordable, modern, and environmentally friendly way of getting where they want to go.</li> <li>• Employers and employees prosper with convenient transportation solutions that support and strengthen communities and the local economy.</li> <li>• Families are strengthened and sustained through cost-effective and convenient transportation choices for all family members.</li> </ul>	<a href="https://www.benziebus.com/about/our-mission/">https://www.benziebus.com/about/our-mission/</a>

Transit System	Mission	Vision	Source
COAST, Dover, NH  (rural)	COAST champions and provides customer-focused public transportation with a commitment to excellence in safety and service.	COAST is an innovative leader in providing a broad range of public transportation services, connecting and coordinating a robust network of transportation options for everyone.	<a href="http://coastbus.org/about-coast/mission-vision-and-values">http://coastbus.org/about-coast/mission-vision-and-values</a>
Green Mountain Transit, Burlington, VT (small urban, rural)	The mission of GMT is to promote and operate safe, convenient, accessible, innovative and sustainable public transportation services in the northwest and central Vermont region that reduce congestion and pollution, encourage transit oriented development and enhance the quality of life for all.		<a href="http://ridegmt.com/about-gmt/">http://ridegmt.com/about-gmt/</a>
Mason Transit, Shelton, WA (rural)	We provide transportation choices that connect people, jobs, and community, increasing the quality of life in Mason County.	Driving our community forward.	<a href="http://www.masonttransit.org/visionandmission/">http://www.masonttransit.org/visionandmission/</a>
Mountain Transit, Big Bear Lake, CA (rural)	Work in partnership with communities, businesses and organizations to develop, deliver and promote innovative and sustainable transportation solutions for travel to and around the San Bernardino Mountain region.	Effortless transportation options for the residents, workforce and guests of our diverse San Bernardino Mountain communities.	<a href="https://mountaintransit.org/about-us/">https://mountaintransit.org/about-us/</a>

Transit System	Mission	Vision	Source
North Central Regional Transit District, Española, NM  (rural)	The mission of the North Central Regional Transit District is to provide safe, secure and effective public transportation within North Central New Mexico in order to enhance the quality of life of our citizens by providing mobility options and spur economic development throughout the region.	To be an environmentally conscious, sustainable partner, enhancing the quality of life of the north central New Mexico communities and beyond.	<a href="https://www.ncrtd.org/about-ncrtd/">https://www.ncrtd.org/about-ncrtd/</a>
OATS Transit, Columbia, MO  (rural)	Enhancing quality of life by providing safe, caring, and reliable transportation services.	Every OATS community receives superior transportation services.	<a href="https://www.oatstransit.org/about">https://www.oatstransit.org/about</a>
River Cities Public Transit  (rural)	River Cities Public Transit is committed to providing safe, reliable and courteous public transportation to the members of the communities we serve by promoting quality of life, livability, self-sufficiency and freedom through mobility	To demonstrate a “Standard of Excellence” unparalleled in the small urban and rural transit industry by richly enhancing mobility options for residents in the communities River Cities Public Transit serves.	<a href="https://www.rcptransit.com/about-us/">https://www.rcptransit.com/about-us/</a>
Sumter County Transit, Wildwood, FL  (rural)	To ensure all citizens of Sumter County professional, efficient, and cost-effective transportation services. Sumter County will provide safe, clean, comfortable, and economical transportation; and be alert to citizen needs and prepare for those needs in a timely manner.		<a href="https://www.sumtercountyfl.gov/95/Transit">https://www.sumtercountyfl.gov/95/Transit</a>



Transit System	Mission	Vision	Source
Tompkins Consolidated Area Transit, Inc.  (small urban, rural)	To contribute to the overall social, environmental, and economic health in our service area by delivering safe, reliable and affordable transportation and, at the same time, being a responsive, responsible employer.	To become a model community transportation system committed to quality service, employee-management collaboration, and innovation	<a href="https://www.tcatbus.com/about/mission-vision/">https://www.tcatbus.com/about/mission-vision/</a>
Town of Ocean City Transportation  (rural)	In a friendly manner and with safety as our primary goal, we are committed together to provide an efficient public transportation system to the residents and vacationers of Ocean City without incident, accident, or inconsistency.		<a href="https://oceancitymd.gov/oc/departments/public-works/transportation/">https://oceancitymd.gov/oc/departments/public-works/transportation/</a>
Treasure Valley Transit, Nampa, ID  (rural)	The mission of Treasure Valley Transit, Inc. (TVT) is to provide a viable public transportation system where the need is great and access is limited.	Treasure Valley Transit, Inc. sees the future of the Southwest Idaho region as distinguished by growth. Growth creates the necessity for TVT to provide alternate transportation options. Treasure Valley Transit is well positioned to serve the population and to provide benefits in terms of the environment, the movement of people, and the general quality of life in the region. This will be accomplished with the leadership of TVT working with the community in transit planning efforts.	<a href="https://www.treasurevalleytransit.com/about-us/">https://www.treasurevalleytransit.com/about-us/</a>
Tri-CAP, Waite Park, MN  (rural)	The mission of Tri-CAP is to expand opportunities for the economic and social well-being of our residents and the development of our communities.	The vision of Tri-CAP is to empower and engage residents of our communities to achieve goals of personal self-sufficiency.	<a href="https://tricap.org/about/">https://tricap.org/about/</a>



## Leading During a Crisis

It is often said that management is a function, while leadership is a role. During a crisis, big or small, how a manager acts and reacts to changing dynamics associated with a crisis will often define the very success or failure of the manager in the eyes of employees, riders, and the community. The long-term legacy of the manager and culture of the organization will be influenced by how the manager leads during a crisis.

Within any transit agency, there is the potential for crises, big or small, on an hour-by-hour, day-by-day basis. Here is a list of both internal and external crises that a manager may need to lead through:

- Serious accident with injuries or fatalities
- Unexpected death of an employee
- Power outages
- Bus evacuations
- Hostile work environment
- Labor/management issues
- Onboard emergencies
- Assaults
- Harassment
- Legal proceedings
- Negative press involving the agency
- Fiscal crisis
- Severe storms – with ongoing recovery
- Declared states of emergencies
- Criminal activity directed at employees, customers, or property
- Bus or building fires
- Floods
- Large or localized pandemics

While each crisis will present different challenges and responses, some basic ground rules to follow apply across the board, regardless of the nature, severity, or length of the crisis.

### Seven Leadership Roles during a Crisis

1. **Prepare before the crisis.** This involves having a clear vision, well thought-out plans, operating procedures, and supplies in place before something happens. For example, very few transit systems had a pandemic plan prior to the impact created by the COVID-19 pandemic. Few were prepared with internal stockpiles of personal protective equipment (face masks, disposable gloves, disinfectants, cleansers, etc.) prior to the pandemic. Fewer still had pre-determined policies or procedures for staffing, service changes, stay-at-home workers, etc. It is important to have regular planning sessions that address the “What if this happened?” question. This exercise would allow the creation of real, in-place action plans. A representative of the agency should also be involved in the community’s Local Emergency Planning Committee (LEPC) which all counties now have to respond to larger community emergencies.

2. **Lead from the front and model the behavior expected in others.** It is vitally important that the manager model the exact behavior expected of employees. Modeling a cool, calm, in-control emotional state is crucial during a crisis. Showing up during all hours to demonstrate to employees the management's support, concern, and understanding of their extra efforts is very important for employee morale. Managers should be aware of what they say and do during a crisis. Blaming others will not fix anything and can give others permission to speak and act in the same way. A positive "we are all in this together" attitude during a crisis is job number one for the managing leader.
3. **Communicate effectively with crystal-clear clarity.** During a crisis, ongoing communication is essential. Have an up-to-date all-call / all-text / all-email system in place to communicate to staff important real-time information. Having an early morning and end of the workday staff meeting to keep everyone on the same page during a crisis is critical. Having a single point of contact for customer information (such as the agency's website) is vital. Daily and even hourly changes in operations must be shared as soon as possible. A single point of contact at the transit agency with local media, such as a public information officer, is important to ensure that messaging is consistent, coordinated, and the transit agency's official statements. All information to the public should come from that single source. The manager is the point of contact for the board of directors. Keeping the board and community leaders informed typically is done through senior management. The media to use (texts, emails, phone calls, etc.) are up to the manager. With virtual communication options available, no one should be left in the dark during a crisis. The manager should also prioritize the issues quickly and re-prioritize as often as necessary.
4. **Focus on people and address employee concerns up front.** During a difficult time, employees worry about job security. Let people know the absolute truth about the future. Employees want to know how these events affect them, their families, and their futures. Transparency during uncertain times is paramount. Also, it is so important to let employees know that their manager sees them as people first. Stop and talk. Let them vent. Offer encouragement and empathy during large scale emergencies. Remember, they may be scared and worried. Show humanity. It can be a comfort for employees and it is the right thing to do.
5. **Take care of yourself.** There is an old saying that "you can't give away what you don't have." It is critical that managers take care of themselves mentally, physically, spiritually, and emotionally. Stress during a crisis is real. Taking time for self-care so a manager can be strong for others is not selfish but necessary. Staying strong, well, and under control is vital to both physical and mental health.
6. **Take a broad, holistic view.** During a crisis, it is easy to get trapped into a narrow focus of moment-by-moment decision-making. It is important that the manager empowers operations, dispatch, and maintenance to make necessary decisions, which management will support. Employees need to know that the manager trusts them and will "have their back." The manager's job is to see the challenges and face them, as well as to see the opportunities for a better future. Embrace reality and translate it into a vision. The "we will come out of this better" is not just a saying, it is the manager's responsibility.

7. **Celebrate success.** In a crisis, even small successes matter. Thank people often. Announce success stories to everyone. This is what people need during a crisis. They need to see their manager as someone who appreciates their efforts, acknowledges any positive progress, and shares credit. Any chance to share a positive story to the wider community through the media is beneficial during a crisis. After a crisis, it is also important to manage the post-crisis “new normal.”

The functions of the manager are ever-changing, but the role of the manager during a crisis will show the true character of the leader.

An example of how transit managers effectively led during a crisis was the unprecedented Oregon wildfires of 2020. Transit leaders had to make quick decisions after wildfires spread rapidly through Oregon. Decisions included adjusting routes, temporarily stopping service, and evacuating displaced community members, while ensuring that no passengers were stranded and that changes were communicated promptly. Innovative ideas included “borrowing” staff from other agencies, housing displaced employees, allowing time off – in other words – doing whatever was necessary.

For additional information on preparation for and leadership during a crisis, refer to the [Safety, Security and Emergency Management section](#) of the Toolkit. The National RTAP [Emergency Information Dissemination](#) technical brief provides guidance on communicating during a crisis, including a case study with best practices.

National RTAP has also prepared two emergency response checklists, one for use [during normal operating hours](#), and the other intended for use [after normal operating hours](#).

## Section Sources

- FTA Circular 4702.1B, [Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#)
- National RTAP, [Applying Good Business Practices: Hiring, Training and Evaluating Employees](#) (2023)
- National RTAP, [Boards that Perform: Roles and Responsibilities of Transit Board Members](#) (2008)
- National RTAP, [Emergency Response Checklist \(After Normal Operating Hours\)](#) (2021)
- National RTAP, [Emergency Response Checklist \(During Normal Operating Hours\)](#) (2021)
- National RTAP, [Leading the Rural Transit Agency](#) (2021)
- National RTAP, [Roles and Responsibilities of Transit Managers: What Every Board Member Should Know](#) (2018)
- Noel, Michael, “Mission & Values: Meaningful Words,” Community Transportation, Expo 2004, Vol. 22 No. 4, pages 12-14
- Noel, Patti and Michael, Noel Training and Consulting LLC, original content prepared for the Transit Manager’s Toolkit.
- Personal communication with Jaimie Baldwin, Training Program Coordinator and PTAC Facilitator, Oregon Department of Transportation, March 2022.

# Budgeting and Finance 101

## Introduction

This section of the Transit Manager's Toolkit introduces budgeting and finance concepts that rural transit managers need to know. Developing and monitoring an annual budget, ensuring that expenses are in line with the budget, and obtaining funding from a variety of sources are key to sustaining the transit system.

The section begins with a brief introduction to the Federal Transit Administration (FTA) financial management requirements for Section 5311 subrecipients. More detailed information can be found in the National RTAP training module [Fundamental Financial Management for Rural Transit Agencies](#).

Strategic planning is a key element of budget development and financial management. The [Planning and Evaluation section](#) of the Toolkit includes information about strategic planning.

Also, it is important that any purchases using FTA funds comply with FTA procurement requirements. These are summarized in the [Procurement 101 section](#) of the Toolkit.

This section of the Toolkit is organized into the following subsections:

- FTA Financial Management Requirements for Grantees
  - Internal Controls
  - Non-federal Share (Local Match)
  - Financial Plan
  - Allowable Costs
  - Indirect Costs
  - Program Income
  - Audit
  - Reporting Requirements
  - Recordkeeping Requirements
  - Closeout
  - Revenue from Sale of FTA-funded Assets
- Rural Transit Budget Development
- Budget Monitoring
- Developing a Multi-Year Financial Plan for Rural Transit
  - Potential Funding Sources for Rural Public Transportation
  - FTA Grant Programs
  - Non-Federal Sources
- Grant Writing Tips
- Section Sources

## FTA Financial Management Requirements for Grantees

Subrecipients of Section 5311 funding must meet federal requirements related to how grant funds and related revenues are controlled, accounted for, spent, reported on, audited, and ultimately closed out. The FTA requirements are primarily based on [2 CFR Part 200](#), often referred to as the “Super Circular” of the Office of Management and Budget (OMB) (it is called that because these regulations superseded several previous OMB circulars). [FTA Circular 5010.1E, Award Management Requirements](#), provides guidance on how the Super Circular applies to FTA grants such as Section 5311.

National RTAP’s [Fundamental Financial Management for Rural Transit Agencies](#) is an in-depth training module on FTA’s financial requirements, many of which are introduced here.

### Internal Controls

Grantees must have internal controls to ensure that:

- Grant-funded financial transactions are conducted in compliance with federal statutes, regulations, and the terms and conditions of the grant award
- Funds, property, and other assets are safeguarded against loss
- Transactions are properly recorded and accounted for

This includes having an accounting system that tracks how grant funds are spent and ensures accuracy and reliability in financial, statistical, and other reports, and cash management procedures to safeguard from theft.

### Non-federal Share (Local Match)

Most FTA grants require non-federal funds to cover part of the cost of the transit operations, vehicle, or other project being funded by the grant. The non-federal share is often called local match and can include funding provided by the state. For example, the federally allowed maximum federal local shares for Section 5311 program are generally:

- Operating: maximum 50% federal share (minimum 50% non-federal share)
- Planning: maximum 80% federal share (minimum 20% non-federal share)
- Capital: maximum 80% federal share (minimum 20% non-federal share)
- Administrative: maximum 80% federal share (minimum 20% non-federal share)

While these are the general matching rates for Section 5311, it may be helpful to note:

- The match rates are for the net project cost. For operating grants, net project costs are calculated by subtracting fares from the total project cost.
- The maximum federal share for operating and capital grants may exceed the above amounts in states with sliding scale rates under the Section 5311 program (see pages III-16 to III-18 of FTA Circular 9040.1G).
- The federal share may exceed 80% for certain capital projects related to compliance with the Americans with Disabilities Act (ADA), the Clean Air Act (CAA), or for bicycle

facilities. More information can be found on pages III-15 to III-16 of FTA Circular 9040.1G.

- Subrecipients should check with their State DOT for details about the matching rates in their state. States have the discretion to fund grants at lower federal shares, and some states provide state funds toward local match.

The local match requirement typically means the local subrecipient must have resources available to cover the non-federal share (although a state may allow in-kind match for some types of grants). As part of the grant agreement, an organization commits to having the local share available. Local match sources allowed by the federal Section 5311 program include state or local appropriations, dedicated tax revenues, private donations, net income generated from advertising and concessions, in-kind match (such as indirect costs), and non-DOT federal funds (if allowed by that particular funding source).

### Financial Plan

FTA requires its recipients to have multi-year financial plans (3–5 years) for operating and capital revenues and expenses to implement FTA Awards. State DOTs, as Section 5311 recipients, may pass this requirement on to their subrecipients as they ideally need to know what their subrecipients' financial plans are to develop their own state-level plans for the Section 5311 program. A state may require a transit development plan or other type of plan that includes some type of multi-year financial plan, including costs and funding for administration, operations, vehicles, other equipment, technology, and facilities. Whether or not this is a requirement for a grant, a multi-year financial plan is a vital tool for sustaining a transit system, as it allows the system to anticipate future year costs and apply for funding accordingly. Additional information on multi-year financial planning is found later in this section of the Toolkit.

### Allowable Costs

FTA grants must be spent on the project for which the grant was awarded and must be necessary and reasonable for the project. A Section 5311 operating grant must generally be spent to provide public transportation in rural areas during a specific period of time (the grant “period of performance,” such as a fiscal year, or spanning up to three fiscal years). National RTAP’s [Fundamental Financial Management for Rural Transit Agencies](#), Chapter 5: Cost Allowability under FTA Awards, provides detailed information on allowable costs, including discussion of the following seven criteria for allowable costs, which must:

1. Be necessary, reasonable, and allocable. A cost is **necessary** if the expenditure is required for the proper and efficient performance and administration of a public transportation project. A cost is **reasonable** if it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A cost is **allocable** to a project if goods or services involved are chargeable or assignable in accordance with the relative benefits received by the project. Some costs are shared by multiple programs with different funding sources, such as the cost to insure vehicles that operate on routes funded by different programs. These costs need to be fairly distributed across services through cost allocation. National RTAP has developed a [Cost Allocation Calculator](#) to help rural transit managers allocate their costs. Readers can also find helpful information in several [National RTAP webinars](#) that offer helpful

guidance, including Advanced Topics in Financial Management and Cost Allocation Tools (presented October 14, 2021) and Cost Allocation Webinar (presented March 25, 2020).

2. Conform to any limitations or exclusions set forth in these principles or in the federal award. Costs for items not consistent with the Super Circular (2 CFR Part 200) or the terms and conditions of the grant award are not allowable under federal grant awards.
3. Be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the non-federal entity (i.e., activities financed by state or local funds). For example, if the agency has a policy to obtain five written quotes before purchasing goods or services over \$3,500, then similar purchases made using Section 5311 funds must also be completed only after receiving five written quotes.
4. Be accorded consistent treatment as either direct costs or indirect costs. As noted in the Fundamental Financial Management for Rural Transit Agencies, there is no universal rule for classifying costs as either direct or indirect. However, like costs must be treated consistently in like circumstances. A cost may not be allocated to a federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to another federal award as a direct cost. This applies to both federally funded costs as well as projects that are not funded with federal dollars.
5. Be determined in accordance with generally accepted accounting principles (GAAP). As defined in Fundamental Financial Management for Rural Transit Agencies, GAAP are the foundation of financial accounting and reflect the standards for accounting to meet federal award requirements. An organization known as the Financial Accounting Foundation oversees the Governmental Accounting Standards Board, which is responsible for setting GAAP requirements for state and local governments.
6. Not be included as a cost or used to meet cost sharing or matching requirements of any other federally financed program. A cost claimed under a federal award cannot be claimed under a second federal award. Also, if the federal grant program requires a local match, funds applied to project costs to meet the local share requirement for one award cannot be claimed as match for any other federal grant award.
7. Be adequately documented. For most expenses, documentation consists of vendor receipts and corresponding evidence that the vendor has been paid. There are special considerations for personnel related expenses, particularly if the employee's time is charged, either as a direct or indirect expense, to two or more federal grants.

For more information on each of these criteria as well as other considerations in determining cost allowability, refer to Chapter 5 of Fundamental Financial Management for Rural Transit Agencies.

In addition to knowing what costs are allowed under a grant, it is also important to know that some costs are *not* eligible for funding under any federal grants. These include costs incurred before the grant award (unless specifically allowed by FTA), costs that have been funded by another federal grant (which would amount to “double dipping” of federal funds—see criterion 6 in the preceding list), and costs related to bad debt, fines, and alcoholic beverages. FTA grantees may incur costs that



are not allowable under federal guidelines. These costs may be necessary to meet the needs of that transit system. However, these costs are not eligible for reimbursement under an FTA grant.

### Indirect Costs

Some public transit systems are part of a larger organization, such as a county government or a non-profit corporation with many programs. A larger organization is likely to provide centralized services, the costs of which are shared among all departments and programs, typically through a standard percent added onto the department's or program's own costs. Such indirect or overhead rates must be supported by a Cost Allocation Plan (CAP) or an Indirect Cost Rate Proposal (ICRP) that is approved by FTA or whichever federal agency provides the most funding (referred to as the "cognizant federal agency") to the organization. For more information, see National RTAP's [Fundamental Financial Management for Rural Transit Agencies](#), Chapter 4: Understanding Direct and Indirect Costs, as well as the National RTAP [Financial Management and Indirect Cost Rates webinar](#) (presented January 12, 2021).

### Program Income

FTA grantees can earn program income through activities such as providing transportation services under contract to social service agencies, selling advertising space, renting out part of a facility, intercity bus ticket sales, and concessions. Depending upon the grant program, other types of program income can be applied toward local match or cash reserves. The Section 5311 program allows income from contracts to provide human service transportation to be used either to reduce the net project cost (treated as fare revenue) or to provide local match for operating assistance (treated as program income). Passenger fares must be deducted from the total operating costs before calculating the maximum federal share of funding. For more information on using program income derived from service agreements, see National RTAP's [Fundamental Financial Management for Rural Transit Agencies](#), Chapter 6: Local Match to FTA Grants, "Service Agreements" (page 104-105).

### Audit

Every organization should have an annual audit, and the State DOT may require this of all subrecipients. If an organization spends \$750,000 or more in a year in federal assistance from all sources (not just FTA), a federally-compliant "single audit" must be conducted in accordance with [2 CFR Part 200, subpart F](#). If the single audit report contains any findings and recommendations related to the FTA program or other DOT funds, the report must be submitted to the State DOT (who will submit it on behalf of the subrecipient to the FTA), and the findings must be resolved. Subrecipients should check with the State DOT for state-specific requirements related to audits. For more information, see National RTAP's [Fundamental Financial Management for Rural Transit Agencies](#), Chapter 10: Audit.

### Reporting Requirements

States are subject to grant reporting requirements to FTA (including financial reports and milestone progress reports). To prepare their reports, and to help ensure funding is being spent in accordance with the subrecipient grant agreement, states need reports from their subrecipients. Subrecipient financial reporting requirements vary from state to state. Data required for



the [National Transit Database \(NTD\)](#) are common to all states, including total annual revenue, sources of revenue, total annual operating costs, total annual capital costs, fleet size and type, related facilities, revenue vehicle miles, and ridership. For more information, see National RTAP's [Fundamental Financial Management for Rural Transit Agencies](#), Chapter 9: NTD Reporting Requirements.

### Recordkeeping Requirements

Financial records, supporting documents, statistical records, and all other records pertinent to a federal award must be retained at least three years from the date of submission of the final expenditure report. Section 5311 subrecipients should retain grant-related records for at least three years beyond closeout of the subrecipient grant with the State DOT, or longer if required by the State DOT. The state may need longer to close out their grant with FTA (the grant through which the rural transit agency is a subrecipient).

### Closeout

A federal grant is generally closed out after all the actions funded by the grant are complete. FTA requires that grantees (states) close out projects on a timely basis, generally 90 days after the end of the “period of performance” of the grant. To do this, states must close out sub-grants with subrecipients on a timely basis. As stated in Circular 9040.1G, FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the state should request that the funds be de-obligated and the project be closed out. Subrecipients need to be aware that they have a finite amount of time to spend their grant awards, after which the funds could be transferred to another project.

### Revenue from Sale of FTA-funded Assets

Subrecipients that intend to sell FTA-funded facilities, vehicles, or other equipment should check with their State DOT on disposition procedures that must be followed and how the proceeds must be handled. For example, sale of FTA-funded real property or vehicles with remaining useful life valued more than \$5,000 will require reimbursement to the FTA of the federal share of the value of the asset. If the value is below this threshold, the state may have its own requirements for how the proceeds can be used. The agency should refer to the State Management Plan to determine what are the disposition requirements for FTA funded real property and/or vehicles.

## **Rural Transit Budget Development**

Whether a transit system is a stand-alone organization or a department within a government or private organization, its annual budget is an essential tool. A realistic budget can help control costs, manage cash flow, spend grants appropriately, monitor system performance, and forecast future funding needs. State DOTs (and other grant funding sources) typically require their subrecipients to provide a detailed budget as part of the grant application, as part of the justification of the need for the grant. If an agency is part of a city or county government or a tribe, its budget development needs to fit within the budget development framework of the government. Strategic planning,

addressed in the [Planning and Evaluation section](#) of this Toolkit, also drives budget development. As discussed later in this section under Developing a Multi-Year Financial Plan for Rural Transit, it is also vital to have a strong multi-year plan.

Developing a realistic and sustainable budget requires knowing what it costs to operate the service, maintain the vehicles and facilities, and administer and manage programs, based on the level of services currently provided along with planned expansions (or reductions). This involves estimating not only the cost to provide the service, but also what vehicles, other equipment, and facilities are needed for the transit system, when they will need to be replaced (or expanded), and what this will likely cost. It is important to understand that any changes in the scope of an agency's service will have a direct impact on budgeting. Adding or eliminating services in a small or medium sized agency could create a variance of as much as 10-20%. Budget development also requires knowing what funding sources are available to cover costs (including fares, grants, tax revenues, advertising revenue, and in-kind support). Steps involved in developing a rural transit system budget include:

1. **Determine the timeline for developing the budget.** If the transit system is part of a larger organization, such as a local government, tribal government, or non-profit organization, the timeline for transit budget will need to fit within the timeline of the larger organization. As a Section 5311 subrecipient, Section 5311 budget development will also need to fit within the state's grant application cycle. A sample of a State DOT budget cycle for FTA grants is provided as Figure 1 below. Although some states have different cycles (some are biennial, for example), each state has elements of this example. Section 5311 subrecipients need to be aware of the timing of their state's Section 5311 program, in order to develop grant application budgets accordingly (even though the agency's overall annual budget may be developed on a different cycle).
2. **Determine the team that will be involved in the budgeting process.** This includes managers who should provide input on the budgets they are responsible for managing.
3. **Review current-year budget and year-to-date expenses and revenues.** If the current-year budget reflects actual costs and funding, this provides a realistic starting point for next year's budget. If the current budget doesn't match reality, this provides important information about where costs or revenues may need adjustment in the next year's budget. If it is still early in the current fiscal year, also review the preceding year's actual expenses and revenues.
4. **Review the organization's mission, vision, goals, objectives, and plans for the coming year.** Development of the budget, like any planning endeavor undertaken by the transit agency, should be driven by the organization's mission and vision. Is the agency planning to expand services next year or starting a new program? Will the agency be expanding its fleet (increasing maintenance expenses)? Will the agency need to increase or reduce staffing levels to implement planned changes? Are major organizational changes planned that may result in changes to the indirect/overhead rate? Will any vehicles and/or other equipment need replacement, requiring that local match be budgeted?
5. **Estimate revenues and direct expenses for each program.** Factors to consider in this step include historical revenues and expenses, the organization's goals and objectives for the coming year, external factors (such as the economy, fuel prices, changes in the population of the service area, and anticipated changes to local taxes that fund services), and seasonal trends (for example, service and staffing levels may need to increase to serve visitors to a tourist destination during the summer). Be sure to get input from staff on each of the program budgets they oversee.

6. **Estimate indirect/overhead costs**, by applying the agency's approved indirect cost rate to estimated expenses.
7. **Estimate general funding revenue**. This is revenue that is not specific to one program (program specific funding was estimated in an earlier step).
8. **Explicitly list major assumptions used to prepare the budget**. Assumptions should be presented with the budget to 1) clarify to reviewers and decision-makers the reasons for proposed expenses and revenues (which they may or may not agree with), and 2) facilitate reasoned decision-making.
9. **Put it all together in a budget form**, which includes an overall budget as well as individual budgets for each program.

**Figure 1: Sample State-level Section 5311 Timeline for Apportionment & Budget**

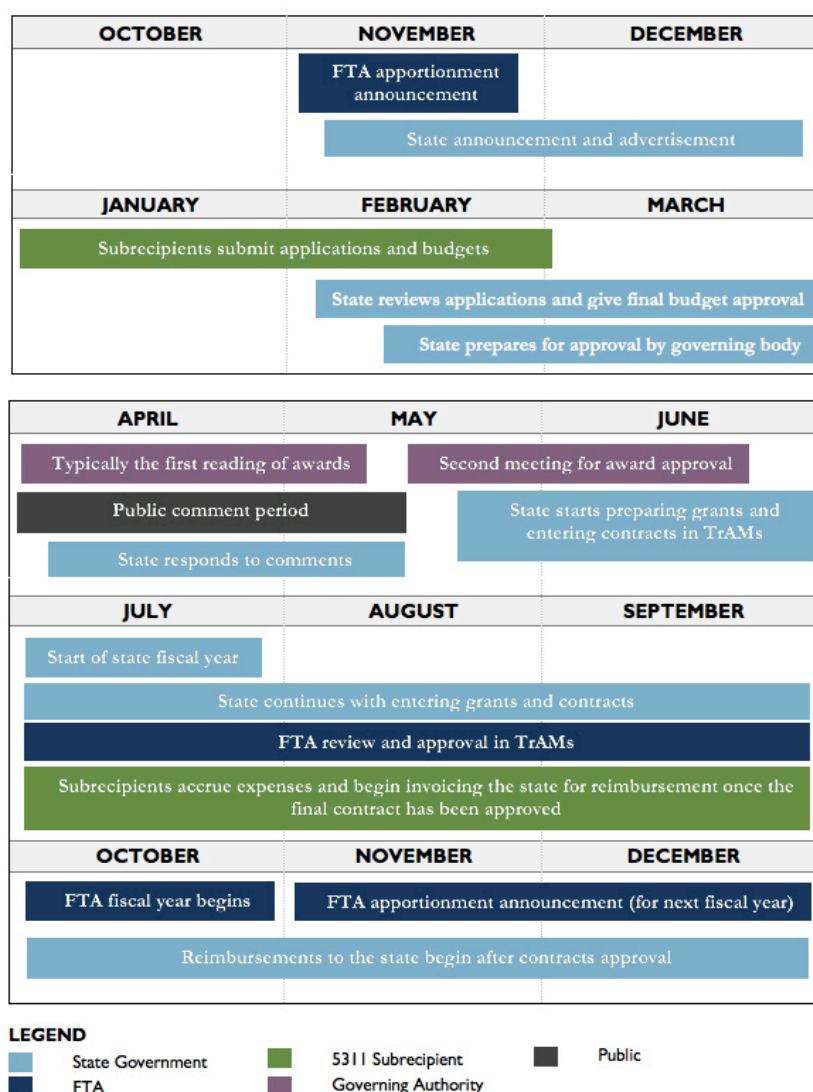


Chart Credit, Curtis Sims, Jr., CSSO, Training, Safety/Security, and RTAP Program Manager Office of Public Transit, South Carolina DOT

### Additional Guidance on Developing a Budget

- National RTAP’s [Fundamental Financial Management for Rural Transit Agencies](#), provides budget-related information in Chapter 3: Foundational Elements: Accounting/Chart of Accounts and Chapter 4: Understanding Direct and Indirect Costs.
- Texas A&M Transportation Institute’s [Making Dollars and Sense of Transit Finance](#) coursebook, Module 6: Accounting, Budgeting, and Financial Management covers both operating and capital budget development on pages 6-32 through 6-38.
- [Transportation by the Numbers](#), a toolkit developed by the former National Center on Senior Transportation, provides guidance for determining true costs to provide human service transportation, and can also be useful for rural transit systems.
- The National Council of Nonprofits provides links to a number of [resources on developing budgets designed for nonprofit organizations](#).
- The Wallace Foundation provides numerous resources on [financial management for nonprofits](#), including budgeting.
- For organizations that are part of local governments, there may be state-level resources that provide budgeting guidance. For example, the Municipal Research and Services Center (MRSC), a nonprofit organization that helps local governments across Washington State, provides an overview of the [budgeting process for municipalities](#).
- Public administration textbooks on budgeting, such as *The Basics of Public Budgeting and Financial Management: A Handbook for Academics and Practitioners* by Charles E. Menifield, can also clarify the public sector budget development process.
- Guidance on developing a budget written specifically for rural transit managers can be found in [Comprehensive Financial Management Guidelines for Rural and Small Urban Public Transportation Providers](#), Chapter 5: The Budget Process. Although this resource was published in 1992 and contains older information, the principles of budget development are still valid.

## Budget Monitoring

On a frequent basis, transit managers should compare actual revenues and expenses to budgeted amounts to ensure that funding sources are not exhausted before the end of the year. Ideally this should be done monthly. If costs are identified that significantly exceed what was budgeted, the manager will need to find other items within the budget where costs can be reduced or find new funding sources to cover the difference to avoid a budget deficit (“going into the red”).

Significant changes to a budget typically require approval from the agency’s governing board. Section 5311 subrecipients should also check with their State DOT for any state requirements related to budget modification and/or adjustment.

If actual costs are significantly higher than what was budgeted, grantees should check with the State DOT on options for appropriately using grant funding or covering expenses (when they exceed the budget). Note that FTA-funded grants are usually for a very specific project, and funds must be used for the costs identified in the grant budget. If an organization becomes unable to use an FTA grant as specified in the award, it generally will not have the flexibility to use the grant for other project costs.

## Developing a Multi-Year Financial Plan for Rural Transit

A multi-year financial plan is a vital tool for sustaining a transit system, as it allows management to anticipate future year costs and apply for funding accordingly. A three- to five-year financial plan may also be a requirement for Section 5311 subrecipients in some states (sometimes as part of a transit development plan), to help the state prepare their own FTA-required multi-year financial plan.

A multi-year financial plan is based on the organization's:

- Mission, vision, goals, and objectives
- Strategic plan
- Plans to increase (or decrease) services during each of the years in the plan. Any changes in an agency's transit service levels will have a direct impact on budgeting, and future plans for service expansions or reductions should be addressed in future year budgets.
- Major service or organizational changes
- Anticipated changes in expenses for current levels of service (for example, rising fuel or insurance costs, new benefits for employees, and overall inflation)
- Potential changes in revenue (for example, implementation of a local sale tax to support transit, or loss of contracted service such as Medicaid non-emergency medical transportation)
- Planned fare policy changes (and its likely impact on ridership and overall fare revenue)
- Replacement or expansion vehicles, equipment, and facilities needed to support operations. They should be related to a service implementation plan and a vehicle replacement and expansion plan.
- Multi-year plans are often developed at a high level (summary), without the line-item detail that should be included in the annual budget. They provide annual estimates to help the organization anticipate when additional funding may be needed to ensure sustainability and ideally, planned growth.

If a State DOT requires a multi-year financial plan, they may provide guidance on how to develop this plan, sometimes as part of a larger document. Examples include:

- Florida Department of Transportation's [TDP Handbook: FDOT Guidance for Preparing & Reviewing Transit Development Plans](#) (10-year planning horizon)
- [Oregon Department of Transportation's Transit Development Plan Guidebook](#) (provides guidance for longer-range plans – up to 20 years – that explore different financial scenarios)
- Texas Transportation Institute's [Toolkit for Rural Transit Planning, Five-Year Operations and Financial Plan](#)
- Virginia Department of Rail and Public Transportation's [Transit Development Plan Minimum Requirements](#) (10 year planning horizon)

If a State DOT does not require this for rural transit systems, the above resources can still be leveraged for developing a financial plan as a recommended practice. The Texas toolkit provides

guidance for developing a 5-year plan, while the other resources listed are intend for 10-year plans (or longer).

## Potential Funding Sources for Rural Public Transportation

Common funding sources for rural transit systems include both FTA grant programs and non-federal sources. The following funding program descriptions are based on the programs as authorized under the Fixing America's Surface Transportation (FAST) Act, which funded these programs through FY 2021. The [Bipartisan Infrastructure Law](#), enacted as the Infrastructure Investment and Jobs Act, was signed into law on November 15, 2021, reauthorizing surface transportation programs for Fiscal Year (FY) 2022 through FY 2026. [FTA has posted a series of fact sheets on its programs under the Bipartisan Infrastructure Law](#).

### [FTA Grant Programs](#)

#### Section 5311—Formula Grants for Rural Areas

Section 5311, Formula Grants for Rural Areas, is the FTA program specifically intended for rural public transportation. Section 5311 funds operating, administrative, planning, and capital projects. The maximum federal share under Section 5311 is generally 50 percent of net operating deficit and 80 percent of non-operating costs (with higher shares allowable for vehicles and vehicle-related equipment needed to comply with the ADA and Clean Air Act as well as bicycle facilities; FTA also offers a higher share on a sliding scale for capital and operating grants in several states). FTA apportions funds to each state (as well as to the territories of American Samoa, Guam, Northern Mariana Islands and Puerto Rico) based on a formula that takes in account rural population and land area.

Each state determines its own approach to distributing funds equitably across the state. Local application for these funds is made to the State DOT, and each state has its own application process and eligibility requirements. Under the federal level, eligible recipients include states, Indian tribes, Alaskan Native villages, and groups or communities identified by the Bureau of Indian Affairs (BIA). Eligible subrecipients allowed under the federal program include states and local governmental authorities, non-profit organizations, and operators of public transportation or intercity bus service that receive FTA grant funds indirectly through a recipient. Tribes can also receive Section 5311 funding as a subrecipient through a state. Because each state administers its Section 5311 differently from other states, the best source of information about applying for Section 5311 as a subrecipient is the State DOT.

Note that, within the federal Section 5311 program, there are several sub-programs, including:

- **Appalachian Development Public Transportation Assistance:** Provides grants to 13 states in the Appalachian region (Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia) for the delivery of safe, reliable public transportation services to rural areas in the Appalachian region. For more information, contact the State DOT.



- Intercity Bus Program: States must use 15 percent of their total Section 5311 funding to support intercity bus service, unless the governor, in consultation with intercity providers, certifies that intercity bus needs are being adequately met. For more information, contact the State DOT.
- Public Transportation on Indian Reservations Program (Tribal Transit Program): Provides grants to tribes as direct recipients for planning, capital, and, in limited circumstances, operating assistance for tribal public transit services. For more information visit the [FTA Tribal Transit web page](#).

According to the FTA [Fact Sheet on Formula Grants for Rural Areas under the Bipartisan Infrastructure Law](#), changes made to federal Section 5311 program include establishment of fixed funding percentages for the [Public Transportation on Indian Reservations Program: Tribal Transit Competitive Program](#) and the Appalachian Development Public Transportation Assistance Program (ADPTAP) (increasing funding for these programs).

## **Section 5310—Enhanced Mobility of Seniors and Individuals with Disabilities**

The [Section 5310—Enhanced Mobility of Seniors & Individuals with Disabilities](#) program provides funding to assist in meeting the transportation needs of older adults and people with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. “The funding can be used for ‘traditional’ or ‘nontraditional’ projects. ‘Traditional’ projects are capital projects as defined in 49 U.S.C. 5302(3). ‘Nontraditional’ projects are capital and/or operating projects that go beyond the scope of the Americans with Disabilities Act (ADA) complementary paratransit services or public transportation alternatives designed to assist older adults and people with disabilities.” [FTA Section 5310 Webpage](#).

Funds are apportioned based on each state’s share of the population for these two groups. Formula funds are apportioned to direct recipients, which are State DOTs for rural and small urban areas (and designated recipients chosen by the governor in large urban areas), and the direct recipients award grants to subrecipients. Eligible subrecipients allowed under the federal program include private non-profit organizations, states or local government authorities, or operators of public transportation. Rural public transit systems may be eligible for Section 5310 funding depending upon the state program specifics and the types of organizations the state funds under its Section 5310 program. A federally recognized Indian tribe may apply directly to FTA for Section 5310 funds that a state, local government authority, or designated recipient has awarded to the tribe. Federal match levels are comparable to those under Section 5311. Projects funded under the Section 5310 program must be included within a locally developed, coordinated public transit-human services transportation plan. Because each state administers its Section 5310 differently from other states, the best source of information about applying for Section 5310 as a subrecipient is the State DOT.

According to the FTA [Fact Sheet on Enhanced Mobility of Seniors and Individuals with Disabilities under the Bipartisan Infrastructure Law](#), no changes were made to the federal Section 5310 program (beyond increases in the total program funding).

## **Section 5339 - Buses and Bus Facilities Program**

The [Section 5339 - Buses and Bus Facilities Program](#) provides funding for capital bus and bus-related projects that will support the continuation and expansion of public transportation services.

FTA awards grants to designated recipients in large urban areas and states and territories for rural and small urbanized areas. The federal program allows public agencies and private non-profit organizations engaged in public transportation to be subrecipients, and states determine how Section 5339 funds are distributed among subrecipients. The Section 5339 program includes both formula-based and competitive portions, including competitive grants for Low or No Emissions. The best sources of information on applying for FTA funding as a subrecipient is the State DOT and/or RTAP program. For examples of projects previously awarded under the program, please visit [FY23 FTA Bus and Low- and No-Emission Grant Awards](#).

According to the FTA [Fact Sheet on Buses and Bus Facilities Program under the Bipartisan Infrastructure Law](#), changes made to federal Section 5339 program include:

- The national distribution formula increased to states and territories.
- Grant applicants are required to use, to the extent possible, innovative procurement tools authorized under Section 3019 of the FAST Act. If fewer than five buses are purchased through a stand-alone procurement, the recipient must provide a written explanation to FTA of why the authorized procurement tools were not used.
- Applicants to the [Grants for Buses and Bus Facilities Competitive Program](#) who are also applying for the [Low or No Emission Grants Program – Section 5339\(c\)](#) are allowed to propose partnerships with other entities.
- Applicants must submit a zero-emission fleet transition plan with their applications for projects related to zero-emission buses.
- Requires that at least 25% of Low or No Emissions Grants funding be used for low-emission vehicles and related facilities (excluding zero emission vehicles and facilities).
- Requires that 5% of all Grants for Buses and Bus Facilities or Low or No Emissions competitive grants related to zero emission vehicles or related infrastructure be used for workforce development activities, unless the applicant certifies that less is needed to carry out their zero-emission fleet transition plan.

### **Areas of Persistent Poverty Program (AoPP)**

Previously known as the Helping Obtain Prosperity for Everyone (HOPE) Program, [Areas of Persistent Poverty Program \(AoPP\)](#) funding is authorized under [49 USC 6702: Local and Regional Project Assistance](#). AoPP supports projects to improve transit services or facilities within areas of persistent poverty. Eligible recipients include states and federally recognized Indian Tribes. Grants are intended for eligible recipients or sub-recipients for Sections 5307, 5310, or 5311. Eligible projects include planning, engineering, technical studies, or financing plans in locations where poverty is persistent. An area of persistent poverty is defined as a county in which at least 20% of the population has been living in poverty for at least the past 30 years. Applicants may use FTA's mapping tool to determine if a proposed project is in an Area of Persistent Poverty or Historically Disadvantaged Community. FTA's mapping tool allows applicants to map their project areas, determine eligibility, and identify their census tract numbers. Application opportunities are posted in the form of a Notice of Funding Opportunity (NOFO). For examples of projects previously awarded under the program, visit [Fiscal Year 2023 Areas of Persistent Poverty \(AoPP\) Project Selections](#).



## **Rebuilding American Infrastructure with Sustainability and Equity (RAISE)**

### **The Rebuilding American Infrastructure with Sustainability and Equity (RAISE)**

Discretionary Grant program (Previously known as the Better Utilizing Investments to Leverage Development (BUILD) and the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program) The RAISE program funds investments in transportation infrastructure, including transit.

“The eligibility requirements of RAISE allow project sponsors at the State and local levels to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional DOT programs. The program objectives are to produce a positive local or regional impact in the areas of safety, environmental sustainability, quality of life, mobility and community connectivity, economic competitiveness and opportunity, state of good repair, partnership, and innovation. These are also the selection criteria for the competitive award process.” [U.S. DOT RAISE Website](#) Application opportunities are posted in the form of a Notice of Funding Opportunity (NOFO). For examples of projects previously awarded under the program, visit [RAISE/BUILD/TIGER 2009-2023 Awarded Projects](#).

## **Ferry Service for Rural Communities**

The Bipartisan Infrastructure Law established a new Ferry Service for Rural Communities Program that makes federal resources available to states to ensure basic essential ferry service is provided to rural areas. This program provides capital and operating assistance for a ferry service that has operated a regular schedule at any time during the five-year period ending March 1, 2020, and has served not less than two rural areas located more than 50 sailing miles apart. For more information about this program, see the FTA [Fact Sheet on Ferry Service For Rural Communities under the Bipartisan Infrastructure Law](#). Although this Toolkit does not address the mode of ferry service, this information is provided for rural areas that are seeking funding to support ferry service in their area.

## **Innovative Coordinated Access and Mobility (ICAM) Pilot Program**

This funding program, established by Section 3006(b) of the FAST Act, funds capital projects to improve coordination and enhance access and mobility to vital community services for older adults, people with disabilities, and people of low income. More information about this program is provided in the [Coordination and Mobility Management section](#) of the Toolkit under FTA Funding for Mobility Management, as well as the FTA [Fact Sheet on Innovative Coordinated Access & Mobility Pilot Program under the Bipartisan Infrastructure Law](#).

## Emergency Relief Programs

The [Federal Transit Administration's \(FTA\) Emergency Relief Program \(Section 5324\)](#) enables FTA to provide assistance to public transit operators in the aftermath of an emergency or major disaster. The program relies on emergency and disaster declarations to extend certain flexibilities to public transportation providers during an emergency. Capital projects needed to protect, repair, or replace facilities or equipment that are in danger of suffering serious damage, or have suffered serious damage as a result of an emergency can be funded by this program. Operating costs can also be funded when they are associated with evacuation, rescue operations, temporary public transportation service, or reestablishing, expanding, or relocating service.

Answers to [Frequently Asked Questions](#) about the FTA's Emergency Relief Program (Section 5324) are available on the FTA's web site.

On March 27, 2023, the FTA announced the availability of [Public Transportation Emergency Relief Funds for Transit Systems Affected by Major Declared Disasters Occurring in Calendar Years 2017 & 2020-2022](#).

The FTA expanded eligibility of federal assistance available under [FTA's Emergency Relief Program](#) to help transit agencies respond to COVID-19 in states where the Governor had declared an emergency. However, eligibility of federal assistance returned to its previous requirements when the Federal Emergency Management Agency (FEMA) established May 11, 2023, as the end of the incident period for all COVID-19 emergency and major disaster declarations. At this time, rural recipients may only use annual apportionments of Section 5311 (Rural) formula funding at 100% Federal share for COVID-19 related capital expenses where grants were obligated under the authority of the Emergency Relief program on or before May 11, 2023,

FTA also provided supplemental funding to help the nation's public transportation systems respond to the COVID-19 pandemic. Rural transit agencies should consult with their State DOT for information on continued availability of [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#), [Coronavirus Response and Relief Supplemental Appropriations Act, 2021 \(CRRSAA\)](#), and [American Rescue Plan Act of 2021 \(ARP\)](#) funding for transit in their state. Answers to [Frequently Asked Questions](#) about these supplemental funding programs are available on FTA's web site.

## Other U.S. DOT Programs

Other U.S. DOT programs may fund rural transit services. For example, as explained in the FTA Section 5311 circular, states can transfer funds from certain Federal Highway Administration (FHWA) programs to FTA transit programs, often referred to as flexible funds or "flex funds." Transit managers seeking more information about the availability of flex funds in their State should contact their State DOT transit program representative. General information about how states can

transfer these funds is available in Appendix D of FTA [Circular C 9040.1G Formula Grants for Rural Areas: Program Guidance and Application Instructions \(Section 5311\)](#).

Additional FTA funding programs that fund mobility management projects are discussed in the [Coordination and Mobility Management section](#) of the Toolkit.

## [Non-Federal Sources](#)

### **State Grant Programs**

In addition to administering FTA programs, State DOTs may offer state funding for rural public transportation services. A state's FTA funding application process for FTA programs may also be the application to apply for state funds, but this is not always the case. Contact the State DOT for information about state-level funding opportunities.

### **Medicaid Non-Emergency Medical Transportation (NEMT) Contracts**

Medicaid is required to make certain that every Medicaid beneficiary who has no other means of transportation has access to transportation needed to receive covered medical care. ([42 CFR Section 431.53 Assurance of Transportation](#)) On September 28, 2023, the [Centers for Medicare and Medicaid Services/Center for Medicaid and CHIP Services \(CMS\)](#) issued guidance for the provision of Medicaid non-emergency medical transportation (NEMT). The stated purpose of the guidance, [Assurance of Transportation: A Medicaid Transportation Coverage Guide](#), is to provide "a one stop source of federal requirements and state flexibilities."

As stated in TCRP Research Report 202, "Handbook for Examining the Effects of Non-Emergency Medical Transportation Brokerages on Transportation Coordination," Medicaid is the federal government's largest program for human services transportation. Medicaid funds NEMT services. Historically, Medicaid NEMT contracts have been a major source of funding for rural public transportation providers who often provide coordinated human service transportation services in the context of the public transportation system. Each state administers its own Medicaid NEMT program, with varying approaches and opportunities for contracting to provide these services. Depending upon the state's current approach and the rates offered to transportation providers, a Medicaid NEMT contract may be a viable funding opportunity for an organization. To learn more about the NEMT opportunities in a state, check with the state Medicaid program and peers across the state (for example, through the state transit association).

### **Human Service Transportation Contracts**

Many rural public transportation programs transport consumers of human service agencies whose rides are paid for through a contract with the human service agency. Examples include the Area Agency on Aging (AAA) and organizations with employment and other programs for people with disabilities.

### **Local Taxes**

Rural public transit systems are sometimes funded through a local tax, such as a portion of local sales or property taxes. If the transit system serves a major tourist destination, and transports

employees and visitors to hotels near this destination, the transit manager may wish to explore the possibility of a lodging tax to support transit.

## **Local Government Funds**

The counties, cities, and/or towns served by a rural public transit system often provide funding for the service as a public service benefiting residents as well as customers and employees of local businesses.

## **Advertising Revenue**

Transit agencies can sell advertising space to other organizations on and in buses, and this is a common source of additional revenue. Advertising space could also be sold on printed brochures, within passenger facilities, and on benches and shelters at bus stops, for example. For more information on selling advertising space on vehicles, see National RTAP's [Advertising Best Practices: Bus Wraps and In-Kind Advertising Spotlight Article](#).

## **Public/Private Partnerships and Sponsorships**

Some rural transit systems have partnered with local community organizations, businesses, or employers to sponsor transportation services that benefit their customers and employees, and transit managers can sometimes use an entrepreneurial approach to leveraging support. Hospitals sometimes sponsor a transit route to ensure that their patients can get to and from their appointments. A major employer with difficulty hiring employees may be interested in sponsoring a transit route connecting their work site to residential areas at shift start and end times. Tourist destinations and colleges/universities with limited parking are other potential sponsors. The National RTAP [Transportation to Scenic Destinations Best Practices Spotlight article](#) provides examples of three rural transit agencies that have leveraged funding for innovative transportation solutions to scenic destinations.

## **Passenger Fares**

The fares that passengers pay to use services can also provide a source of funding, though typically fares cover only a small portion of the full cost to provide rural public transportation service.

## **Volunteers and In-Kind Support**

In addition to cash revenues, rural transit agencies can also be partially supported by volunteer and in-kind services. Some rural transit systems rely on volunteer drivers to provide cost-effective services. It may be possible to enlist local college or university classes or student interns to conduct planning studies, develop marketing materials, or to conduct outreach efforts. Other types of in-kind support can include facility use, utility services, or donated staff time. Note that to be eligible as local match for an FTA grant, the value of volunteers and in-kind support must be documented.

## Grant Writing Tips

1. Read and reread the funding notification documents and call the funding source to ask critical questions. There are no dumb questions, but the grant application could face the dire consequence of being eliminated from review for a simple failure to follow the directions.
2. Grant reviewers always cite the same complaint about the grants they review: “They failed to answer the questions.” Be certain that the narrative answers all the questions the application asks, and fully responds to the specific questions that are asked.
3. More is not necessarily better. Yes, it is critical that the need statement cite the demographics relevant to the transit service area for which funding is sought, but those demographics should be succinctly stated and remain focused on establishing the need for funding support. Too many statistics will rapidly turn the grant reviewer off.
4. A transit grant application is basically a summation of a proposed transit service plan. Thus, it requires the inclusion of project tasks, benchmarks, key milestones, key personnel, deliverables, routes, and schedules, as necessary to concisely describe that service plan and justify its sustainability, expansion, or additional capital acquisitions.
5. Be sure that the funding request reflects what is required to achieve the service plan’s goals. Also, be clear on the match requirements, and whether the match can be made in-kind or must be made with cash.
6. Consult relevant FTA circulars for vital information on allowable costs, eligible project activities, and essential procurement procedures that will drive the project’s timeline.
7. Proofread and share the draft with an individual outside of the applicant agency, as they will catch errors program staff may miss. Proofread again and double-check the grant’s final assembly against the grant guidance documents.

National RTAP’s [Grant Writing Made Easy: How to Write a Successful Grant Application](#) technical brief offers additional suggestions. In 2017, National RTAP hosted a [Grant Writing 101 Webinar](#), and the [webinar slides](#) can also be downloaded.

## Section Sources

- [2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#)
- [42 CFR Section 431.53 Assurance of Transportation](#)
- [Burkhardt, Jon E., Beth Hamby, Littleton C. MacDorman, Brian E. McCollom, and Gordon A. Schreur, Comprehensive Financial Management Guidelines for Rural and Small Urban Public Transportation Providers, prepared for the North Carolina DOT, American Association of State Highway and Transportation Officials \(AASHTO\) Multi-State Technical Assistance Project \(MTAP\), and U.S. DOT/FTA \(1992\)](#)
- [Centers for Medicare and Medicaid Services/Center for Medicaid and CHIP Services \(CMS\), Assurance of Transportation: A Medicaid Transportation Coverage Guide](#)
- Federal Transit Administration, [American Rescue Plan Act of 2021 web page](#)
- Federal Transit Administration, [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act web page](#)

- Federal Transit Administration, [Coronavirus Response and Relief Supplemental Appropriations Act of 2021 web page](#)
- Federal Transit Administration, [Dear Colleague Letter: Announcing Guidance Updates Associated with the End of COVID-19 Disaster Declarations](#) (May 2, 2023)
- Federal Transit Administration, [Emergency Relief Program web page](#)
- Federal Transit Administration, [Program Fact Sheets under the Bipartisan Infrastructure Law](#)
- Federal Transit Administration, [Public Transportation Emergency Relief Funds for Transit Systems Affected by Major Declared Disasters Occurring in Calendar Years 2017 & 2020-2022 web page](#)
- Federal Transit Administration, [Frequently Asked Questions from FTA Grantees Regarding Coronavirus Disease 2019 \(COVID-19\) web page](#)
- [FTA Circular C 5010.1E Award Management Requirements \(2018\)](#)
- [FTA Circular C 9040.1G Formula Grants for Rural Areas: Program Guidance and Application Instructions \(Section 5311\) \(2014\)](#)
- [National RTAP, Advertising Best Practices: Bus Wraps and In-Kind Advertising Spotlight Article \(2017\)](#)
- [National RTAP, Cost Allocation Calculator](#)
- [National RTAP, Fundamental Financial Management for Rural Transit Agencies \(2020\)](#)
- [National RTAP, Transportation to Scenic Destinations Best Practices Spotlight article \(2021\)](#)



# Operations Management Models

## Introduction

It is a common practice for Federal Transit Administration (FTA) grantees to contract out part or all of the functions involved in the operations of transit systems. There are many factors to consider when deciding whether or not to use a third-party contractor for transit system management and/or operations. These may include: the cost associated with a particular program, availability of staff and the level of expertise, state or local laws, larger planning strategies, control over operations, customer service, and training standards. All these factors should be considered and evaluated in order to determine the best course of action for the agency. The organization's mission, vision, and long-range plans should guide the decision-making process. Keep in mind that using a third-party operator does not relieve the grantee from compliance with federal requirements which are introduced in the [Grant Compliance Requirements](#) section of this Toolkit. The process of selecting the contractor is also subject to the procurement requirements discussed in the [Procurement 101](#) and [Procurement - Beyond 101](#) sections.

This section of the Toolkit is organized in the following subsections:

- Contracting Approaches
- Case Study – Managing Operations In-house: Crawford Area Transit Authority, Meadville, PA
- Case Study – Contracting Out Services: Franklin Regional Transit Authority, Greenfield, MA
- [Coordinating Operations and Supporting Functions](#)
- Section Sources

## Contracting Approaches

If the transit agency (or governing board) decides that contracting out a program is the best action for the agency, factors to be taken into consideration include how the contractor will be obtained (in accordance with the agency's procurement policies), who will take part in that process, and the length of the contract. Once a contractor is secured, the transit manager should work with the contractor to determine the type of relationship the agency will have with the contractor and clearly define which party is responsible for what tasks.

It is also important to be aware of the different contracting models to decide which model is best for the agency depending on its needs and resources. The different contracting models are as follows:

- Turnkey contract - involves a company that takes care of everything from providing the management team and staff members to owning and maintaining all necessary capital including vehicles, equipment, and operating/administrative facilities. The responsibilities of a transit agency as an FTA grantee would include planning, applying for and administering the grant, establishing policies, and overseeing the contract.

- Executive employment contract - involves the hiring of high-profile executives for upper management transit professionals while all other employees and capital equipment would be an in-house responsibility.
- Full-time or part-time employment contract - provides all transit staff positions for the complete administration and operation of the transit agency. Contractor can be a single individual or a contracting firm. The transit agency owns all the capital equipment.
- Service contract - an agency may work with one or several contractors to provide service for fixed route, demand response, and human service transportation. The agency might also contract out for vehicle maintenance and/or other support functions associated with the service.

Regardless of which model chosen, advertise the contract solicitation and requirements to a large audience to get as many responses to the proposal as possible. This will ensure that there is a competitive bidding process and will help to find the best fit for the agency.

It is important to remember that whether the program is administered in-house or by using a contractor, the agency must comply with all applicable federal regulations.

This includes:

- Conducting a competitive procurement to select a contractor and
- Requiring the contractor to comply with the requirements that would apply to the organization if the services were operated in-house, such as the Americans with Disabilities Act (ADA), civil rights, drug and alcohol testing, and other federal requirements explained in this Toolkit.

According to FTA Third Party Contracting Guidance, "each third party contractor and subcontractor is required to comply with the terms of its third party contract or subcontract, including requirements to extend those federally required clauses and provisions to its subcontractors at the lowest tier required." The person responsible for procurement within the agency must be aware that compliance with federal requirements is a condition of being a subrecipient of federal funds and must include federally-required clauses and certifications in the solicitation and executed contract. Importantly, the grantee is responsible for oversight of the contractor throughout the life of the contract.

The FTA procurement requirements are detailed in [FTA Circular C 4220.1F](#), "Third Party Contracting Guidance." (Note that this circular has not yet be updated to reflect most recent federal regulations, and transit managers should also consult the "Super Circular," [2 CFR Part 200](#), Section 200.318 through Section 200.326.) Federal procurement requirements are introduced in the [Procurement 101 section](#) of this Toolkit, and expanded upon in the [Procurement - Beyond 101 section](#) of this Toolkit.

This section presents two case studies: one rural transit agency that contracts out its operations, and another that handles everything in-house. The case studies describe the services provided by each system, discuss the reasons for third party contracting vs. operating in-house, and raise issues to consider when deciding whether third party contracting or in-house operating is right for a transit system.



As illustrated by these case studies, the structure, capacity, environment, needs, and resources of systems can be different. Contracts with a third-party will most likely differ case by case. Advice provided within these case studies may be helpful to make a well-informed decision as to whether or not to engage in a third party contract and how to structure that relationship.

## **Case Study – Managing Operations In-house: Crawford Area Transit Authority, Meadville, PA**

The Crawford Area Transit Authority (CATA) provides service to Crawford and Venango Counties in the northwest corner of Pennsylvania. Services include fixed bus routes and door-to-door transportation. In the past, CATA had contracted out its services, but decided to bring it back in-house to regain direct control over all aspects of operations. In 2016 CATA entered into a management contract with the Venango County Commissioners to operate the Venango County Transportation program, which in 2018 became a member municipality of CATA. This resulted in CATA expanding services and almost doubling in size. The case study is taken from an interview with the General Manager of CATA, Timothy Geibel, who discussed some of the factors considered when deciding whether to bring operations back in-house or outsource them with a contractor.

### **Scheduling and Personnel Responsibilities**

When operations are contracted out, it is the contractor's responsibility to ensure that service is operating per the schedules defined by the transportation provider. The contractor also handles all personnel issues such as absent employees, vacation requests, disciplinary actions, and other issues.

CATA assessed the additional workload that would be created by taking on the scheduling and personnel management and determined that it was more important to have the internal control over the daily operations than to work with a third-party contractor and simply play the role of overseer. Internal control of operations necessitated the hiring of qualified individuals that know and understand transportation. Recruiting such persons in smaller, non-urban areas can prove to be difficult. Taking advantage of training resources in the region, through the Pennsylvania Department of Transportation (PennDOT) and various national organizations such as National RTAP, greatly aided in CATA's ability to get new staff up to speed on public transportation.

### **Managing Bus Drivers**

When operations are contracted out, the transportation provider does not have direct contact with or authority over the bus drivers. Any issues that arise, such as complaints from riders, typically go through the contractor, not through the transit agency manager. While the agency can establish policies for the bus drivers, it is the contractor who will address the issue with the bus driver. This poses challenges, delays, and additional layers of communication when trying to resolve issues and at times may come down to contractual language that is in place with the contractors on how to handle drivers.

By bringing operations back in-house, CATA was able to quickly address issues with bus drivers by setting the policies and then having direct interaction with the drivers when enforcing those policies.

## Training Standards

Under contracted operations, the transportation provider can establish guidelines for standard and refresher training for drivers, but it is the responsibility of the contractor to ensure that all drivers meet those guidelines.

CATA determined that it was in their best interest to have the ability to directly train, re-train, and educate their drivers. Managing operations internally does place a greater administrative burden on the transportation provider. However, from a risk management perspective, the agency will be better positioned to implement stronger training programs, refresher training and ongoing evaluations of bus drivers than if the service was contracted out.

## Customer Service

In most cases, under contracted operations, internal staff still field all calls, complaints, and concerns from the public. However, when a complaint comes in, the agency must work through the contractor to address the issue. With internal operations the transportation provider can speak directly to the bus driver to remedy the situation.

## Cost-Benefit Analysis

CATA has found that proper internal operations can be a more cost-efficient option than contracting out operations. A public transportation provider may be able to secure better liability and workers compensation insurance than a private provider if the transportation provider can document sound training and hiring practices. Internal operations also alleviate the need for paying contractor wages, contractor profit and overhead expenses at the contractor's facility.

## Technology Assessment

Transit managers should assess various technologies that can aid in the direct operation of service and complete a cost-benefit analysis of each technology. Some technologies to consider are:

- **Payroll/Accounting Software:** reduces the need for financial staff along with saving time in preparing payroll and processing monthly financial activities. Web-based models exist that provide low-cost service, do not need additional computers, and provide a wealth of data reports to help with tracking state, and federal reporting criteria.
- **Scheduling/Dispatch Software:** many models exist for computer-aided dispatch (CAD) / automatic vehicle location (AVL) programs that can provide easy, paperless scheduling through mobile data terminals in vehicles. These products also produce a wealth of data reports to help determine efficiency, productivity, and more.
- **Maintenance Software:** aids in tracking preventive maintenance and due dates for inspections and provides a wealth of data on vehicle history and trends.

Technologies are continuing to evolve and must be considered when determining in-house operations. As with any technology, costs need to be considered for the maintenance, upgrade, and continual use of the technology.

Mr. Geibel also gave the following advice to systems that are deciding whether or not to contract out their operations:

1. Start planning early. Transitioning operation of service should begin in the planning stages 9-12 months prior to the anticipated transition date.
2. Look at the expense per passenger for the agency's system versus peer transportation providers' expense per passenger. If agency costs are significantly higher, consider assessing the feasibility of internal operations.
3. Receive input from the agency's governing board. Transitioning from contracted to in-house operations is a major project that needs buy-in from the board of directors, county commissioners, or whoever is responsible for the oversight of the agency.
4. Keep communication active. Keep the key players informed of what is taking place. Once a decision to operate internally is made, let employees know.
5. When transitioning to internal operations, give contractor employees an opportunity to apply for a position with the agency, and make it known that the agency will hire the best candidates for the positions.
6. When a decision is made that service will be operated internally rather than by a contractor, control the process for public information. Be proactive in discussing any changes with the public. There will most likely be opposition to any change, but if the public can understand that transitioning to internal operations will not adversely affect service on the street, buy-in from the public will be easier to obtain.
7. Expect potential opposition from the contractor and be prepared to defend the agency's decision to operate service internally. Focus on responsible use of taxpayer funds and providing the most efficient service to the public. In most cases, the contractor will not want to lose the contract as it will result in lost revenue to their organization. After services are brought in-house, there is still potential for the agency to work with the previous contractor on a new, reduced level which may involve maintenance services, towing of vehicles, etc. Try and keep a positive relationship in place.
8. Assess current staffing levels. Does the agency need to create additional positions to properly operate service internally, such as additional dispatchers, supervisors, etc.? These costs should be included in the assessment of making a transition. Technology can aid in this process by streamlining processes for managing staffing levels to ensure regulatory compliance with employment laws. Examples include human resource technologies for tracking employment requirements (driver's license updates, medical certifications for drivers, safety sensitive training requirements, etc.). Payroll technologies further streamline the administrative burden of managing staffing levels.
9. Once the transition is made, track the results. How is the transit agency doing? Are costs where the manager thought they would be? If not, what factors changed? What was missed in the assessment?

Read more about the [Crawford Area Transit Authority](#).

## Case Study – Contracting Out Services: Franklin Regional Transit Authority, Greenfield, MA

The Franklin Regional Transit Authority (FRTA) provides service to 41 communities throughout four counties in western Massachusetts, covering the largest and most rural geographic area in the state. The FRTA develops finances and contracts for the operation of transportation facilities and services within its transit area, and daily activities are managed by the administrator, appointed by the advisory board. The following is taken from an interview with the Tina Cote, Administrator of FRTA.

According to Chapter 161B Section 25 of the Massachusetts General Laws, regional transit authorities cannot operate service directly. Instead, they must contract with private operators for the provision of service. For a long time, the FRTA contracted with a local agency, but in 2007, they released a request for proposals (RFP) to find a new contractor to oversee the operations of their fixed route, ADA paratransit, and some of their demand response service. During this period, FRTA was consolidating services with another agency and a great deal was in transition, making it a complicated situation for a contractor to take on. A professional management company won the bid and, at the time of the interview (2012), was in the fifth year of its contract with FRTA. FRTA has continued to contract with the same vendor, primarily because there is not a lot of competition to bid on work for rural agencies in the area, and they submitted the only proposal. FRTA awarded a contract that began in July of 2018 with the option to renew for an additional 9 years.

The contractor employs the general manager, assistant general manager, and training manager. The contractor manages the day-to-day operations: maintenance, drivers, dispatchers, schedulers, etc. FRTA pays the contractor a management fee, which covers the cost of manager salaries. FRTA, however, oversees the rest of the budget. FRTA works with the managers employed through the contract on a regular basis to oversee the budget.

Ms. Cote explained that her team has daily contact with the general manager, but this does not take much of their time. Ms. Cote also meets with the operations team (general manager, assistant general manager, and safety and training manager) once a week to go over everything that is taking place. This system works well, and she attributes the success of the partnership to having a good operations team. She also remarked that even if FRTA did operate services in-house, they would still hire a general manager to oversee the daily tasks—a structure not unlike what is currently found with the contractor.

Ms. Cote advises agencies that are considering putting their operations out to bid to be as specific as possible in the RFP and incorporate lessons learned from previous contracting experiences or issues the agency has run into with in-house operations. Outlining a payment structure within the contract and other performance measurements are also crucial. She also emphasized the importance of an opt-out clause in case the contractor is not the right fit. The first contract was for one year, with the option to renew for four years after. FRTA had the option to terminate the contract at any point after the first year.

Lastly, she emphasized the importance of a well-qualified general manager and having a strong relationship with the contractor. If there is an issue with the general manager, make sure that the contractor will “have your back” in the event changes need to be made, especially if that change

involves the general manager. Ask the contractor to include the resume of the person they are proposing to fill the position of general manager and set up an interview with that person. The general manager is the person the transit manager will have the most contact with, and they will be the person who will go to bat for the team when issues arise. Because FRTA has such a strong relationship with their general manager and contractor, they have had a positive experience contracting out their operations.

FRTA also contracts with various councils on aging (COAs) and agencies to operate demand response services that are not covered under the above contract. Because the FRTA service area is so spread out (over 1,100 square miles), it would be extremely difficult to use the same contractor for all 41 towns. Contracts are put in place with each COA to operate an FRTA van. The COAs hire their drivers (who usually become a town employee) and do their own dispatching and driving. FRTA reimburses each agency on a monthly basis for costs incurred as a result of the service being provided. Services are determined by the amount of funding available and the request of each town. A budget is established at the beginning of the fiscal year and monitored by FRTA. The COAs still must participate in driver training and drug testing, and their drivers are subject to criminal background and driving record checks. In each case, it is imperative that there is a good relationship with the COA and that there is a mutual understanding of how the program operates in addition to a contract that spells out guidelines for the use of the FRTA van.

Read more about [Franklin Regional Transit Authority](#).

## Coordinating Operations and Supporting Functions

In addition to in-house and contractual models, another approach to consider is coordinating operations and support functions with other organizations that the transit agency works with. For coordinated services, there is the opportunity to coordinate agency operations as well as functions that support operations. For example, the [Regional Maintenance Center](#) in Springfield, Illinois, developed by the Sangamon Mass Transit District in conjunction with the Illinois Department of Transportation, is an example of coordinated maintenance available to Section 5311 subrecipients and other grantees lacking local technical expertise for non-routine maintenance and repairs. Other possibilities include coordinating training, planning, marketing, procurement of vehicles or technology, and other agency functions. FTA has recently expanded the coordination guidance available through its [Transportation Coordination web page](#). For more about coordination, see the [Coordination and Mobility Management section](#) of the Toolkit.

## Section Sources

- [FTA Circular 4220.1F, "Third Party Contracting Guidance"](#)
- FTA [Transportation Coordination web page](#)
- Interviews with Timothy Geibel, Executive Director of CATA, May 2012 and December 2018
- Interviews with Tina Cote, Administrator of FRTA, April 11, 2012 and December 2018
- [Sangamon Mass Transit District, Regional Maintenance Center web page](#)

# Human Resources

## Introduction

Being a transit manager is not just about overseeing a system of buses and schedules, it is also about building a team of workers and creating a positive and productive environment. This section will discuss different policies and tactics an organization can use during the hiring process and after to create an environment that will help employees work to their full potentials and increase customer satisfaction. If you have not already read the [Mission and Leadership section](#) of this Toolkit, it may be helpful to do so before reading this section.

If a transit operation is a division of a larger organization, the agency may already have well-established human resources policies and procedures that will guide personnel administration activities. However, because transit is federally funded there are policies and procedures that apply to transit and nothing else in the organization. An example might be the FTA Drug and Alcohol requirements. There are Americans with Disabilities Act (ADA) requirements regarding how staff work with passengers that may be unfamiliar to others in an organization. It is the transit manager's responsibility to ensure that others in an organization understand some of the special conditions staff face while operating the transit system. The many resources listed in this section can assist.

This section of the Toolkit introduces general human resources information that applies to most or all of an agency's employees, regardless of their position. The information is organized in the following sections:

- Interviewing and Hiring
- Creating a Positive Work Environment
  - Ideas for Improving Employee Satisfaction
  - Employee Performance Code Based on Organizational Values
  - Diversity, Inclusiveness, and Treating Others with Dignity and Respect
- Training
  - Methods to Train Adult Learners
  - Training for Drivers/Bus Operators
  - Training for Managers and Other Employees
  - State-Specific Requirements for Training
- Policies
- Compliance with Federal Labor Laws
- ADA Requirements for Employers
- Working with Unions
- Teleworking
- Succession Planning
- Section Sources



Information that is specific to drivers (operators) is presented in a separate section of the Toolkit, [Driver Recruitment, Training, and Retention](#).

For a deeper dive than what is included in this section of the Toolkit, the National RTAP Resource Center offers many helpful resources related to human resources, including:

- [Developing and Maintaining a Transit System Personnel Policy Technical Brief \(2019\)](#)
- [Applying Good Business Practices: Hiring, Training and Evaluating Employees Technical Brief \(2023\)](#)
- [Roles and Responsibilities of Transit Managers Training Module \(2018\)](#) - Section 2, Hiring, Training and Keeping the Best People
- [Training Adult Learners: How to Reach and Engage Your Audience Technical Brief \(2023\)](#)
- Essential Skills for Trainers [Facilitator's Handbook](#) and [Resource Guide](#) (1991)
- [Volunteers in Transportation: Some Issues to Consider Technical Brief \(2023\)](#)

## Interviewing and Hiring

The person responsible for Human Resources generally has hiring documents prepared. This documentation includes standard agency employment applications, job descriptions, policies for background checks, and a method for interviewing and selecting applicants. These documents need to be reviewed and updated from time to time to meet new job requirements, new best practice recommendations, new regulations, and new legal requirements.

The job description should be the basis for advertising open positions. The salary scale for each advertised position should also be reviewed, particularly for any positions that the organization has difficulty filling. For job description and salary range examples, National RTAP completed a job title and salary range survey of rural and tribal public transit agencies in July 2023 that includes responses from 257 agencies. The [Salary Ranges for Transit Jobs](#) spreadsheet contains the database and a summary table. In the database, users can filter and sort each column of data by clicking on the arrow to the right of the column title. Clicking on the arrow will display a list of options. Users can sort/filter by FTA Region, job title, union, CDL, full/part-time and/or salary range.

There are many avenues to recruit new personnel including newspapers, agency websites, national, state, and local associations, word of mouth, professional and fraternal associations, and posting print advertisements at selected locations. There are also a number of internet job search agencies such as [LinkedIn](#), [Indeed](#), [Transit Talent](#), [ZipRecruiter](#), [Idealist](#), and [State Department of Labor](#) websites. In small communities, employers often post job opening announcements on [Facebook](#) and [Craigslist](#). Note: National RTAP does not endorse or recommend any individual job search agencies or job listing websites. The listing can be brief, with a link to a posting with complete information.

The interview can be handled by committee or by one person; however, the questions asked should be identified beforehand, consistent for all applicants, and legally allowable. For example, an employer may not ask about age, religion, marital status, and other characteristics which could result



in discrimination. The U.S. Department of Labor Equal Opportunity Commission provides links to [guidance on pre-employment inquiries on a variety of topics](#). Once an applicant is chosen, consistent required background checks (criminal records, driving records, etc.) and screening (such as drug and alcohol) should be conducted.

## Creating a Positive Work Environment

In order to have an agency that provides good customer service and transit operations, it is important to create and maintain a positive work environment for employees. While creating a positive work environment is the responsibility of everyone on staff, managers are in a position to be the change they want to see in their staff. In leading by example, a transit manager can foster and transfer habits to the rest of their employees.

At a 2012 National RTAP conference, Carol Wright (Kenderdine), then Associate Director of Training and Outreach at the Upper Great Plains Transportation Institute's Small Urban and Rural Transit Center, offered these tips to keep in mind in her presentation on Choosing Your Attitude:

- Attitude is communicated to others in three ways: by spoken words (least important), tone of voice, and nonverbal mannerisms (most important).
- Think of three things that happened at work each day that were positive.
- A good attitude does not happen by chance but comes from conscious effort.
- Take ownership over your own attitude. Reflect on the steps you have taken to improve the quality of your work environment.
- Be sure to acknowledge positive changes made by employees, no matter how small.
- Decide to make a difference and act as if you can make a change, because you can.

As with spoken communications, written communications can convey attitude, although without accompanying spoken tone and nonverbal mannerisms to temper the words. Today, email and text messages are frequently used in the workplace. If not carefully worded, emails and texts can be interpreted as having a tone that the sender did not intend to use. The speed of composing and replying to digital communications can also lead to disrespectfulness. As stated by P.M. Forni in *The Civility Solution: What to Do When People Are Rude*, "online communication has unleashed a new magnitude of rudeness. . . . Even when we communicate with people we know, we are less restrained because we don't have to deal with their reactions the way we would if they were present (even as a voice on the phone)." This book and numerous online articles provide tips to foster more positive use of digital communications (and when it is better to communicate via a phone call). Transit agencies that rely on email and texting for workplace communications may wish to discuss with employees the potential attitudinal pitfalls of digital communications and encourage in-person discussions for potentially sensitive topics.

## Ideas for Improving Employee Satisfaction

National RTAP's [Applying Good Business Practices: Hiring, Training and Evaluating Employees](#) technical brief recommends the following approaches to improving employee retention and job satisfaction:

- Providing performance incentives, such as cash bonuses.
- Allowing greater flexibility in the use of time off.
- Focusing on employee wellness. (National RTAP's [Healthy Habits: Reducing Stress and Fatigue and Increasing your Energy](#) technical brief is a tool for helping employees in this area.)
- Improving communication, including use of mentors.
- Recognizing employees for a job well done.
- Providing growth potential.
- Fostering a respectful, supportive work environment where employees are involved in projects and appreciation is expressed for the importance of the work they do.

Other actions that can help improve staff morale include:

- Pay wages that reflect the responsibility, skill level, and challenges of the job.
- Ensure that employees have the training, information, equipment, supplies, and working conditions needed to do their jobs safely and effectively.
- Ask for employee input in problem-solving, policy development, and planning. Whenever feasible, involve employees who will be impacted by changes and decisions in the decision-making process.
- Encourage employees to speak up when they are experiencing problems as well as with ideas for solving problems or making improvements. Let them know that they are heard and explain what is being done to address the problem.
- Conduct annual performance reviews that give employees the opportunity to self-assess, ask questions, raise concerns, and develop goals and plans for the next year.
- If a manager identifies a “problem” employee, address the problem without delay. Talk with the employee and determine together how to improve the situation. Check-in/follow-up with the employee after providing a reasonable amount of time for improvement. If the employee's actions warrant disciplinary action under the organization's policy, follow the policy. Not doing so creates an environment of unfairness to other employees.
- Periodically surprise employees with something that makes their day a little easier or more fun. Treat them to doughnuts or bagels in the morning, pizza for lunch, or an afternoon snack.
- Celebrate the milestones and achievements of individuals as well as the organization as a whole.
- Recognize birthdays and holidays (including holidays from different religions and cultures)
- Recognize and honor when employees need time to grieve. Provide bereavement leave.
- Encourage work/life balance.
- Thank employees who “go the extra mile.” Acknowledge that their efforts are noticed and appreciated.

Additional suggestions can be found in [Zach Stone's "4 Things Every Transit Leader Should Know About Their Front Line," Metro Magazine \(June 8, 2016\).](#)

### Employee Performance Code Based on Organizational Values

Encouraging employees to always treat each other with respect is a value that can help maintain a positive workplace. Transit managers may wish to work with their employees to create an employee performance code, based in the organization's mission, vision, and values, to help motivate the team to work together toward the mission. The section of the Toolkit on [Mission and Leadership](#) provides information on creating mission, vision, and values.

The following example of a performance code is excerpted from "Mission & Values: Meaningful Words," written by Michael Noel and published in Community Transportation magazine by the Community Transportation Association of America (CTAA), Expo 2004, Vol. 22 No. 4, pages 12-14, used with permission from CTAA.

At Transfort in Fort Collins, Colorado, a Performance Code has resulted from discussing values, rather than rules, as a way to both simplify what is expected from employees and how they conduct themselves. This Performance Code is applied to all employees, both labor and management. In all employment activity, a discussion takes place about the Performance Code (Transfort's values). This code was modified from similar codes (values) in place at Cleveland, Ohio's transit system and AMTRAM in Altoona, Pennsylvania. The seven values of the code, and how they apply at work, are:

1. **Report to work on time and fit for duty.** Since our mission is to provide safe, reliable on-time service, we will arrive at work before our assigned time. We will take personal responsibility to be well rested and ready for duty. We will come to work cool, calm, in control and mentally alert. We will care for our mental, physical and emotional health.
2. **Practice safety in all work activities.** Our customers deserve and expect to be safe when using our services. Our families also expect us to return home safe and secure at the end of our workday. We will always put safety ahead of schedule. We will follow all safety rules, pay serious attention to driving defensively and never engage in high-risk activities. We will take seriously the special needs of the elderly and persons with disabilities, and we will be prepared and understand how to deal with emergency situations.
3. **Demonstrate high levels of skill in your jobs.** We are professionals. We will take every opportunity to learn ways to improve our performance while on the job. We will set high standards and constantly search for innovative ways to improve our performance. We will continue to learn through on-going re-education and training. We will take the performance review process as part of our education.
4. **Respect the property of the organization.** We respect that the tools of our trade were purchased by our community. We will diligently care for the equipment through pro-active measures such as careful inspections and reporting. We will set an example for others by caring for our work environment. We will take seriously our responsibility to use facilities or equipment for the gain of the community. We will always respect the privacy of co-workers.
5. **Treat co-workers with dignity and respect.** We understand that our organization is made up of a diverse workforce. We respect the rights of individuals to be different from us. We take an active part in creating a friendly working community. We extend common courtesies to each other. Those who must provide discipline in the workplace will do so with dignity

and respect. Rules will be applied fairly while honoring individuals' special needs. We will also be honest with each other by telling the truth.

6. **Treat customers with dignity and respect. We acknowledge that customers are our business.** That each person who uses the service we provide is the essence of why our organization is necessary. We will treat them as guests. We will listen to their questions and provide them with respectful and helpful information. We understand that our mission is to provide safe, reliable, on-time service that people can depend on. We will welcome them and thank them for using our services. We will treat them with dignity regardless of their age, gender, race, religious beliefs, disabilities, economic or social status. We acknowledge that while the customer may not always be right, they always deserve dignity and respect.
7. **Present a positive image of your company when working.** We acknowledge that we are professionals and act as professionals. This will start with personal responsibility to be neat in our appearance and in clean and appropriate uniforms of clothing. We will be positive with the public when speaking about our organization. We will use the in-house shift/safety meetings and meetings with managers/supervisors to solve problems and improve morale. We will embrace the organization's values and apply them to co-workers and customers.

### *Diversity, Inclusiveness, and Treating Others with Dignity and Respect*

Treating staff and co-workers with dignity and respect, the fifth item in the performance code listed above, is essential to a positive work environment. This begins with recognizing and encouraging the diversity of the workforce and fostering an inclusive organization in which people from different backgrounds feel valued and respected. Employees should be treated with dignity and respect regardless of age, race, color, religion, gender, gender identity/orientation (including those transitioning to a different gender), national origin, and disability.

Transit managers can help all employees to feel valued and respected by:

- Establishing organizational values that reflect the diversity of the workforce and the community the transit system serves
- Adopting, providing training on, and consistently enforcing clear policies that prohibit harassment and discriminatory behavior
- Encouraging career development for all employees
- Encouraging all qualified applicants to apply for employment opportunities and opportunities for advancement
- Making nondiscriminatory hiring and promotion decisions
- Providing training to all employees on treating each other with dignity and respect
- Recognizing that all employees are stakeholders in organizational decisions
- Encouraging participation in problem-solving as a team
- Being a good listener
- Taking employee concerns seriously
- Recognizing different cultural and religious holidays
- Making reasonable accommodations for employees and job applicants with disabilities
- Leading by example

National RTAP's [Diversity, Equity and Inclusion in Public Transportation](#) best practices spotlight article provides case studies showcasing best practices in diversity, equity and inclusion from rural and tribal transit agencies, as well as tips for transit agencies for their own such programs. Employment-related tips in the spotlight article include:

- Diversity training should be provided to all staff upon hire and regularly throughout their careers.
- Attract a diverse pool of candidates for staff and board member openings. Advertise in news media that serves different ethnicities.
- Reach out to schools (even elementary schools) to spark an early interest in a career in transportation for underrepresented groups.
- Value the diversity of the workforce and leverage individuals' unique talents and differences.
- Provide opportunities for staff from many backgrounds to work and socialize together.
- Establish minority career opportunities, such as scholarships, internships, and awards.
- Develop clear succession plans for managerial positions to limit bias in promotional decision-making and give all staff the opportunity for advancement.

Additional resources include:

- National RTAP's [Building Blocks of Leadership and Inclusion webinar recording](#)
- National Transit Institute's (NTI) Building Diversity Skills in the Transit Workplace training course, conducted as [direct delivery](#) as well as [train-the-trainer](#) classes
- NTP's Harassment Prevention course, conducted as direct delivery classes for transit employees and supervisors, as well as a [train-the-trainer](#) course
- Center for Creative Leadership, [The Power of Respect](#)
- Equal Employment Opportunity Commission (EEOC) Training Institute's [Harassment Prevention and Respectful Workplaces Training](#) courses, including Leading for Respect and Respect in the Workplace
- Allison Alexander, [TCRP Synthesis 147: Attracting, Retaining, and Advancing Women in Transit](#)
- Gwynn Simpson, [TCRP Synthesis 46: Diversity Training Initiatives](#)
- The [Civil Rights section](#) of this Toolkit provides more information on Equal Employment Opportunity (EEO) and other federal requirements related to nondiscrimination.

## Training

Employees should receive the training necessary to perform the tasks related to their jobs, both when they first begin working at a transit agency and continually after as refresher training. The training employers are required to provide will vary based on the type of work the employee is performing, whether it is safety sensitive or not, and agency funding sources. For example, subrecipients of Section 5311 funding are required by the FTA to conduct drug and alcohol training for all safety sensitive employees, as well as ADA training for certain staff members. Additional information on these training requirements can be found in the [Drug & Alcohol Programs](#), [ADA](#), and [Driver Recruitment, Training, and Retention](#) sections of this Toolkit. A state may have additional training requirements for its Section 5311 subrecipients. For more information on state requirements, consult with the State Department of Transportation (DOT).

Training programs are successful when learners can apply new knowledge to everyday workplace responsibilities. To ensure successful learning, agencies must develop training programs that understand and cater to their audiences— adult learners. Focusing on creating a welcoming and comfortable atmosphere, dynamic physical space, interactive presentation style, and content appropriate for the audience will reach and engage learners. If possible, food or snacks in addition to well-placed breaks provide motivation for successful training.

## Methods to Train Adult Learners

Trainers may use a variety of methods to train adults. Approaches to training include technology-based learning, simulators, on-the-job-training, coaching/mentoring, lecture, group discussions and role playing.

One proven method for teaching a skill is called Tell, Show, Do, Review. This method is a basic strategy for creating excellent instruction and includes the following four steps.

- Tell learners the activity and purpose.
- Show them how it's done.
- Do have learners do the activity and practice.
- Review the activity with learners and provide positive feedback.

For more information about training adult learners, see the National RTAP technical brief [Training Adult Learners: How to Reach and Engage Your Audience](#) and the National RTAP [Essential Skills for Trainers](#) training module.

## Training for Drivers/Bus Operators

The [Driver Recruitment, Training, and Retention section](#) of the Toolkit provides information on driver training.

## Training for Managers and Other Employees

Many State RTAP programs sponsor or directly provide training for rural transit personnel, and transit managers should check with their State DOT to find out more. National RTAP provides a [Directory of State RTAP Managers](#) and a [Directory of Trainers](#).

National RTAP offers numerous training resources for rural transit managers and other personnel—drivers and beyond, including:

### Training for Managers and Administrative Personnel:

- [Boards that Perform](#)
- [Managing for Customer Service Excellence in Rural Transit](#)
- [Fundamental Financial Management for Rural Transit Agencies](#)
- [How to Buy a Vehicle](#)
- [Essential Skills for Trainers](#)
- [Risk Management for Rural Transit Managers](#)
- [Roles & Responsibilities of Transit Managers](#)



- [Transportation Coordination](#)

**Training for Operations Personnel, including Dispatchers and Supervisors:**

- [Delivering Excellent Customer Service in Rural Transit](#)
- [Emergency Procedures for Rural Transit Drivers](#)
- [Essential Skills for Trainers](#)
- [Problem Passengers: Managing Difficult Passengers & Situations](#)
- [Dispatching and Scheduling for Rural Transit Systems](#)
- [START - Safety Training and Rural Transit](#)
- [Substance Abuse Awareness Training](#)

**Training for Maintenance Personnel:**

- [Introduction to Preventive Maintenance](#)
- [Top Shops: Emergency Management in Vehicle Maintenance Facilities](#)
- [Substance Abuse Awareness Training](#)

**Other National Organizations that Provide Training Geared toward Rural Transit Managers Include:**

- [Community Transportation Association of America \(CTAA\)](#)
- [National Aging and Disability Transportation Center \(NADTC\)](#)
- [National Center for Mobility Management \(NCMM\)](#)
- [National Transit Institute \(NTI\)](#)
- [Shared-Use Mobility Center \(SUMC\)](#)
- [Small Urban and Rural Center on Mobility \(SURCOM\)](#)
- [Transit Workforce Center \(TWC\)](#)

### [State-Specific Requirements for Training](#)

Many states have specific training requirements for the rural transit providers in their state. In some states these requirements may be triggered by funding from particular grant programs (such as Section 5311), while other requirements may apply to all public transit agencies. Rural transit managers should check with their State DOT about state-specific requirements. As noted previously, State RTAP programs often sponsor or directly provide training for rural transit agencies.

Here are a few examples of state-specific training requirements that apply to rural transit agencies:

- Arizona DOT requires participating by Section 5311 grantees in ADOT-sponsored training workshops. The Arizona [Section 5311 Guidebook Grant Guidelines](#) also outline the topics that are expected to be addressed in the grantee's driver training program.
- In Florida, transit driver training is required by state regulation. Section 14-90.004 Bus Transit System Operational Standards of [Florida Administrative Rules](#) requires that each bus transit system adopt a safety plan that includes bus driver and employee training. Florida also has a [Small and Rural Transit Agency Bus Operator Training Program](#) with



minimum suggested bus operator core training elements, and Florida RTAP conducts training for this program as well as other topics.

- The Indiana Department of Transportation (INDOT) has training requirements for new-hire drivers of rural transit agencies receiving Section 5311 funding (with different requirements for Section 5310-funded services). INDOT-required driver training is detailed on pages 31-32 of the [Indiana RTAP Policies and Procedures Manual for Transit Services](#). Indiana RTAP conducts frequent training classes for rural transit agencies throughout Indiana.
- The Kansas Department of Transportation (KDOT) requires all individuals who operate vehicles funded through the FTA grants administered by the KDOT Office of Public Transportation to attend training every other year. The Kansas RTAP program has a full-time trainer who conducts training throughout the year in locations across the state throughout the year. Kansas also approves trainers at local transit agencies to conduct training from the Kansas RTAP curriculum both to employees of their own agency as well as employees at other transit agencies. Also, Kansas RTAP provides training for managers before the annual Kansas Public Transit Association conference. For more information about KDOT training requirements and offerings for transit agencies, see the Chapter 8 of the [Kansas Transit Manager Handbook](#).
- The Maryland Department of Transportation Maryland Transit Administration requires locally operated public transit systems that are funded under several federal and state grant programs (including Section 5311) to periodically attend training on various grant compliance topics. Required compliance training is often provided in coordination with conferences hosted by the Transportation Association of Maryland.
- Nebraska has [rural public transportation driver training requirements](#) for all Section 5311 subrecipients. The Nebraska Safety Center developed a curriculum to meet the requirements.
- In Oregon, the Oregon DOT Rail and Public Transit Division periodically provides workshops on compliance requirements, and agencies that receive Section 5311 funds from Oregon DOT may be required to attend training.

For more information on the types of training commonly required and/or offered by States, see the [Training section of the State RTAP Manager's Toolkit](#).

## Policies

There are many policies of which both management and employees should be aware. A good way to get this information to transit agency employees is through an employee handbook that is distributed upon hire. If the organization has not yet developed written personnel policies, National RTAP's [Developing and Maintaining a Transit System Personnel Policy](#) technical brief can help begin this process, as well as to fine-tune existing policies. As recommended in this technical brief, agency legal counsel should review the completed personnel policy manual as well as substantive revisions. A senior staff person in the agency should be responsible for managing the personnel policy manual and changes. If an agency has collective bargaining agreements, the sections of the manual that apply to unionized job classes must not deviate from the terms of these agreements. It's not unusual to have different sections of a personnel policy manual, with different policies for different classes of position, such as a section for unionized positions, or some small

differences between hourly and salaried positions on certain policy points. Also, remember to have the agency governing board approve the personnel policy manual, and date the manual and subsequent changes.

As a Section 5311 grantee, a rural transit organization is required to adopt the following personnel-related policies under federal regulations.

- **Drug and Alcohol Testing:** subrecipients of 5311 funds are required to have a drug and alcohol testing program for safety-sensitive employees, documented in a written policy, that complies with 49 CFR Parts 655 and 40. For more information, see the [Drug and Alcohol Programs section](#) of this Toolkit.
- **Drug-Free Workplace:** transit agencies that are direct recipients of Section 5311 funding (such as State DOTs and Tribes) are also required to comply with the Drug-Free Workplace Act of 1988 which requires a written policy. For more information, please see Subpart B of [49 CFR Part 32](#), the U.S. DOT regulation requiring compliance with the Drug-Free Workplace Act. Note that FTA does not extend this requirement to Section 5311 subrecipients (although a State DOT may do so, and it is a recommended practice).
- **Nondiscrimination** – any recipient of federal funding is responsible for its own compliance and the compliance of each third-party contractor at any tier and each subrecipient at any tier under the project, with the provisions of 49 U.S.C. Section 5332 of the Federal Transit Laws. The provisions prohibit discrimination on the basis of race, color, religion, national origin, sex, disability, or age. This applies to provision of service as well employment. (Note that FTA grantees and contractors with at least 50 transit-related employees which request or receive more than \$1 million in a fiscal year in capital or operating assistance or more than \$250,000 in planning assistance are also required to have an FTA-compliant Equal Employment Opportunity (EEO) program as summarized in the [Civil Rights section](#) of this Toolkit.)

In addition to FTA-required policies, a State DOT may have its own requirements for personnel policies that come with grants administered by the state.

## Compliance with Federal Labor Laws

There are numerous labor laws that apply to all employers in the United States, not just FTA grantees. However, transit agencies that are FTA grantees must agree to comply with these laws as a condition of grant funding. More information about the myriad of [labor laws](#) an organization must comply with can be found on the U.S. Department of Labor website.

Equal employment opportunity (EEO) requirements for FTA grantees are discussed in the [Civil Rights section](#) of the Toolkit.

### [ADA Requirements for Employers](#)

As employers, transit agencies need to comply with ADA requirements for employees, found in [29 CFR Part 1630](#) – Regulations to Implement the Equal Employment Provisions of the Americans

with Disabilities Act. Employers are prohibited from discriminating against a qualified individual on the basis of disability in employment decisions. The ADA regulations of the U.S. Department of Labor require employers with 15 or more employees to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer. Excluded from this requirement are Indian tribes, the U.S. government, corporations wholly owned by the U.S. government, and any bona fide private membership club (other than a labor organization) that is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1986. For information, visit the [Disability Discrimination](#) web page of the U.S. Equal Employment Opportunity Commission.

## Working with Unions

If an agency has unionized employees, it is important to have a good working relationship with the head of the union. Transit managers and the agency's governing body have the authority to create policies and procedures within the organization. However, discussing issues with union representation and keeping the union informed of areas that affect the work of their membership is crucial. Working with a union can be positive and productive if both sides are committed to open communication and fair implementation of policies and procedures.

Under 49 U.S.C. Section 5333(b) of the Federal Transit Laws, when FTA funds are used to “acquire, improve, or operate” a public transportation system, the funds come with an obligation to preserve “the rights and benefits of employees under existing collective bargaining agreements, the continuation of collective bargaining rights, the protection of individual employees against a worsening of their positions in relation to their employment, assurances of employment to employees of acquired transit systems, priority of reemployment, and paid training or retraining programs.”

The Section 5311 program involves a Section 5333(b) Special Warranty established at the federal level that protects existing transit employees in the service area of the rural transit system. Each Section 5311 application submitted by a state or tribe to FTA must contain a labor section identifying labor organizations representing transit employees of each subrecipient, the labor organizations representing employees of other transit providers in the service area, and a list of those transit providers. The FTA notifies the DOL of Section 5311 grants the FTA is awarding. The DOL then notifies the labor unions representing potentially affected transit employees of the grant and their rights under the Special Warranty. More information about the Section 5333(b) [Special Warranty](#) and [compliance](#) can be found on the DOL web site. (It is also referenced within the FTA Circular 9040.1G.)

## Teleworking

For some positions within the transit agency, it may be possible for staff to effectively work at home for at least part of their work schedules. The COVID-19 pandemic created a need for many agencies to develop telework policies. Transit systems with positions that do not always require working at the transit offices, on the bus, or within the field may wish to adopt teleworking policies for those job functions that can be performed at home. Examples of such positions and tasks include call

center staff and many administrative functions that can be performed entirely by computer and telephone, such as development and review of procurement documents, grant writing, data analysis, preparation of reports, developing planning documents, website maintenance, etc. While teleworking may not be something an organization can feasibly allow permanently, having a telework policy in place can help the organization respond quickly to unexpected office closures due to fire, other disaster, or future pandemic. Telework policies should address requirements such as hours of work, telephone and email staff contact availability, virtual meetings, daily protocols, recordkeeping, performance objectives, home workspace, equipment, and software provided by the organization.

## Succession Planning

A 2011 study published by the Transportation Research Board, [Strategies to Attract and Retain a Capable Transportation Workforce](#), defines succession planning as the strategic process of identifying and preparing high-potential employees through mentoring, training, and job rotation opportunities to replace staff, upon exiting the agency. A 2016 study published by the National Center for Transit Research, [Workforce Development and Succession Planning to Prepare the Rural Transit Industry for the Future](#), found that only about 15% of rural transit managers who responded to a national survey have succession plans. To ensure a transit agency will continue to function well after a transit manager retires or transitions to a new job, transit managers need to develop an effective succession plan for their successors. National RTAP hosted a [Succession to Transit Twitter Chat](#) in January 2020 during which participants shared recommendations and practical advice for building a succession plan. The recommendations included:

- Incorporate succession planning into/build upon existing planning efforts. Consider succession planning when doing strategic planning. Address as part of emergency planning to support staff who are isolated or made unavailable due to an emergency.
- Develop a plan that supports the agency's mission and vision
- Establish a mentoring program that allows employees to become familiar with processes enabling them to move up in the organization
- Consistently have open form discussions and frequent communications
- Have back up plans
- Cross train staff
- Involve senior leadership as well as human resources
- Carve out time to do this important effort, rather than “back-burnering” it until it is too late; the outcomes are well worth the time invested. (Ideas for saving time to can be found in National RTAP’s [Time Management for Rural Transit Managers](#) technical brief)
- Revisit and modify the succession plan every year to adjust to changing needs

For additional tips, refer to the [Succession to Transit Twitter Chat Summary](#) in January 2020.

The Human Resources Department of the University of Washington offers [tips for succession planning](#) and a downloadable [Succession Planning Toolkit](#). Though geared for businesses rather than transit agencies, this Toolkit may be helpful.

Industry guidance currently available on transit agency succession planning is predominantly about experiences at large urban transit agencies, which typically have more resources to invest in the succession planning process and program implementation. Nonetheless, rural transit agencies can glean from these experiences. Training and mentoring are recurrent themes in successful succession programs.

Several leaders at public transit agencies shared information about their agency's succession planning activities in an [article published online by Metro Magazine](#). As described in the article, helpful practices include allowing staff to shadow members of senior management, encouraging employees to submit innovative ideas for the future of the organization, double-filling for key positions, cross-training, mentoring designated successors while they perform the duties of the incumbent, ensuring well-trained employees at all levels of the organization, developing staff to back-fill vacated middle management positions, and exposing younger leaders to as many different experiences as possible rather than limiting them to the specific responsibilities. Tips for mentoring young transportation professionals are provided in an [article published in Transfers magazine](#).

Suggested steps for rural transit agency transition planning and implementation include:

- For each management position in the organization:
  - Identify the skills and key competencies needed to succeed in the position
  - Identify the training or experience needed to acquire these skills
  - Offer training in these skills to current staff
  - Identify one or more people within the agency's current staff who could potentially be trained to fill each management position in the event a current manager vacates their position
  - Offer mentoring to candidates for promotion to management positions
- For positions at every level of the organization:
  - Identify staff who are nearing retirement age or likely to advance to another position in the organization
  - Offer cross-training to employees at every level to provide for coverage of any position in the event of a vacancy (particularly for positions for which a vacancy can be predicted through the preceding step)
  - Maintain an "open door" for staff suggestions and questions about the organization's future plans
  - Encourage experienced employees to mentor new employees and/or employees interested in transitioning to a different position
  - Encourage employees to participate in staff development training that would support their career advancement
  - Document training that is received by each employee
  - As part of each employee's annual review, include a skills assessment progress report and a targeted training goal for the coming year
- Organization-wide:
  - Maintain and update the organizational chart showing each position in the organization
  - Maintain and periodically update job descriptions for each position in the organization to ensure the job description accurately reflects the responsibilities of the position as well as the skills and experiences needed to succeed in the position

- Maintain and periodically update a list of candidates who are good candidates to advance into management positions based on their current skill sets and potential, along with additional training.

As a recommended practice, a written succession plan should be developed and maintained (updated on an ongoing or periodic basis). Items for inclusion in the written plan include:

- A description of the organizational environment, including mission, vision, values, structure, and governance
- The organizational chart
- Roles each position has in everyday operations
- Key competencies needed for each position
- Lines of authority/supervision of staff responsibilities by position
- Backup plans for each position in authority in the event of absences, addressing scenarios that are planned and unplanned, temporary or permanent, and if temporary, short-term (for example, 3 months or less) or long-term
- Procedures for appointing acting/interim leadership roles (including roles of the governing board of the transit agency for appointing executive positions)
- Guiding principles for which positions to fill from within when there are qualified individuals within the organization
- Communications plan for notifying the organization of leadership changes
- Current position descriptions for every position
- Sample job announcements
- Information on available training (internal and external) matched to skill sets that are needed for each position

## Section Sources

- Arizona DOT, [Section 5311 Guidebook Grant Guidelines](#) (2021)
- [Cronin, Brian, Lance Anderson, Beth Heinen, Candace Blair Cronin, Daniel Fien-Helfman, and Marie Venner. Strategies to Attract and Retain a Capable Transportation Workforce. NCHRP Report 685, Transportation Research Board \(2011\)](#)
- Forni, P.M. (2009) *The Civility Solution: What to Do When People Are Rude*. St. Martin's Press. "Digital Communication," pages 149-150
- [FTA Circular 9040.1G, November 24, 2014, "Formula Grants for Rural Areas: Program Guidance and Application Instructions"](#)
- [FTA Civil Rights/ADA web page](#)
- Kansas DOT, [Kansas Transit Manager Handbook](#) (2020)
- Maryland RTAP, Personal Communication (2021)
- Metro Magazine, ["Public transit GM Question of the Day: What is your succession plan?"](#) May 5, 2015
- [National RTAP, Applying Good Business Practices: Hiring, Training and Evaluating Employees Technical Brief \(2023\)](#)



- [National RTAP, Developing and Maintaining a Transit System Personnel Policy Technical Brief \(2019\)](#)
- National RTAP, [Diversity, Equity and Inclusion in Public Transportation](#) best practices spotlight article (2021)
- [National RTAP, Succession Planning 101 eLearning course \(2022\)](#)
- [National RTAP, Succession to Transit Twitter Chat Summary \(2020\)](#)
- [National RTAP, Time Management for Rural Transit Managers Technical Brief \(2020\)](#)
- [National RTAP, Training Adult Learners: How to Reach and Engage Your Audience Technical Brief \(2023\)](#)
- Nebraska DOT, [Nebraska Rural Public Transportation Driver Training Requirements web page](#)
- Noel, Michael. “Mission & Values: Meaningful Words,” Community Transportation, Expo 2004, Vol. 22 No. 4, pages 12-14
- Oregon DOT, [State Management Plan for Public Transportation Programs](#) (2015)
- [U.S. Dept of Labor Federal Transit Law web page](#)
- U.S. Dept of Transportation, [Governmentwide Requirements for Drug-Free Workplace \(Financial Assistance\), 49 CFR Part 32](#)
- Willson, Richard, [“Opinion: Mentoring the Next Generation of Transportation Professionals,”](#) Transfers Magazine, Fall 2019
- Wright, Carol. Choosing Your Attitude presentation given at the National RTAP 1st Technical Assistance and Tribal Transit Program Conference and Roadeo, March 2012. Available by request to [info@nationalrtap.org](mailto:info@nationalrtap.org)



# Driver Recruitment, Training, and Retention

## Introduction

The most important part of a transit organization is a team of well-qualified, well-trained, and motivated drivers. An agency's drivers are not only essential for operating the service, but they are also responsible for safe and reliable service and are the most visible representatives of an organization. Drivers are often referred to as the "face of transit." It can be challenging to recruit and retain good people, particularly when funding is tight. This section of the Toolkit introduces both requirements and suggested practices in the areas of driver recruiting/hiring, retention/motivation, and training. Many excellent resources exist that can provide more details on each of these functions, and these are referenced throughout this Toolkit page. While this section of the Toolkit is focused on drivers, the [Human Resources section](#) of the Toolkit provides information that applies to all employees in the rural transit organization.

This section includes the following subsections:

- Driver Recruitment and Hiring
  - Suggested Practices for Recruiting and Hiring Drivers
  - Federal Requirements that Affect Driver Hiring Decisions
- Driver Training
  - Federally Required Training
  - Entry-Level Driver Training Requirements for Commercial Drivers
  - Minimum Suggestions for Bus Operator Training
  - Sources of Driver Training
- Keeping Drivers on Board
- Section Sources

## Driver Recruitment and Hiring

### Suggested Practices for Recruiting and Hiring Drivers

When unemployment is low, it can be especially challenging to attract qualified new drivers.

The job description should be the basis for advertising open positions. Transit managers should also review the wages and benefit packages for drivers to ensure that the transit organization is a competitive employer. For job description and salary range examples, National RTAP maintains a biennial job title and salary range survey of rural and tribal public transit agencies in that includes responses from 257 agencies. The [spreadsheet](#) contains the database and a summary table. Transit managers should consider the cost of living in their area and typical wage rates and benefits offered by employers in the area to determine if the wages and benefits they are planning to offer can compete with other employers. The state transit association may have this type of information available from other transit agencies in the state, and national associations may also make industry-wide wage and benefits information available to their members.

The following are some ideas for recruiting new drivers and evaluating how well they would likely fit the job.

## Recruiting New Drivers

- Promote job openings on the organization website and social media accounts.
- Post driver job openings on popular websites for job seekers, such as [Indeed](#), [Transit Talent](#), [Facebook](#), and [Craigslislist](#), (websites are provided for informational purposes only; National RTAP does not endorse or recommend any specific websites) as well as the classifieds of the state transit association.
- Appeal to job-seekers who are interested in making the world a better place and giving back to their community. This can be very important for attracting millennials and retirees. Government and non-profit organizations can post job listings on [Idealist](#) and [Government Jobs](#). (Again, these websites are provided for information only)
- Appeal to job-seekers who are veterans, who offer experience, skills, and qualities that transit systems need.
- Consider starting an employee referral program, rewarding employees who refer successful recruits through a referral bonus.
- Create a realistic job preview video featuring several drivers talking about what it is like to work for the organization and why they do it. Ideally, the drivers in the video should represent a diverse workforce to appeal to potential recruits from different backgrounds. Post the video online and share it through the organization's website and social media accounts.
- Other ideas for getting the word out include hosting a career day, participating in other organizations' career days, sending job listings to school employment services (including technical schools and community colleges), and posting job advertisements on transit vehicles (because a passenger may know someone who would be interested).
- Creative, positive advertising that is "out of the box" thinking will attract like employees.

## Evaluating Candidates for the Job

- Ideally, the drivers hired will have a positive attitude and enjoy working with people. Transit managers can provide training on skills, but the right attitude is something they should screen for in the hiring process. If an applicant seems to exhibit great customer service skills, but doesn't have, for example a CDL, perhaps he or she should be considered and trained in the job function.
- Be mission-driven. See the [Mission and Leadership section](#) of the Toolkit for more information about this. Talk about the organization's mission with each job candidate and make sure they understand what their role would be if they are hired.
- If salary is an individual's top priority, he or she might not be a good candidate for the job. Consider telling potential applicants, "You may make more money elsewhere, but this may be the most rewarding job you'll ever have." Hiring drivers who seek a hiring salary other than what an agency is able to offer may translate into high turnover which is costly to the organization.

Most of the above suggestions were gleaned from a workshop conducted by Caryn Souza of the Community Transportation Association of America (CTAA) in September 2017. Related resources include:

- Caryn Souza, [How to Recruit and Retain Drivers](#), Digital Community Transportation, Summer 2016, pp. 34-36.

Transit agencies that rely on volunteer drivers can find helpful tips for recruiting volunteers in a December 2021 National Aging and Disability Transportation Center (NADTC) blog post, [Volunteer Driver Programs: Creative Recruitment Strategies](#) and the National RTAP technical brief [Volunteers in Transportation: Some Issues to Consider](#).

Once a transit manager has decided to offer a driver position to a candidate, they may want to encourage the candidate to do a “ride-along” to see first-hand what the position involves before accepting the offer. The Transportation Program Coordinator for the City of Sioux Falls implemented this approach and found that it has saved training time and money.

### [Federal Requirements that Affect Driver Hiring Decisions](#)

In addition to the general federal requirements that apply to all new hires (introduced in the [Human Resources section](#) of the Toolkit), the following requirements apply to drivers.

#### **Federal Motor Carrier Safety Regulations Related to New Driver Qualifications**

The [U.S. DOT Federal Motor Carrier Safety Regulations \(FMCSRs\)](#) have a number of requirements that may apply to some or all of the drivers that are hired, depending upon the vehicle size and weight, and whether they cross state lines. Possession of a valid Commercial Driver’s License (CDL) is required to operate commercial motor vehicles (defined below). The CDL requirement also triggers other requirements, such as a passing a U.S. DOT physical.

**Commercial Driver’s License (CDL):** Under [49 CFR Part 383](#), drivers of the following passenger vehicles (as well as mechanics who test drive these vehicles) must have a CDL:

- Vehicles designed to seat 16 or more passengers including the driver
- Vehicles with a gross vehicle weight rating (GVWR) exceeding 26,000 pounds
- If an agency employs drivers to operate vehicles that require a CDL, it has a responsibility to verify that the drivers have a valid CDL before operating these vehicles. This could be one of the minimum qualifications for the job, or alternately the agency may choose to train new hires without CDLs to prepare them for taking the CDL exam.

Different classes of CDL are issued which depend on a driver’s qualifications to operate vehicles in each of the three vehicle groups specified in [49 CFR Part 383, Subpart F](#). In the rural transit industry, commercial vehicles generally fall within the categories of Heavy Straight Vehicle (Group B) or Small Vehicle (Group C). Drivers with a CDL Class C license are only qualified to drive vehicles in Group C, while CDL Class B drivers can drive vehicles in both Groups B and C. CDL

Class A drivers – those qualified to drive Group A - Combination Vehicles (such as tractor-trailers) are also qualified to operate vehicles in Groups B and C.

Drivers of commercial vehicles operated in passenger service must have a State-issued passenger (P) endorsement on their CDL. This requires passing specialized knowledge and skills tests for the P endorsement (49 CFR Section 383.93). The passenger endorsement is different than a school bus endorsement.

**Required Checks and Tests:** Under [49 CFR Part 391](#), drivers of the following types of passenger vehicles must pass a U.S. DOT physical, background check, and road test before operating these vehicles:

- Vehicles requiring a CDL
- Vehicles designed to seat 9 to 15 passengers if operating for direct compensation and crossing state lines
- Vehicles with a GVWR exceeding 10,000 pounds

**Entry-Level Driver Training:** Under [49 CFR Part 380, Subpart F](#), beginning February 7, 2022, drivers applying for a Class A or B CDL (new or upgraded) as well as drivers applying for a passenger endorsement are subject to Entry-Level Driver Training Requirements, described later in this section of the Toolkit.

## **DOT/FTA Drug and Alcohol Testing Requirements Related to New Driver Qualifications**

The [U.S. DOT/FTA Drug and Alcohol testing requirements](#) are summarized in the Drug and Alcohol section of the Toolkit. Two of these requirements kick in as part of the hiring process for drivers (and other safety-sensitive positions):

- Pre-employment drug test – [49 CFR Part 655](#) requires a negative drug test before working in a safety-sensitive position. Pre-employment alcohol testing is not required; however, employers may choose to also perform this test.
- Testing records from previous employers – [49 CFR Part 40](#) requires each employer to check on the drug and alcohol testing record of new safety-sensitive employees.

More information on these requirements can be found in the [Drug and Alcohol Programs section](#) of the Toolkit.

## **Driver Training**

Well-trained drivers are essential for providing safe, high quality transit services. There are a few federal requirements for driver training which are introduced here, followed by suggestions for training topics and potential sources, shared as best practices.

### Federally Required Training

All rural transit drivers must be trained in:

- Passenger assistance and sensitivity – Under [49 CFR Section 37.173](#), all drivers (and other staff) must be trained to proficiency to assist people with disabilities in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities. Drivers must be trained to use accessibility equipment and must understand the transit agency’s Americans with Disabilities Act (ADA) policies.
- Substance abuse awareness – Under [49 CFR Section 655.14](#), employers must provide at least 60 minutes of training to safety sensitive employees on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use. Employers must also display and distribute informational materials. Although alcohol misuse training is not required for safety sensitive employees, as a recommended practice, employers should also provide information about the effects and consequences of misuse of alcohol. (Note the supervisors and others who are responsible for making the call to conduct reasonable suspicion testing must have 60 minutes of training on the physical, behavioral and performance indicators of probable drug use, and 60 minutes on the indicators of probable alcohol misuse. For more information, see the [Drug and Alcohol Programs section](#) of the Toolkit.)

### Entry-Level Driver Training Requirements for Commercial Drivers

Drivers who are applying for a new or upgraded Class A or B CDL, or a passenger endorsement for any class CDL, must successfully complete FMCSA-required training specified in [49 CFR Part 380](#). An “entry-level driver” is defined in this part as an individual who must complete the CDL skills test requirements under 49 CFR Section 383.71 prior to receiving a CDL for the first time, upgrading to a Class A or Class B CDL, or obtaining a hazardous materials, passenger, or school bus endorsement for the first time. National RTAP published a detailed technical brief on the [Entry-Level Driver Training \(ELDT\) Requirements](#), which are found in [49 CFR Part 380, Subpart F](#).

### State-Specific Training Requirements

Some State DOTs have bus driver training requirements for Section 5311 subrecipients, and rural transit managers should check with their State DOT. The [Human Resources section](#) of the Toolkit provides several examples of states with training requirements for their grantees.

### Minimum Suggestions for Rural Transit Driver Training

Training promotes safety, morale and a greater partnership among employees and management. Rural transit agencies are encouraged to provide training that goes beyond the minimum requirements.

### **New Hire Training**

Minimum training suggestions for newly hired bus operators are listed below. Many of these topics are required as part of Entry-Level Driver Training for applicants of new and upgraded CDLs or

passenger endorsements, as summarized in the [Entry-Level Driver Training \(ELDT\) Requirements Technical Brief](#).

- Company overview – transit policies and procedures, driver handbook
- Pre-trip process
- Defensive driving (preventing accidents regardless of conditions or the actions of others)
- Emergency procedures
- Safe boarding and debarking of passengers
- Passenger assistance/safe lift operation and wheelchair/mobility device securement (required)
- Sensitivity and disability awareness
- Customer service
- First aid and CPR
- Bloodborne pathogens
- On the road and route training
- Drug (required) and alcohol (recommended) awareness training
- Assault awareness and prevention
- Responding to accidents and incidents
- Pedestrian awareness
- Other training that should be provided to all employees, not just drivers, such as workplace harassment, diversity awareness, general employee policies and procedures, and human trafficking awareness

## Refresher Training

Experienced drivers can also benefit from training. Refresher training should periodically be provided for safety topics, other areas where drivers may need to update their skills, and emerging issues and service needs.

- Every year
  - CPR (if applicable in an agency)
  - System safety, including evacuation
  - New policies and procedures
  - New rules and regulations
- Every two years
  - Defensive driving
  - Passenger assistance/safe lift operation and wheelchair/mobility device securement
  - Bloodborne pathogens
  - Security awareness
- Every three years
  - First aid
  - Organization-wide topics including diversity awareness and workplace harassment
  - Drug and alcohol policies

Additional training topics to consider for experienced drivers include winter driving safety reminders, problem-solving for customer service challenges, training on new equipment added to the fleet, and basic Spanish phrases for frequent communications with passengers with Limited English Proficiency (LEP).

### Sources of Driver Training

Many State RTAP programs support driver training in some capacity, and transit managers should check with the State DOT to find out more. A [Directory of State RTAP Managers](#) and [Directory of Trainers](#) are available.

Many excellent programs exist for rural transit driver training. The following are commonly used in the industry on a national level.

National RTAP's training programs and materials for drivers include:

- [START - Safety Training and Rural Transit](#)
- [Emergency Procedures for Rural Transit Drivers](#)
- [Delivering Excellent Customer Service in Rural Transit](#)
- [Problem Passengers: Managing Difficult Passengers & Situations](#)
- [Substance Abuse Awareness Training](#)
- [2 The Point Training](#) - Training cards, in [English](#) and [Spanish](#), covering a variety of topics designed be quick refresher trainings including:
  - [ADA and Sensitivity](#)
  - [Bloodborne Pathogens](#)
  - [Customer Service](#)
  - [Defensive Driving](#)
  - [Distracted Driving](#)
  - [Drugs and Alcohol](#)
  - [Emergency Management](#)
  - [Passenger Safety](#)
  - [Transporting Non-Ambulatory Passengers](#)

Driver training courses developed by other organizations that are available through the [National RTAP eLearning](#) portal include:

- Busing on the Lookout's [Transit and Human Trafficking](#)
- NJ Transit's [COVID-19 Safety Guidance for Frontline Transit Employees](#)
- Vendor-produced training videos on [wheelchair securement and lifts](#)
- [FTA Drug Abuse Awareness video](#)
- Small Urban and Rural Center on Mobility (SURCOM) [training module on Customer Service for Rural and Tribal Transit Providers](#)

A helpful resource is FTA's catalog of [Safety Training Resources for Bus Transit Agencies](#).



The FTA-funded [\*\*National Transit Institute \(NTI\)\*\*](#) offers two courses on Assault Awareness and Prevention for Transit Operators, one which provides [\*\*direct delivery to transit drivers\*\*](#) and a [\*\*train-the-trainer course\*\*](#).

The U.S. DOT-funded [\*\*Transportation Safety Institute \(TSI\)\*\*](#) offers a comprehensive train-the-trainer course for transit driver training as well as webinars on specific topics. Although geared toward urban fixed-route systems, rural transit systems can also benefit from TSI offerings which include:

- Instructor's Course for Transit Trainers (5-day instructor-led course held at locations throughout the country; currently \$145 tuition)
- Curbing Transit Employee Distracted Driving (30-minute online course; free)
- Fatigue and Sleep Apnea Awareness for Transit Employees (50-minute online course; free)

Among Community Transportation Association of America's (CTAA) training and certification programs is the popular [\*\*PASS \(Passenger Assistance Safety and Sensitivity\) Driver training\*\*](#), a three-day train-the-trainer course and a two-day driver training and certification. Certification is valid for two years.

The [\*\*National Safety Council \(NSC\)\*\*](#) offers 4 to 8 hour defensive driver training and certification geared toward automobile drivers (also applicable to transit drivers) as well as a 4-hour Coaching the Van Driver instructor-led or online course.

Other sources of defensive driving training for transit drivers include the [\*\*Smith System\*\*](#) and [\*\*Taptco\*\*](#).

Additional training resources on human trafficking awareness include:

- [\*\*Busing on the Lookout\*\*](#) video from Truckers Against Trafficking
- Southwest Transit Association has [\*\*links to numerous training resources\*\*](#) through their web site
- [\*\*Blue Campaign Motor Coach video\*\*](#), downloadable from Department of Homeland Security web site

As noted above, transit managers should also check with State RTAP managers on the training provided for rural transit programs in the state. Many State RTAPs sponsor some of the programs listed above and/or training customized for the state's rural transit drivers, either at the "train-the-trainer" level or directly training drivers.

State transit associations are another potential source of shared training. For example, the [\*\*PennTRAIN\*\*](#) program provided through the Pennsylvania Public Transit Association provides training on a variety of training topics.

University transportation centers can be another helpful source of training. The [\*\*Florida DOT and the Transit Safety and Workforce Development Programs at the Center for Urban Transportation Research \(CUTR\)\*\*](#) at the University of South Florida have developed [\*\*computer-based training\*\*](#) for transit operators in Curbing Distracted Driving, Disability Etiquette, and Defusing Conflict.

Transit agencies may find it helpful to coordinate driver training with other community organizations. National RTAP's [Sharing Training with Agencies Coordinating Transportation Best Practices Spotlight article](#) describes the benefits, shares several coordinated training case studies, and provides helpful tips.

## Keeping Drivers on Board

Once a transit manager has recruited, hired, and trained drivers, there is still work to be done to keep employees motivated to perform at their best and stay with the organization. Suggestions for retaining drivers include:

- Create an employee recognition/incentive program or enhance the program the agency already has - and enlist employees to help design/improve it to ensure the requirements are possible and the incentives are meaningful.
- Provide employees with periodic on-board performance appraisals (suggested 90 days for new hires) aligned to their job descriptions (making sure the job description aligns with their current responsibilities or updating the job description). Be sure to provide plenty of advanced notice - the appraisal shouldn't be a surprise. On-board appraisals are recommended for evaluating drivers because this helps the manager more fully understand the demands of the job and provides a coaching opportunity.
- Consider developing a mentoring program to provide new hires with peer support as they grow within the organization.
- Provide ongoing training opportunities to help employees improve, grow, and stay engaged. Consider cross-training, mentoring, and coaching.
- If the transit agency trains new drivers to obtain their Commercial Driver's Licenses (CDL), as an incentive to prevent them from immediately moving on to a higher paying job requiring a CDL, the transit agency could consider requiring the drivers to reimburse the organization for their training time if they leave before working a minimum span of time (90 days to one year, for example), and paying them a higher wage after they have earned their CDL.
- If the agency relies on seasonal employees, consider providing a bonus at the end of the season (such as an extra dollar per hour) for employees that stay through the full season.
- Even if the organization has a limited budget for a formal employee incentive program, consider giving out thank-you gift cards for "above and beyond the call of duty" performance when it happens, celebrating special milestones (including employment anniversaries and birthdays), and occasionally surprising employees with pizza to express appreciation.
- Finally, transit agencies that have problems with driver hiring and retention may need to take a hard look at the salary scale. While working as a transit driver can be a very satisfying and altruistic job, the bottom line may be the employer's need to pay a reasonable wage that reflects the responsibilities and challenges of the job. Periodic cost of living and longevity increases are important to remain competitive as an employer.

The above suggestions are in part from "Ten Tips for Hiring and Retaining Drivers," Maryland Transit Update, Fall 2017, p. 4. Related resources include:

- [National RTAP, Applying Good Business Practices: Hiring, Training and Evaluating Employees Technical Brief \(2023\)](#)
- [Caryn Souza, How to Recruit and Retain Drivers, Digital Community Transportation, Summer 2016, pp. 34-36](#)
- “Retaining a Sustainable Driver Workforce,” archived CTAA webinar, March 2018, presented by Caryn Souza, Josh Baker, Lyn Helleguard, and Michael Noel (can be accessed through the [CTAA Webinar Archive](#). You need a working subscription to Adobe Connect Pro to access this resource.)

Additional suggestions for improving employee morale are found in the [Human Resources section](#) of the Toolkit.

## Section Sources

- [49 CFR Part 37, Subpart G—Provision of Service, Section 37.173 Training requirements](#)
- [49 CFR Part 40, Subpart B—Employer Responsibilities, Section 40.25 Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?](#)
- [49 CFR Part 380, Special Training Requirements](#)
- [49 CFR Part 383—Commercial Driver's License Standards; Requirements and Penalties](#)
- [49 CFR Part 391, Qualifications of Drivers and Longer Combination Vehicle \(LCV\) Driver Instructors](#)
- [49 CFR Part 655, Subpart B—Program Requirements, Section 655.14 Education and training programs](#)
- [49 CFR Part 655, Subpart E—Types of Testing, Section 655.41 Pre-employment drug testing](#)
- [49 CFR Part 655, Subpart E—Types of Testing, Section 655.42 Pre-employment alcohol testing](#)
- [Caryn Souza, “How to Recruit and Retain Drivers,” Digital Community Transportation, Summer 2016, pp. 34-36](#)
- Caryn Souza, Josh Baker, and Lyn Helleguard, Recruiting for a Sustainable Driver Workforce, archived CTAA webinar, December 2017 (can be accessed through [CTAA Webinar Archive](#))
- [Federal Motor Carrier Safety Administration, Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators Final Rule](#), December 8, 2016
- [FTA, Safety Training Resources for Bus Transit Agencies](#)
- [National RTAP, Entry-Level Driver Training \(ELDT\) Requirements Technical Brief](#)
- [National RTAP, Volunteers in Transportation: Some Issues to Consider Technical Brief](#)
- “Ten Tips for Hiring and Retaining Drivers,” [Maryland Transit Update, Fall 2017](#), p. 4

# Safety, Security and Emergency Management

## Introduction

The **Public Transportation Agency Safety Plans (PTASP)** regulation (**49 CFR Part 673**) requires Section 5307-funded urban transit systems to develop Agency Safety Plans (ASP) that include the processes and procedures to implement Safety Management Systems (SMS). Under current rules, Section 5310 and/or 5311 funded agencies are not required at this time to develop an FTA-compliant safety plan. However, the SMS and safety plan elements presented in this section of the Toolkit should be considered as best practices for Section 5310 and/or 5311 funded agencies. Additionally, State DOTs may have established safety program requirements for Section 5310 and/or 5311 subrecipients in the state.

Safety is the number one priority for a transit manager! A manager is not typically driving a bus, fixing buses, or scheduling customer rides, but their expertise and knowledge in the field of transportation can be highly utilized to create a safety system for their company. The manager's experience can guide their decision-making in all aspects of leading and can help model a culture of safety. The transit manager works with the board and leads the employees in the performance of quality service, boosting general morale, and using their influence to make safety and security the highest priority.

This section of the Toolkit is organized into the following subsections:

- The Role of the Accountable Executive / Safety Officer
- Safety Management System (SMS) Framework
  - Moving Ahead for Progress in the 21st Century (MAP 21)
  - The National Public Transportation Safety Plan (NPTSP)
  - The Public Transportation Agency Safety Plan (PTASP)
  - The Safety Management System (SMS) – A Brief Overview
  - Safety Management System Overview – 4 Pillars
  - Safety & Overarching Theme
- Manager's Role in Overseeing Daily Vehicle Operations
  - Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults
  - Drugs on the Bus
- Manager's Role in Security Awareness
- Manager's Role in Emergency Management
- Lessons Learned from the COVID-19 Pandemic
  - Pandemic Plan
  - Agency Response - Recommended Pandemic Protocols
  - Conflict Resulting from Pandemic Stress
- Section Sources

## The Role of the Accountable Executive / Chief Safety Officer

The top executive (usually the Chief Executive Officer or General Manager) of a transit agency shoulders the responsibility, as required by FTA's Safety Management System (SMS) model, for duties of the Accountable Executive. The Accountable Executive will interact with the board and executive leadership on developing plans, policies, making purchasing decisions, and overseeing daily operations that impact safety. The Accountable Executive must instill in their employees that safety is the highest priority and that a ***Safety Ahead of Schedule*** mentality must be the guiding principle articulated to all employees.

It is a basic management tenet that accountabilities flow from the top down. While the SMS model requires that safety accountability resides with the Accountable Executive of the transit agency, the agency's board of directors or other governing body must also play an integral role for establishing a foundation for safety management. The SMS model defines the Accountable Executive as the individual with the ultimate authority and accountability for a transit system's day to day operations. The Accountable Executive plays a central role in the development and implementation of safety plan activities consistent with the SMS model. It is typically at this level that safety objectives, safety performance targets, purchasing decisions and operating budget decisions are made that support safety initiatives.

The Accountable Executive also needs to designate a Chief Safety Officer, who will typically oversee key safety functions. Depending on the size of the organization, the Chief Safety Officer may be a stand-alone position or additional duties assigned to an individual in another position. Within the organizational structure, the Chief Safety Officer must report directly to the Accountable Executive for all safety concerns.

As noted in the [January/February 2019 FTA Transit Safety and Oversight Spotlight newsletter](#), the rule also says that a transit agency may allow the Accountable Executive to serve as the Chief Safety Officer. However, the Chief Safety Officer may not serve in other operational or maintenance capacities unless the agency is a small public transportation provider as defined by the PTASP rule (100 or fewer revenue vehicles in peak service and without rail service).

The Chief Safety Officer may vary from agency to agency, but in general, they manage the transit agency's safety function such as compliance with federal, state, and local regulations, and overseeing safety requirements for transit projects. Duties might also include hazard management, accident investigation, coordination with the State Safety Oversight Agency, and safety certifications.

Each agency may choose which type of training the Chief Safety Officer will complete to qualify as "adequately trained." The Community Transportation Association of America (CTAA) offers a [Certified Safety and Security Officer \(CSSO\)](#) program that is geared toward rural transit agencies.

## Safety Management System (SMS) Framework

### Moving Ahead for Progress in the 21st Century (MAP 21)

The Moving Ahead for Progress in the 21st Century (MAP-21) Act, enacted in July 2012, granted FTA authority to establish and enforce a new comprehensive framework to oversee the safety of public transportation throughout the United States. This authority carried forward under subsequent reauthorization acts and FTA continues to administer a national transit safety program and compliance oversight process to advance safe, reliable, and equitable transit service.

A National Public Transportation Safety Plan (NPTSP) was published in January 2017 in the Federal Register. The NPTSP provides the following:

- Guidance for improving transit safety performance
- Samples of agency's safety policy statements
- Communication tools
- Updates for standards, best practices, tools, technical assistance, and other trending resources.

FTA released the final rule in July 2018 on the Public Transportation Agency Safety Plan (PTASP) requirements.

### The National Public Transportation Safety Plan (NPTSP)

While the National Public Transportation Safety Plan (NPTSP) does not include any mandatory requirements, it does require performance targets for systems that receive federal financial assistance including:

1. **Fatalities** – total number of reportable fatalities and rate per total vehicle revenue miles by mode
2. **Injuries** – total number of reportable injuries and rate per total vehicle revenue miles by mode
3. **Safety Events** – total number of reportable events and rate per total vehicle revenue miles by mode (typically reported safety violations, customer safety related complaints, employee close call / near miss reporting, etc.)
4. **System reliability** – total number of reportable events and rate per total vehicle revenue miles by mode (typically road calls and mechanical failures)

Thresholds for reportable fatalities, injuries and events are defined in the National Transit Database (NTD) Safety and Security Reporting Manual (downloadable through the FTA NTD Manuals web page).

The Final Rule on the PTASP includes the following definitions:

1. Accident - an event that involves any of the following:
  - a. Loss of life
  - b. Report of a serious injury to a person



- c. Collision of public transportation vehicles
  - d. Runaway train
  - e. Evacuation for life safety reasons
  - f. Derailment of a rail transit vehicle, at any location, at any time, whatever the cause
2. Incident - an event that involves any of the following:
  - a. Personal injury that is not a serious injury
  - b. One or more injuries requiring medical transport
  - c. Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency
3. Event – an accident, incident or occurrence

### The Public Transportation Agency Safety Plan (PTASP)

The July 2018 Public Transportation Agency Safety Plan (PTASP) Final Rule (49 CFR Part 673) applies to recipients or subrecipients of funding under 49 U.S.C. 5307 that operates a public transportation system.

- Section 5307 funded agencies operating 100 or fewer revenue service vehicles in peak service (small urban transit systems) are required to develop an FTA compliant agency safety plan.
- Small urban systems may use their State DOT to draft and certify their plan or may develop and certify their own plan.
- Section 5307 funded agencies operating more than 100 revenue service vehicles in peak service (large transit systems) are required to develop their own FTA compliant agency safety plan

The PTASP must:

- Be approved by the agency board of directors or equivalent authority
- Be based on the Safety Management System (SMS) approach
- Contain performance targets based on safety criteria established under the National Public Transportation Safety Plan
- Address all applicable requirements and standards in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan. Compliance with the minimum safety performance standards is not required until standards have been established through the public notice and comment process
- Establish a process for annual review
- For more information, see 49 CFR 673.11(a)(1-5)

FTA offered a [webinar](#) to assist transit agencies and State DOTs with determining whether or not the FTA requires that they develop a PTASP. Section 5310 and/or 5311 funded agencies are not required AT THIS TIME to develop an FTA compliant safety plan; only Section 5307 (urbanized) recipients and subrecipients and rail systems are currently subject to this requirement. The safety plan requirements for 5307 systems should be considered as best practices for 5310 and/or 5311 funded agencies.



FTA offers resources for developing a PTASP in its online [PTASP Technical Assistance Center](#). This includes [resources to help small bus transit providers work with their State DOTs on Agency Safety Plan development](#). Examples of resources include a [Sample Bus Transit Provider Agency Safety Plan \(ASP\)](#), which outlines the requirements of an FTA compliant plan, a [PTASP Checklist for Bus Transit](#), and a [Guide to Developing the Safety Risk Management Component of a Public Transportation Agency Safety Plan](#), which provides more detail on the SMS component of a PTASP.

State DOTs have a responsibility to develop PTASPs for urban transit systems that operate no more than 100 buses (referred to as a “small bus system” in this context) that elect not to develop their own PTASP. Some states also require PTASPs for their rural transit systems. FTA has a web page compiling [resources to help State DOTs develop Agency Safety Plans for small public transportation providers in their states](#).

For State DOTs that are interested in procuring consulting services to assist with PTASP preparation for the state’s subrecipients, here is a sample [PTASP Scope of Services](#) from Virginia Department of Rail and Public Transportation.

### *The Safety Management System (SMS) – A Brief Overview*

**SMS** is about strategically applying resources to risk. To do this effectively, the organizational structure includes these elements:

- Defined roles and responsibilities
- Strong executive safety leadership
- Formal safety accountabilities and communication
- Effective policies and procedures
- Active employee involvement
- Scalable to the size of the transit agency and complexity of the service delivery model

Key SMS activities:

- Collecting and analyzing safety data to proactively identify hazards
- Taking actions to mitigate the risk associated with the potential consequences of hazards
- Ongoing monitoring of risk through a system of safety controls
- Using data to support allocation of resources that promote and support safety performance

Key features of SMS:

- Accountability for the management of safety at the highest level of the transit agency
- Collaboration between management and labor to ensure agreement on safety risk priorities
- Structure and strategic decision making for safety resource allocation
- Enhanced service safety performance through proactive safety risk analyses
- Increased confidence in safety risk controls through safety assurance
- Partnership and knowledge sharing between public transportation agencies, state agencies and FTA
- A positive safety culture that supports safety communication and hazard reporting

The role of senior management in SMS:

- Senior management understands and accepts its role of accountability in promoting safety and managing the transit agency safety program
- Senior management ensures employee partnership and participation on all safety matters
- Safety Officer / Manager provides ongoing communication about the SMS to all employees

SMS and the current safety structure:

- Builds on existing transit agency resources, both human and technical, and refocuses activities to more effectively use these resources
- Ensures that safety decision-making is integrated into the management processes that drive the organization

Working with public safety and emergency preparedness, SMS:

- Integrates public safety and emergency preparedness information into the assessment of risk
- Helps management and employees understand their total safety risk exposure and allows for resources to be applied strategically and effectively

SMS and safety culture:

- Facilitates a shift in attitudes for both management and employees concerning the importance of safety in day-to-day activities
- Emphasizes safety training and communication throughout the entire transit agency to ensure safety policies and procedures and hazard reporting needs are understood
- Encourages management and employees to work together to identify and mitigate safety risk
- Encourages employees to routinely report close calls and near misses with the understanding that positive actions will be taken by the agency to reduce potential negative outcomes
- Prioritizes safety related complaints by passengers and those in the community with the understanding that positive actions will be taken by the agency to reduce potential negative outcomes

### *Safety Management System Overview – 4 Pillars*

SMS is composed of four functional components:

1. Safety Policy
  - a. The foundation of a safety management system
  - b. Clear objectives and procedures to accomplish objectives
  - c. Defines roles of management and employees
2. Safety Risk Management
  - a. Processes and procedures for identifying hazards or potential hazards
  - b. Collection, analysis, and assessment of risks for hazards
  - c. Measures to reduce or eliminate risks

3. Safety Assurance
  - a. Ensures performance and effectiveness of safety risk measures developed under safety risk management
  - b. Ensures continuous collection, analysis, and assessment of performance data to meet or exceed safety objectives
  - c. Monitors and inspects activities to support oversight and performance
4. Safety Promotion
  - a. Includes training and communication of safety information
  - b. Allows a process for employees to communicate safety concerns without fear of retribution

### Safety & Overarching Theme

Throughout all phases of SMS, there are four important questions that should be driving the process.

1. What are your agency's most serious safety concerns? (Risk)
2. How do you know this? (Data)
3. What is your agency doing about it? (Resources)
4. Is what your agency doing working? (Trending)

As the manager performs the review, they should revise and develop their internal safety policies and procedures and ensure that whatever they have in place effectively leads to the answers to these questions.

## Manager's Role in Overseeing Daily Vehicle Operations

While a transit manager may not directly supervise daily vehicle operations, they lead the management and operations team in its commitment to safety, security, and the agency's role in emergency management. The manager influences and guides the transit system's employee relations, safety plans and policies, safety committees and meetings, and customer service. The management team shows commitment to safety by example and innovative initiatives to encourage safety procedures and implementation.

The transit manager will monitor daily operations through the managers and supervisors in each department of the agency. The manager's role is to ensure that policies, procedures, training, recordkeeping, and monitoring is in place in four critical areas:

1. Vehicle safety –

The transit manager:

- Ensures regular vehicle maintenance
- Ensures preventive vehicle maintenance is following bus manufacturers recommendations

- Oversees the on-sight maintenance shop, sub-contracted vehicle maintenance at independent garages, and/or vehicle maintenance performed by any sub-contractors

## 2. Driving safety –

The transit manager:

- Ensures that hiring managers conduct appropriate background checks and ongoing Motor Vehicle Report monitoring of all bus drivers
  - Ensure that training is in place for new hires as well as veteran bus drivers
  - Ensure that all policies and procedures are being followed on a daily basis
  - Ensures that bus drivers receive initial and ongoing training to include, at a minimum:
    - Pre-trip inspection
    - Defensive driver training
    - Drug and alcohol awareness
    - Responding to onboard emergencies, including safe evacuation
    - Public health protocols, as appropriate
    - All policies, procedures, and practices of the agency

\* There are many training programs available through local and national organizations and private companies. The National RTAP [START](#) safety training module and [2 the Point Training Cards](#) provide high quality training material that can assist in the recommended training.

## 3. Passenger safety –

The transit manager:

- Ensures that all bus drivers receive training in:
  - Customer service
  - Safe boarding and de-boarding of ambulatory passengers
  - Passenger assistance training including safe boarding, de-boarding and onboard securement of passengers who use mobility devices
- Ensures that there is a method to mitigate hazards that could impact passenger safety
- Ensures that there is a method to deal with passenger incidents or accidents
- Ensures all public health related protocols and cleaning procedure concerns involving passengers are addressed

## 4. Emergency procedures –

The transit manager:

- Ensures the development and review of documents, protocols and procedures as well as proper training and practice for emergency situations including:

- Hazardous weather
- Onboard accidents and incidents
- Vehicle evacuation
- Facility evacuation
- Onboard conflict
- Vehicle accidents
- Vehicle or facility fire
- Community evacuation
- Infectious disease exposure
- Ensures that communications are open and there is cooperation between the transit agency and emergency personnel (local, county and state)
- Is knowledgeable of the [National Incident Management System \(NIMS\)](#). The website offers free, online training courses.

A helpful resource is FTA's catalog of [Safety Training Resources for Bus Transit Agencies](#).

### **Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults**

As a manager, it is important to provide resources and training for front-line employees on how to handle conflict and how to de-escalate onboard situations. Onboard conflicts can often be just a disappointment or disagreement between the passenger and bus driver over a policy or service. Conflicts may result in customer complaints (or worse) if not handled well. An out-of-control situation may quickly escalate to a more serious confrontation or even an assault.

Bus drivers must receive a clear message from management that their job is to inform onboard policies with customers. The driver has a responsibility to inform a passenger about the proper fare or a service policy, etc., and the manager can decide on an enforcement plan should the passenger disregard the rules. Sometimes passengers become angry when they are asked to do something or not to do something. Typically, confrontations start small and can accelerate to a worsening onboard situation. As a result, violent behavior can be directed toward the driver or other passengers.

There are 7 basic needs for all customers: reliability, safety, convenience, cleanliness, simplicity, affordability, and friendly service. Typically, when a bus driver meets the passengers' expectations, things go well. But there are times when a passenger can board a bus who is angry or even dangerous. The driver's actions and reactions to the person can either escalate or de-escalate a situation. Drivers should be trained on how to handle conflict, de-escalate situations, and prevent assaults:

1. Always remember that passengers are people with a full range of human emotions. They also may have issues resulting from medical conditions that include dementia and mental illness, alcohol abuse, illegal drug use, etc. Drivers should approach all passengers with dignity, respect, and kindness.
2. Passengers should be greeted with friendliness and confidence. Drivers should convey a helpful and professional attitude toward passengers.
3. It is the driver's role to support and explain policies. Explanations should be polite and consistent. The concept of informing the passenger of a policy is the driver's job. However, proceeding to enforcement (denying service) can sometimes result in passenger anger. Drivers should never threaten a passenger.

4. It is important to stay vigilant when dealing with someone who is upset. Drivers should be aware of the situation and mindful that stress can intensify the situation. They should also know the environment (e.g., to be prepared to stop the vehicle at the nearest safe location).
5. Staying calm is crucial. If a driver's emotions are out of control, the passenger may also lose control. Drivers should not take comments personally.
6. Non-threatening questions are powerful tools to de-escalate a situation (e.g., "What do you need?").
7. In tense situations, the driver's first statement can influence the passenger's attitude. Drivers should slow their speech and lower their voice.

There may be times when the driver cannot de-escalate the situation and will need to bring the conflict to a safe conclusion. Here are some steps:

1. **At first indication, the driver can discreetly contact the dispatcher. Engage a panic button or verbal emergency code.** A transit system can install a panic button that typically sends a silent signal to dispatch that help is needed. In the absence of this technology, a non-threatening phrase the driver can call into dispatch (e.g., "is there any overtime work this Sunday?") will alert dispatch to get assistance to the driver. It may also be appropriate to dial 911 on a cell phone and leave the line open in some situations.
2. **Don't close the door on a dangerous passenger.** The driver can stay in place with the door open and announce a mechanical problem. Simply stated, the driver can let the other passengers exit the bus.
3. **If in route, the driver can pull over to a safe crowded area and open the door.** Never trap an out-of-control person.

A manager has many responsibilities, but few are more important than providing the necessary tools and training to ensure bus driver and passenger safety. Drivers should be reminded to provide friendly and safe services every day and to display a positive attitude with all passengers. Their daily goal is to be safe, go home, and enjoy their time off.

The New Mexico DOT (NMDOT) has developed a Conflict Management and De-escalation for Transit Drivers and Supervisors video. Links to [stream](#) and [download](#) this video, as well as an accompanying [handout](#), can be found on the [NMDOT Transit and Rail Division web page](#). National Transit Institute (NTI) provides an [Assault Awareness and Prevention for Transit Operators](#) online course, including a [video recording](#).

## Drugs on the Bus

One onboard situation any bus driver may face is seeing or hearing that a passenger is showing, selling, or using drugs during a bus ride. It is important that the transit manager issues a policy statement concerning passenger behavior while using the transit services. Typically, this list will involve the "dos and don'ts" of riding a bus and would include passenger guidelines for both alcohol and illegal drug use while riding. For example:

- No open alcohol beverage containers are allowed on board. We reserve the right to ask to see the contents of a package if the operator suspects a package may contain an open container.
- Illegal drugs are not permitted. We will notify law enforcement.
- At the discretion of the operator, any person intoxicated or under the influence of alcohol and drugs may be refused service.

While a policy is very important, it is vital that the manager makes it very clear that the bus driver should not risk themselves or other passengers' safety when faced with a person showing, selling, or using illegal drugs.

In addition to a written policy, the transit manager should ensure that drivers are trained in responding to this type of situation as part of general conflict management training (which is discussed earlier in this section of the Toolkit under Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults).

In particular, the training should highlight the following considerations and guidelines specific to illegal drugs or persons under the influence on the bus:

- A person under the influence of illegal drugs or alcohol may respond with anger or behavior that quickly escalates towards a negative outcome. The driver should inform the passenger of the rule. Most passengers will respond in a positive manner when informed but may respond negatively to enforcement.
- The driver should treat the individual with dignity and respect but report their observations to supervisors as soon as it is safely possible. Supervisors should inform management, who may choose to report the incident to law enforcement and request their assistance in processing the situation.
- It is important for drivers to recognize that many passengers have various legal medications that can be easily misunderstood as illegal substances. For that reason, it is also important to observe passenger behavior. If the person who is suspected of using drugs shows no signs of poor judgement or behavior, simply remaining aware and delivering the passenger to this destination may be the best outcome.
- Drivers should also be trained to look for suspicious items and activities to ensure that drug distribution isn't occurring on their vehicle. For example, they should be trained to look for slits cut into seats (as part of pre-trip and post-trip inspections) and be aware of people switching seats after another rider gets off the bus, and to report anything that seems suspicious to their supervisor.

## Manager's Role in Security Awareness

The transit manager needs to ensure during this era of increased criminal activity and drug use, heightened national security, and greater technical piracy, that all employees are trained to be the eyes and ears in the community. A system for "if you see something, say something" should be in place for employees and passengers to report suspicious people, activities, vehicles, packages, objects, and behaviors that could pose a potential security risk or incident. All employees should be trained in BOLO (Be On the Lookout) and know who to tell when identifying someone or



something suspicious. In addition, with the advent of smart phones, applications have been created for the public to photograph and report anything suspicious.

Transit managers will also want to be familiar with the FTA's [Cybersecurity Resources for Transit Agencies](#) website. This site contains links to cybersecurity guidance, training, and resources, including information on how some FTA grant programs can support security efforts and costs. On February 10, 2023, FTA published a [Cybersecurity Assessment Tool for Transit](#). This tool aims to help public transit organizations develop and strengthen their cybersecurity programs to better identify and mitigate risks.

## Manager's Role in Emergency Management

The transit manager needs to be aware that the transit system will work with the community first responders in the event of a local, state, or national crisis. This could include evacuating residents during events ranging from severe weather to criminal or terrorism activities within their community. The agency must have in place protocols to deal with accidents, evacuation, relocating vehicles, body fluid spills, sick or ill passengers, and smoke or fire incidents both onboard the buses or any facilities owned by the transit system. One of the key steps to ensure that the transit system is working in harmony with local emergency management is active participation in the Local Emergency Planning Committee (LEPC). This group, typically under the authority of the county emergency manager, meets regularly to plan and practice emergency response. The manager should also ensure that a relationship is established with local police and fire personnel who should be familiar with the transit agency's facilities and vehicles to allow for quicker action in the event of emergencies.

## Lessons Learned from the COVID 19 Pandemic

Since 2020, the United States has experienced a significant number of infections as a result of the worldwide outbreak and spread of severe acute respiratory syndrome (SARS) - Co V-2, also known as Coronavirus Disease, 2019 or COVID-19. This pandemic spread into all 50 states and U.S. territories. The result led to temporary closure of many offices and worksites and service reductions of transit agencies.

Transit agencies had to make quick and decisive decisions on how to respond, what services to offer, and what steps to take to ensure safety for employees and customers. Most U.S. transit systems had not prepared for a pandemic and found themselves responding in real-time to an ever-changing environment.

Many COVID-19 resources were developed for transit agencies. The guidance and best practices found in these resources may prove to be helpful to transit agencies preparing a pandemic response plan:

- [FTA's Novel Coronavirus \(COVID-19\) web page](#)
- [National RTAP's Best Practices Spotlight Article on Coronavirus Disease 2019 \(COVID-19\)](#)

- [National RTAP's Coronavirus Disease 2019 \(COVID-19\): Information and Resources for Transit Technical Brief](#)
- [CTAA's COVID-19 Resources and News web page](#)
- [American Public Transportation Association's \(APTA\) Public Transit Response to Coronavirus or COVID-19 web page](#)
- [National Aging and Disability Transportation Center's \(NADTC\) COVID-19 Resources web page](#)

### Pandemic Plan

It is important that every transit agency prepares a pandemic response plan. For example, see the [Heart of Iowa Regional Transit Agency \(HIRT\) Pandemic Plan](#).

Key elements should include:

1. Communications: Have systems in place for:
  - a. Staff communications: Have a system in place to be able to quickly communicate information to all employees through group call, text, and email to provide organizational-wide information. In addition to having a system in place for urgent, time-sensitive communications, transit managers should consider providing updates and reminders to all staff at regularly scheduled intervals (for example, through an employee newsletter or weekly bulletins).
  - b. Passenger communications: Use the agency website and social media tools to communicate service status to all passengers. This may also include recorded and live voice calls to paratransit customers affected by service changes. Posters, signs, and rider bulletins can be posted at facilities and on vehicles. Many transit agencies send e-news and email alerts to individuals who subscribe to this service through the transit agency's website.
  - c. Media communications: Have specific individual(s) as the sole contact with all local media outlets to share important, up to date information. National RTAP's [Emergency Information Dissemination](#) technical brief provides recommendations for communicating to the public and the media during a crisis.
  - d. Language assistance: Provide a means for passengers with limited English proficiency to access information in a language they can understand. For example, the transit agency's telephone directory could be set up to allow a non-English-speaking passenger to select and call a number on the list that connects them to an individual on staff that speaks their native language. For more information on providing language assistance, see the [Civil Rights section](#) of the Toolkit under Title VI.
2. Staff education: Disseminate information throughout the agency concerning the nature of infectious respiratory diseases and best practices to avoid the spread of virus (hand washing, face covering, and social distancing). Consider hosting socially distanced, in-person driver training to help drivers feel more connected and have an opportunity to talk with a trainer or manager about their concerns.
3. Personal protection equipment (PPE): Develop a substantial inventory of PPE including at least:
  - a. Employee face coverings/masks (30 masks x number of employees x 90 days)

- b. Passenger face coverings/masks (Daily number of passengers x 90 days)
  - c. Disposable gloves (number of employees x 90 days)
  - d. Clear curtains or barriers (ready to install as needed)
  - e. Disinfectant wipes that align with current CDC recommendations to ensure adequate cleaning and disinfecting of all frequently touched surfaces in bus, at bus stops, transfer facilities, offices and shops for a 90-day period.
  - f. A supply of hand sanitizer that aligns with current CDC recommendations.
4. Policies in place for sick or high-risk employees to stay at home. Anticipate a minimum of at least 10% reduction in drivers and other staff.
5. Policies and technology in place to allow all employees other than drivers and those who need to be on site the ability to work at home
6. Bus schedules/operations, keeping in mind that transit agencies cannot limit or prioritize trip purposes for ADA Complementary Paratransit:
  - a. Establish and prioritize trips and service areas such as hospitals, medical centers, dialysis centers, etc.
  - b. Establish and prioritize secondary routes for essential services, employment, grocery, social service, government services
  - c. May want to ask riders to avoid making non-essential trips on fixed route and demand response services, to save capacity for riders needing to make essential trips.
  - d. Consider converting fixed routes to demand response service requiring reservations for all riders.

### Agency Response - Recommended Pandemic Protocols

During a pandemic, it is very important to follow the recommendations of federal agencies (e.g., FTA, CDC) and state agencies (e.g., State DOT, State Departments of Health) to ensure accurate information. Transit managers should subscribe to email updates from such agencies where possible. FTA maintained a [COVID-19 Information page](#) during the COVID-19 Pandemic and tracked federal updates and new resources through its [COVID-19 Resource Tool for Public Transportation](#). It is likely that the agency would continue this practice for subsequent national emergencies. [National RTAP](#), [CTAA](#), [APTA](#), and other reliable online sources will also be helpful with up-to-date and in-depth information.

Caution: many individuals, political leaders, talk radio hosts, Internet media, social media and others may have “opinions” on issues and recommendations to follow during a pandemic. Transit agency decisions should be based on federal and state agencies requirements and recommendations.

Links to Key Resources:

- FTA, [COVID-19 Resource Tool for Public Transportation](#)
- FTA, [Frequently Asked Questions from FTA Grantees Regarding Coronavirus Disease 2019 \(COVID-19\)](#)
- APTA, [COVID-19 Resource Hub](#)
- APTA/CTAA, [COVID-19 Recovery Vendor List for Public Transportation](#)
- CTAA, [COVID-19 Resources page](#)

See also "Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults" which is found earlier in this section of the Toolkit under "Manager's Role in Overseeing Daily Vehicle Operations."

Additional resources for managing stress and reducing on-board conflict include:

- CDC, [Stress and Coping](#)
- National RTAP, [2 the Point – Customer Service Training Card](#)
- National RTAP, [Problem Passengers: Managing Difficult Passengers & Situations](#)

## Section Sources

- FTA, [Cybersecurity Resources for Transit Agencies](#)
- FTA, [Frequently Asked Questions from FTA Grantees Regarding Coronavirus Disease 2019 \(COVID-19\)](#)
- [FTA, National Public Transportation Safety Plan](#)
- [FTA, Public Transportation Agency Safety Plan \(PTASP\) Final Rule \(49 CFR Part 673\)](#)
- [FTA, Safety Training Resources for Bus Transit Agencies](#)
- [FTA, Transit Safety and Oversight Spotlight, Jan./Feb. 2019, Vol. 4 No. 1, p. 6](#)
- [FTA, NTD Manuals web page](#)
- FTA, [PTASP Technical Assistance Center](#)
- FTA and HHS, [Public Transportation Workers Toolkit](#) (and [Spanish version](#))
- FTA, [PTASP Sample Bus Transit Provider Agency Safety Plan \(ASP\)](#)
- FTA, former Safety Management Systems (SMS) web page
- FTA, Transit Safety & Oversight (TSO) web page
- Heart of Iowa Regional Transit Agency (HIRTA) [Pandemic Plan](#) (example of rural transit agency pandemic plan)
- National RTAP, [2 the Point – Customer Service Training Card](#)
- National RTAP, [Active Shooter eLearning Course](#)
- National RTAP, [Problem Passengers: Managing Difficult Passengers & Situations](#)
- National Transit Institute (NTI) [Assault Awareness and Prevention for Transit Operators](#) online course
- New Mexico DOT, [Transit and Rail Division web page](#)

# Coordination and Mobility Management

## Introduction

In addition to Section 5311, transportation services in rural areas are supported by numerous other programs. In 2020, the Coordinating Council on Access and Mobility (CCAM) reported in its [Federal Fund Braiding Guide](#) that 130 federal programs are authorized to fund transportation services for older adults, people with disabilities, people with lower incomes, and others with limited transportation options. Efforts to coordinate the variety of human services transportation options that are provided through these programs have been ongoing. At the federal level, [CCAM](#) works to coordinate funding and provide expertise on human service transportation for three targeted populations: people with disabilities, older adults, and individuals of low income. The CCAM works to improve federal coordination of transportation resources and to address barriers faced by states and local communities when coordinating transportation. However, transportation services funded by some federal programs continue to present coordination challenges, and rural transit managers need to be aware of this when seeking to coordinate federally-funded services at the local level. Additionally, many states are facilitating the coordination of human services transportation at the local, regional, and statewide levels, and rural transit managers should become knowledgeable of the efforts in their states.

It is important for rural transit managers to be involved in efforts to improve the coordination of public transit and human services transportation in their community, including through the coordinated transportation planning requirement for the Section 5310 Program discussed in the [Planning and Evaluation section](#) of the Toolkit. Coordinating other transit planning efforts with human service transportation planning efforts can help facilitate coordination of services. It can also reduce the burden of the planning efforts, potentially even combining the development of two separate plans into a single combined plan.

Coordinating functions such as training or maintenance can help make more efficient and effective use of limited resources for community transportation services. National RTAP's [Sharing Training with Agencies Coordinating Transportation Best Practices Spotlight article](#) provides examples of successful coordinated training at rural transit agencies. FTA recently added a new [Transportation Coordination web page](#) on which provides links to FTA and CCAM guidance.

In recent years, coordination efforts have focused on mobility management, a term that has come to represent a transportation strategy that focuses more on the customers and their needs, and the meeting of these needs through the coordinated use of a variety of providers. As defined by the National Center for Mobility Management (NCMM), mobility management is an approach to designing and delivering transportation services that starts and ends with the customer. It encourages innovation and flexibility to reach the "right fit" solution for customers. A more in-depth explanation about the concept of mobility management can be found on NCMM's [What is Mobility Management? web page](#)

This section also provides an overview of mobility management, discusses the role of rural transit managers in these efforts, and provides a sampling of how some communities are addressing mobility issues through this strategy. Importantly, this section includes links to a variety of coordination and mobility management resources available through national transportation technical assistance centers and national transit associations.

The [Transportation Technical Assistance Coordination Library \(TACL\)](#) provides access to rural and tribal transit coordination resources available through each of the technical assistance centers referenced in this section and other organizations.

This section of the Toolkit includes the following subsections:

- What is Mobility Management?
- The Role of Rural Public Transit Managers in Mobility Management
- Successful Mobility Management Approaches and Strategies
- FTA Funding for Mobility Management
  - Sections 5310 and 5311
  - Section 5312 and Section 3006(b) Demonstration Project Funding Programs
    - Mobility for All Pilot Program
    - Access and Mobility Partnership Grants
    - Mobility on Demand (MOD) Sandbox Program
  - Integrated Mobility Innovation (IMI) Demonstration Program
  - Section 5314 Technical Assistance and Workforce Development Program
- Tips from the Field – Two Case Studies
  - Case Study - Northern Arizona Council of Governments, Flagstaff, AZ
    - The Mobility Manager Role
  - Case Study – Tompkins Consolidated Area Transit, Ithaca, NY
- Section Sources

## What is Mobility Management?

The [National Center for Mobility Management \(NCMM\)](#) notes that mobility management is an approach to designing and delivering transportation services that starts and ends with the customer. It begins with a community vision in which the entire transportation network—public transit, human service agencies, private operators, volunteer drivers, and others—works together with customers, planners, and stakeholders to deliver the transportation options that best meet the community's needs. Mobility management:

- Encourages innovation and flexibility to reach the "right fit" solution for customers
- Plans for sustainability
- Strives for easy access to information and referral to assist customers in learning about and using services
- Continually incorporates customer feedback as services are evaluated and adjusted

The customized approach of mobility management means no two programs are exactly alike, and a variety of entities, including rural public transit providers, can serve as a mobility manager in a



community. However, there are some components that are commonly found in many mobility management programs, including, but not limited to:

- Partnerships between multiple agencies and organizations.
- A customer-driven, market-based approach that provides customers with a variety of transportation options through individualized trip planning.
- One-stop travel information and trip planning centers that provide information on available transportation options and coordinate requests for transportation services. This may include operation of a central call center for customers to gain information on available transportation options and to schedule trips.

Many communities across the country are seeking mobility management practices that offer innovative approaches for delivering coordinated transportation services, particularly when serving older adults, people with disabilities, veterans, and low-income individuals. In rural areas the challenges to provide mobility for these groups is especially daunting, as trips are often long in duration and may require crossing multiple jurisdictional boundaries. The mobility management focus on meeting individual customer needs through a range of transportation services is vital as communities balance increasing needs with funding and resources constraints.

## The Role of Rural Public Transit Managers in Mobility Management

In an age in which more and more people are using local transportation, consumers and transit agencies alike are identifying a need for more highly coordinated mobility options. Many transit agencies are embracing the concept of mobility management. While programs are varied throughout the country, rural transit managers may operate a mobility management program out of their transit system or may belong to a group of stakeholders through a mobility management program facilitated by another organization in the community.

Shrinking resources have caused communities to think about transportation in new ways, and rural transit managers need to be thinking more broadly than just the current services offered through their organization. For instance, as highlighted by NCMM, technologies, services, and partnerships are rapidly evolving, with the field experiencing the advent of Geographic Information System (GIS) based tracking and monitoring of vehicles, apps that allow customers to directly interface with services and receive minute-by-minute service updates.

These advances have been added to the community transportation menu piecemeal, requiring transit managers to figure out how to integrate them into existing mobility options. At the same time rural transit managers need to consider funding, compliance, and other requirements when incorporating these new technologies and strategies.

Information about emerging approaches to shared mobility, including a list of frequently-asked questions about Federal Transit Administration (FTA) funding and requirements for non-traditional types of services, [can be found on the FTA website](#). The [Shared-Use Mobility Center \(SUMC\)](#) is another source of information about coordinating shared mobility and new



technologies. The website of the [National Center for Applied Transit Technology \(NCATT\)](#) provides information on emerging technologies for transit, including mobility management.

## Successful Mobility Management Approaches and Strategies



Recent research conducted through the [National Cooperative Highway Research Program \(NCHRP\) Project 20-65 Task 68: Successful Mobility Management Practices for Improving Transportation Services in Small Urban and Rural Areas](#) resulted in a guide that can serve as a resource in the planning, implementation, and assessment of a mobility management practice.

This guide notes that while the customized approach of mobility management means no two programs are exactly alike, there are common components and specific strategies that are employed by successful practices -- and that can be considered when establishing, expanding, or improving a mobility management program. While efforts through mobility management practices are often interrelated, the successful approaches and strategies are primarily segmented by four key categories that are detailed in the guide along with related resources and examples.

- **Community Outreach and Engagement:** Community outreach and engagement is a vital part of any successful mobility management program. The organizations with successful mobility management practices form partnerships with key community stakeholders, promote their services to the community, and lead or participate in coordinated transportation planning efforts. The guide includes a stakeholder checklist with the types of organizations that can help to increase and diversify support for mobility management programs.
- **Needs Assessment and Program Design:** Coupled with community outreach, successful mobility management practices are sensitive to local and regional transportation needs and build their program around these needs. There is a strong emphasis on listening to their local community, conducting ongoing needs assessments, and designing services and programs to fit the identified needs. The guide includes a variety of tools and resources for conducting needs assessments and designing appropriate services and programs.
- **Program Evaluation and Assessment:** Monitoring and evaluation are important considerations for any mobility management program, especially as funding continues to be constrained for transportation projects and services. Successful mobility management practices employ some form of program evaluation and assessment. They track program

outcomes using qualitative and quantitative performance measures with established goals and objectives. The guide discusses various tools and resources for assessing mobility management program outcomes.

- **Funding:** Not surprisingly, funding strategies are the backbone supporting mobility management efforts. While successful mobility management practices explore a variety of funding sources, often the primary ones are through federal programs. FTA programs that fund mobility management are introduced in the following section.

## FTA Funding for Mobility Management

### Sections 5310 and 5311

Mobility management projects are eligible for capital funding under the Section 5310 and 5311 programs (providing up to an 80% federal share). A list of the types of activities that are eligible for mobility management capital funding can be found in the FTA circulars for each program. Because each state administers its Section 5310 and 5311 programs differently, transit managers should check with their State DOT for funding eligibility of mobility management projects in their area.

In every state, eligibility for Section 5310 funding requires that the project be included in a locally developed public-transit human services transportation plan. As noted previously, rural transit managers should be involved in the development of this plan, and some states require this for their Section 5311 program. For more information on the coordinated transportation planning requirements for FTA programs, see the [Planning and Evaluation section](#) of the Toolkit, as well as [FTA Circular 9070.1G](#). Again, transit managers should also check with their State DOT on state-specific coordination and planning requirements.

Through their RTAP contractor, New Hampshire DOT is planning to pilot a statewide mobility manager position that will be a new hire of the contractor that administers their RTAP. The Statewide Mobility Manager will serve as a liaison between state agencies and the Statewide Coordinating Council, Regional Coordinating Councils by assisting with hiring and training Regional Mobility Managers, and local transit providers. NHDOT is able to use Section 5311 RTAP funding for this role. For further information, see [Herlihy, Patrick, NHDOT. NH's Mobility Management Framework. Presentation at MTAP Advances/State of Practice on Coordinated Transportation Plans. January 26, 2022.](#)

### Section 5312 and Section 3006(b) Demonstration Project Funding Programs

Since the passage of the FAST Act in 2015, FTA has funded demonstration projects related to coordination and mobility management through several programs authorized under 49 U.S.C. Section 5312 and Section 3006(b) of the FAST Act. The Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act in November 2021, includes allocations for Fiscal Years 2022-2026 for [Section 3006\(b\), the Innovative Coordinated Access & Mobility Pilot Program](#), as well as for [Section 5312, Public Transportation Innovation](#). Future announcements are anticipated to be posted on FTA's [Notices of Funding Opportunity web page](#). Active funding programs are summarized below. Information on [Coordinating Council on Access and Mobility \(CCAM\) related pilot programs](#) from past years is available online.

## Enhancing Mobility Innovation Program

In November 2021, FTA announced the availability of FY2021 funding for the [Enhancing Mobility Innovation Program](#), which is authorized under Section 5312. This program builds on FTA's previous mobility innovation investments (described below) and will fund projects that accelerate innovative mobility (such as innovative service delivery models, creative financing, novel partnerships, and integrated payment solutions) or that support the development of software solutions that facilitate integrated demand-response public transportation that dispatches transit vehicles through riders' mobile devices or other means. On August 10, 2022, FTA announced the award of approximately \$4 million in EMI grants. For examples of projects awarded under the program, visit [FY21 Enhancing Mobility Innovation Projects](#).

## Accelerating Innovative Mobility Initiative

In FY 2020, FTA awarded 25 project grants under the [Accelerating Innovative Mobility \(AIM\) Initiative](#), using funding authorized under Section 5312. The primary objectives of the AIM Initiative are to foster innovative transit technologies, practices and solutions that advance the state of practice for public transportation in the U.S., leverage private sector investments in mobility for the benefit of transit, ensure innovative technologies and practices permit interoperability across systems and modes, and share results of innovative mobility solutions with the transit industry and stakeholders. For examples of projects awarded under the program, visit [FY20 Accelerating Innovative Mobility \(AIM\) Project Selections](#).

## Innovative Coordinated Access & Mobility Pilot Program

The [Innovative Coordinated Access and Mobility \(ICAM\) Pilot Program](#) [Section 3006(b) of the FAST Act, administered by FTA as part of the Section 5310 program] funds innovative coordinated access and mobility projects for the transportation disadvantaged population that improve the coordination of transportation services and non-emergency medical transportation services. Eligible applicants are Section 5310 recipients and subrecipients. The Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act, continues to provide funding for the Innovative Coordinated Access and Mobility (ICAM) pilot program. This program has also been referred to as Rides to Wellness as well as the [Transit & Health Access Initiative](#).

## Mobility on Demand (MOD) Sandbox Program

The Mobility on Demand (MOD) Sandbox Program [49 U.S.C. 5312] is funding 11 demonstration projects across the nation to research new service options in combination with available technologies that allow for greater individual mobility. To provide an example of one of the projects, the Vermont Agency of Transportation (VTrans) developed a trip planner that provides access to flexible mobility options. This trip planner, which includes fixed route transit as well as demand response services, can be adapted for use in other areas. [The final report on the VTrans demonstration project can be found on the FTA website](#). The resulting [trip planner can be found on the Go!Vermont website](#).

Although the other MOD Sandbox projects are being conducted in large urban areas, the lessons learned from these projects are likely to be helpful for any area seeking information on new mobility options. Find out more about the [MOD Sandbox program](#).

## Integrated Mobility Innovation (IMI) Demonstration Program

FTA's Integrated Mobility Innovation Demonstration program, initiated in 2019, brings together the MOD Sandbox demonstrations and several other FTA technology initiatives. In May 2019, FTA announced the availability of funding under the [Integrated Mobility Innovation \(IMI\) Demonstration Program](#). Authorized under 49 U.S.C. 5312, the IMI program funds research in the three areas: Mobility on Demand (MOD) demonstration projects, Transit Automation (to explore the use of vehicle automation technologies in bus transit operations), and Mobility Payment Integration (MPI) research. The MPI area funds demonstration projects in two categories: Payment Equity and Human Service Transportation Coordination, and Integrated Mobility and Beyond, which will support multi-modal and multi-provider payment integration, including public transit, specialized transportation, and other modes of transportation. In March 2020, FTA announced [FY 2019 IMI project selections](#).

## Section 5314 Technical Assistance and Workforce Development Program

Authorized under the FAST Act, the [Technical Assistance and Workforce Development Program \[49 U.S.C. 5314\]](#) funds a variety of technical assistance projects, as well as standards development and workforce development programs. Technical assistance projects that assist with compliance with the Americans with Disabilities Act (ADA), human services transportation coordination, and meeting the transportation needs of elderly individuals are among the technical assistance activities that are eligible for Section 5314 funding. The [Bipartisan Infrastructure Law continued the program](#), with included allocations through FY2026.

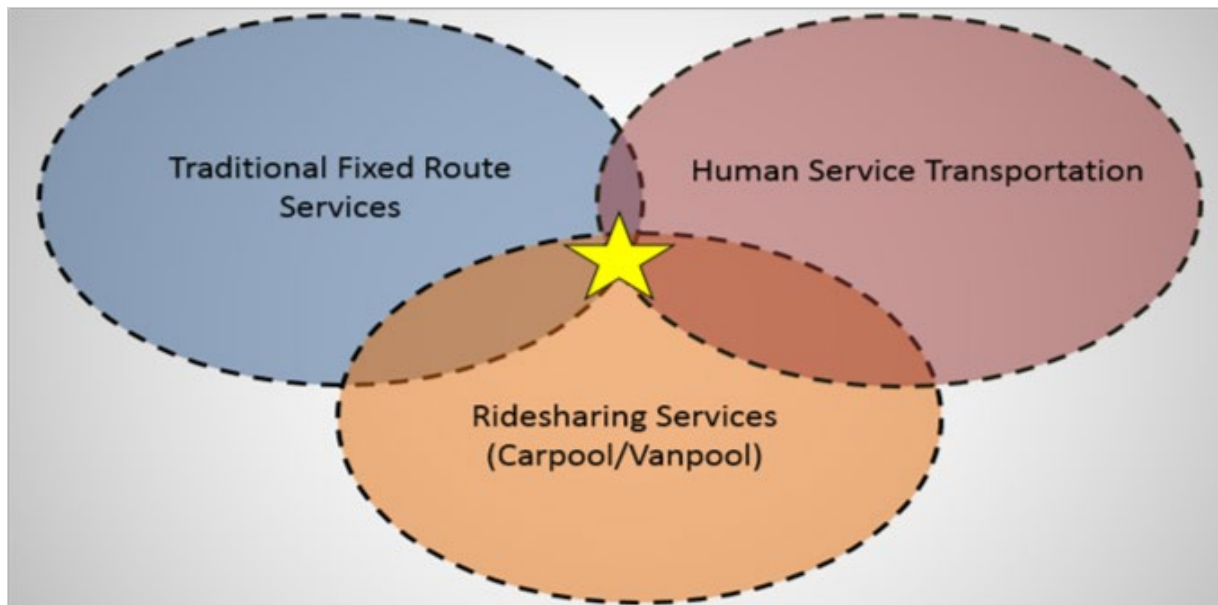
[NCMM](#) and the [National Aging and Disability Transportation Center \(NADTC\)](#) are funded by Section 5314, and both centers periodically provide grants that can assist local communities with coordination and mobility management. The NADTC website provides information about previous [NADTC grants](#) and other [funding opportunities](#). The NCMM website also includes [information about grants](#).

## Tips from the Field – Two Case Studies

### [Case Study - Northern Arizona Council of Governments, Flagstaff, AZ](#)

[Northern Arizona Council of Governments \(NACOG\)](#) is the regional planning agency responsible for facilitating transportation planning and mobility coordination activities in the vast rural areas of Apache, Coconino, Navajo, and Yavapai Counties. NACOG's service area encompasses approximately 49,000 square miles (43% of Arizona). The land area is comparable to two states (Pennsylvania and Louisiana), thereby making NACOG the second largest Council of Governments in the United States. While the region is one of the largest in terms of land area, it is one of the least densely populated. Approximately, 530,000 individuals reside within the quad counties, equating to 11.3 persons per square mile, and comparable to the 45th least densely populated state.

In 2019, NACOG's Mobility Management Planner, Tod Morris, shared the following thoughts on how mobility management can work in large rural areas and the different roles a mobility manager can play.



Given this expansive and isolated region, Mr. Morris notes that there are numerous mobility challenges. Long distances along deserted highways separate many of the region’s population centers and service providers. Therefore, identifying opportunities to collaborate on mobility issues requires a strategic approach. This approach includes incorporating a broad spectrum of transportation options under the premise of passenger transportation. Referring to all transportation options under passenger transportation allows NACOG to comprehensively deploy mobility management strategies with a common goal of addressing isolation via a network of transportation options. The graphic above shows how passenger transportation is at the nexus of three common modes of transportation.

In order to communicate this vision across the vast region, NACOG has adopted two key strategies in an effort to bridge the geographic distance:

- **Host Sub-Regional Coordination Meetings**
  - NACOG has divided the region into sub-regions based on similar political, cultural, and geographic similarities. Local coordination meetings are held to discuss operational issues, planning initiatives and grant opportunities. The intention for these meetings is for service providers and stakeholders to network and discuss shared challenges and collective opportunities. For new mobility managers, developing this type of structure is fundamental to fostering successful relationships.
- **Utilizing Technologies**
  - Outside of the coordination meetings, the mobility manager also keeps in regular contact with partners in the region. Many times, travel is required for face-to-face meetings, but often teleconferencing is used to reach multiple agencies for specific initiatives. A valuable tool for these meetings is the ability to share screens using web-based technology such as GoToMeeting, Microsoft Teams, Adobe Connect or Zoom (Note, National RTAP does not recommend or endorse any specific product). Sharing a screen creates a more engaged conversation, especially when reviewing

grant opportunities, service designs and needs analysis. Mr. Morris highly encourages visual tools such as maps or other graphics to better communicate strategies and ensure partners are on the same page. Mr. Morris has found that use of visual aids often fosters more robust conversations around passenger transportation priorities.

## **The Mobility Manager Role**

In 2012, National RTAP reached out to former NACOG Mobility Management Planner, Jason Kelly, to discuss the many hats a mobility manager wears to build successful partnerships and enhance regional mobility. The seven hats below were outlined by Mr. Kelly as roles a mobility manager may need to play on any given day:

1. Coach/Mentor
2. Champion/Captain
3. Technical Advisor
4. Sounding Board to Providers
5. Planner
6. Artist/Salesman
7. Moderator/Facilitator

Adding on the Mr. Kelly's list, current NACOG Mobility Management Planner Mr. Morris has found the following additional roles for encouraging and sustaining meaningful participation from regional stakeholders and service providers:

8. Educator: There are many exciting developments in the world of transportation. Partners are naturally curious about the progress and of services like Uber and LYFT and technical advancements like autonomous vehicles. In rural areas partners often turn to their mobility manager to learn the latest updates. Keeping up-to-date on these developments can help keep partners engaged and excited about their role in the changing transportation landscape.

Additionally, service providers can become frustrated by day-to-day challenges and wonder if other agencies are facing similar issues. Networking at national and local conferences and keeping an inventory of other transportation providers can help the mobility manager link with agencies that have addressed similar issues.

9. Interpreter: State and FTA documents and requirements can intimidate local transportation providers and stakeholders. Language on the rules and regulations of transit services can seem overwhelming and may even discourage agencies from pursuing new opportunities. A mobility manager can help agencies navigate compliance requirements and assess how they can be incorporated into a service. Furthermore, the mobility manager can help an agency evaluate their capacity to take on additional tasks and identify the feasibility of certain opportunities.

Mr. Morris echoed Mr. Kelly's earlier statement that inactivity is stifling to progress. Identifying incremental objectives allows partners to tackle larger goals in a manageable and sustainable manner. Lofty coordination goals are a great example, where agencies can begin by sharing training and marketing opportunities, then grow into larger activities like vehicle and ride sharing.



### Case Study – Tompkins Consolidated Area Transit, Ithaca, NY

**Tompkins Consolidated Area Transit, Inc. (TCAT)** is a not-for-profit corporation providing public transportation for Tompkins County, New York. In 2018, Tompkins County’s population was 104,000 people, with 51% living in the Ithaca urbanized area and 49% in surrounding rural towns. TCAT operates thirty-three (33) bus routes including one hybrid fixed/demand-response route. TCAT was formed in 1997 as a merger of the City, County, and Cornell University bus systems. TCAT reorganized as a private non-profit transportation corporation in 2005. Since 2012, TCAT’s ridership has exceeded 4 million passenger-trips and 1.5 million revenue miles annually, with a fleet of 53 buses. TCAT contracts with **Gadabout Transportation Services, Inc.** to provide ADA Complementary Paratransit service.

TCAT participates in mobility management programs guided jointly by the County Department of Social Services (DSS) and the Ithaca Tompkins County Transportation Council (ITCTC), bringing together a wide variety of service providers, agencies, and institutional actors to develop and improve community mobility services. Other partners include Cornell Cooperative Extension of Tompkins County (CCETC), the Center for Community Transportation, Inc. (carshare+), Cornell University, Ithaca College, Tompkins-Cortland Community College, as well as volunteer driver services, taxis, other service providers, the Ithaca Downtown county departments, and human service agencies.

Aside from a long-standing commitment to interagency collaboration and the joint leadership provided by ITCTC and DSS, three core principles have been at the heart of the effort to manage the changing mobility landscape in Tompkins County:

1. A willingness to establish coalitions to assess and address evolving, unmet transportation needs, reinvent existing services, and adopt new mobility service models
2. The creation of non-profit organizations to implement new mobility services and solutions arising out of collaborative efforts, typically with wide-ranging public, institutional and private sector participation; and
3. The knowledge, ability, and willingness to share and coordinate all available funding sources to support the full range of mobility initiatives.

The services, programs, and initiatives currently underway include:

- TCAT: providing fixed route bus and rural demand response (DR) services and real-time bus location and arrival information to the public with smartphone apps, planning a rural first mile-last mile service pilot, installing Wi-Fi internet access on all buses and buying its first electric transit buses to begin a transformation to an electric bus fleet.
- Gadabout: integrating ADA paratransit service for TCAT with its county-wide demand-response service.
- The County: contracting for the Finger Lakes Rideshare program, led by ITCTC and supported by the Tompkins Rideshare Consortium.
- Cornell University and the Ithaca Downtown Alliance: operating their respective transportation demand management (TDM) programs.
- Cornell Cooperative Extension of Tompkins County (CCETC): providing the “Way2Go” community mobility education program and a one-call / one-click service.



- CCETC: operating Way2go's MoveTogetherNY regional mobility management program to improve regional mobility for commuting and travel to healthcare in seven counties.
- County DSS: leading local stakeholders to develop a business model for a Mobility-as-a-Service pilot through participation in FTA's [Mobility On Demand On-Ramp Program](#).

A community consensus to collaborate, along with an entrepreneurial energy to improve, creates the fertile ground necessary for developing the wide breadth of services that TCAT and its partners provide now and plan for in the future.

Much of the text for this section was based on a former APTA web feature on TCAT, with updates made in 2018 in consultation with Dwight Mengel, Chief Transportation Planner for Tompkins County. For more information on TCAT, please visit the [TCAT web site](#).

## Section Sources

- APTA. Mobility Management Profiles- Ithaca and Tompkins County, NY
- [Coordinating Council on Access and Mobility \(CCAM\) Federal Fund Braiding Guide](#)
- [Gustave Cordahi, Susan Shaheen, Elliot Martin. MOD Sandbox Demonstrations Independent Evaluation – VTrans Open Trip Planner Evaluation Plan, Final Report. USDOT FHWA-JPO-18-679, June 2018](#)
- [FTA Circular 9040.1G, Formula Grants for Rural Areas: Program Guidance and Application Instructions](#)
- [FTA Coordinating Council on Access and Mobility web page](#)
- [FTA Transportation Coordination web page](#)
- [FTA Program Fact Sheet under the Bipartisan Infrastructure Law](#)
- [FTA web pages on current grant programs under the FAST Act](#)
- [Herlihy, Patrick, NHDOT. NH's Mobility Management Framework. Presentation at MTAP Advances/State of Practice on Coordinated Transportation Plans. January 26, 2022.](#)
- [KFH Group, Inc. Expanding Access to Our Communities: A Guide to Successful Mobility Management Practices in Small Urban, final report for National Cooperative Highway Research Program \(NCHRP\) Project 20-65 Task 68: Successful Mobility Management Practices for Improving Transportation Services in Small Urban and Rural Areas, 2018](#)
- [National Center for Mobility Management \(NCMM\) web site](#)
- [National RTAP, Sharing Training with Agencies Coordinating Transportation Best Practices Spotlight article](#)
- [NY Mobility Manager \(mobilitymanager.weebly.com\) Mobility Management in Tompkins County, NY web page](#)
- [Tompkins Consolidated Area Transit web site](#)
- [Transportation Technical Assistance Coordination Library \(TACL\)](#)
- Communications with Tod Morris, Mobility Management Planner for Northern Arizona Council of Governments (NACOG), former NACOG Mobility Management Planner Jason Kelly, Dwight Mengel, Chief Transportation Planner for Tompkins County, and Patrick C.

Herlihy, Director of Aeronautics, Rail & Transit, New Hampshire Department of Transportation

# Planning and Evaluation

## Introduction

In this section, we will discuss two fundamental components of operations: planning and evaluating the services rural transit agencies provide to the community. This section touches on strategic planning, service planning, and required planning, providing information and guidance, from effective ways to engage the community to methods for evaluating services. It also introduces planning concerns regarding vehicles, technology, facilities, sustainability, and fare policies.

We also recommend reading these related National RTAP Technical Briefs:

- [Getting Started: Creating a Vision and Strategy for Community Transit](#)
- [Developing, Designing & Delivering Community Transportation Services](#)
- [What Transit Agencies Need to Inform the Public About Before Making Changes](#)

This section of the Toolkit is organized into the following subsections:

- Strategic Planning
  - Governing Boards
  - Community Stakeholders
    - Transportation Advisory Committees
    - Relationship to Service Planning
- Service Planning
  - Public Involvement
    - Passenger Surveys
    - Community Surveys
    - Focus Groups and Public Meetings
    - Public Involvement and Title VI Requirements
- Required Planning
  - Transit Development Plans
  - Coordinated Public Transit Human Services Transportation Plans
- Service Options
  - Productivity and Cost
  - Service Options for Rural Transit
    - Fixed Route
    - Flexible Route
  - Demand Response
  - Microtransit and Mobility on Demand
- Choosing Vehicles
- Communications and Technology
- Facilities Planning
- Sustainability
- Fare Policies

- Coordination
- Monitoring and Evaluation
- Innovative Approaches
- Section Sources

## Strategic Planning

According to an [article in the Oxford Research Encyclopedia of Business and Management](#), strategic planning is “a deliberative, disciplined effort to produce decisions and actions that shape and guide what an organization... is, what it does, and why it does it.” It is commonly used by private and public entities to actively guide future activities and direction, rather than simply having to react to what may occur. In the context of public agencies, strategic planning activities typically include:

- Preparing for strategic planning by identifying what elements should be included, the timeline for completion, and the identification of stakeholders who should be included in the process
- Identifying the mission, vision, values, and goals of the agency. This step should include clarifying any applicable legal statutes or mandates
- Conducting a SWOT (strengths, weaknesses, opportunities, threats) analysis to assess both the external and internal environments
- Identifying and analyzing issues that face the agency and identifying potential strategies to address these issues
- Assessing the feasibility of the strategies developed using reasonable criteria
- Incorporating the strategies deemed feasible into agency plans
- Implementing agency plans to achieve the desired outcomes
- Evaluating, monitoring, and updating the plan as results become available
- Reassessing strategies and the strategic planning process on a regular basis

[TCRP Synthesis 59, Strategic Planning and Management in Transit Agencies](#), examines the practice of strategic planning and management in the transit industry and presents a literature review, a survey of transit agencies, and case studies regarding the practice.

The report found that some form of strategic planning was used by over 80% of the transit agencies randomly sampled for the project and cited the following internal strategic planning benefits:

- Creating a new organizational vision
- Helping an agency become more customer-oriented
- Creating better alignment between the board, management, and staff
- Aiding in decision-making and priority setting
- Establishing budget priorities
- Redirecting staffing levels
- Creating more effective workflows
- Restructuring services

The same report cited the following external strategic planning benefits:

- Increased external stakeholder awareness, input, and support
- Helpful for obtaining additional funding
- Helpful for defining an agency's core role and responsibilities to the community

Even if an agency does not participate in a formal strategic planning process, management will need to work with the agency's governing board and/or State Department of Transportation (DOT) to determine the service and project priorities for the system. The development of a vision and mission statement can help provide this direction. To read more about mission statements, see the [Mission and Leadership section](#) of the Toolkit. Strategic planning should also feed into budget development (addressed in the [Budget and Finance 101 section](#) of the Toolkit).

Technical and financial resources to help rural transit agencies develop strategic plans may be available through the State Rural Transit Assistance Program (RTAP). As part of the federal Section 5311 program, each state is allocated a specific funding level each year to provide training and technical assistance for rural transportation providers. State RTAP programs typically involve a mix of training opportunities and agency-specific technical assistance. If a transit agency would like to explore the resources available to conduct a strategic plan, the State DOT is a good first contact to discuss what options may be available at little or no cost to the agency.

National RTAP completed its most recent biennial survey of rural and tribal transit managers in 2022. A [summary of survey data](#) is provided. The report summarizes types of services provided, funding sources, use of technology in operations and compliance, training requirements, and the impact of COVID-19 on operations. This data may be helpful for agencies to use in the development of their own plans.

## [Governing Boards](#)

A governing board is the legal entity of the transit agency, with both legal and fiduciary responsibility. Governing boards may take the following forms:

- Board of Directors – this format is common for a transit authority or private, non-profit agency or regional council that operates public transportation.
- Board of County Commissioners or County Council – this type of entity would be the governing board for a county-operated transit program.
- City Council or Board of Alderman – this type of entity would be the governing board for a city-operated transit program.
- Tribal Council – for tribal transit agencies.

More information on governing boards can be found in the [Mission and Leadership section](#) of the Toolkit.

## [Community Stakeholders](#)

An important step in the strategic planning process is to fully understand the community's needs. To do this, an agency must become part of the community rather than just serving it. John Martin, in

the National RTAP technical brief “Make Business Part of Rural Transit’s Business: How to Form Strategic Business Partnerships,” explains that it is imperative for transit agencies to reach out to an often-overlooked stakeholder group: the business community, which includes individual companies and business organizations such as the local Chamber of Commerce. Given that public transit connects local businesses to workers and customers, establishing a partnership between transit agencies and businesses can benefit all parties involved.

To read more about public transit and the business community, see the National RTAP technical brief [Make Business Part of Rural Transit’s Business: How to Form Strategic Business Partnerships](#) by John Martin and his [recorded webinar](#) (11/19/10) on the topic.

Additional important stakeholders for rural transit agencies are human service agency representatives, whose clients depend upon the services provided by rural public transportation programs. These agencies may serve older adults, people with disabilities, and/or people without access to personal transportation. Often these agencies have contractual relationships with rural public transit agencies to help their clients access services.

## **Transportation Advisory Committees**

Community stakeholders are often called upon to serve on transportation advisory committees (TACs) or advisory boards, which are formally appointed groups that typically advise local elected officials on transportation needs within the community. TACs are different from governing boards, as they are for advisory only. Committee members speak on behalf of their stakeholder groups to give feedback as to whether the transit system is providing appropriate service for the community. There is generally an application/appointment process, and each member has a defined term of service. TACs generally meet quarterly, though some may meet more frequently if specific initiatives are under development. Some state DOTs require that their subrecipient transit agencies have TACs in place.

The composition of the TAC should reflect the community with regard to race, sex, ethnicity, age, and disability. TAC meetings should be conducted in an open and transparent manner and be held at locations that are easily accessible by community members and at times that community members can attend.

Detailed guidance regarding the establishment and maintenance of TACs can be found in [Effective Transportation Advisory Committees: Creating a Group that Reflects all Community Voices](#), a resource developed in 2012 by Easter Seals Project ACTION (ESPA).

More information on advisory boards can be found in the [Mission and Leadership section](#) of the Toolkit.

## **Relationship to Service Planning**

Strategic planning activities serve to provide transit agencies with a road map to guide them as their communities change over time. This road map provides the structure for service planning activities, which are described in the next section.

## Service Planning

The first step in service planning is taking inventory of available resources and the transit needs of the community. Once the agency knows what funding, vehicles, facilities, equipment, and staff are available, and the services that are currently provided, the transit manager or planner can match those resources and services with the transportation needs of the community. If the organization has conducted a strategic planning process, it will have a clear mission statement and list of system priorities. The services provided should match those values and fulfill the mission of the organization. In addition, many State DOTs have statewide planning priorities, guidelines for the types of activities they will fund, and performance measures that they use to determine a service or project's effectiveness. Choosing services and projects that both fill transit needs in the community and align with the statewide planning priorities/guidelines will ensure that the transit agency is providing necessary services that will be supported by the state.

## Public Involvement

In addition to stakeholder involvement, which was discussed above within the context of strategic planning, obtaining public input is also an important step in the planning process. Public input provides concrete direction regarding what transit services are needed and will likely be used. Transit agencies use a variety of methods to obtain public input, including passenger surveys, community surveys, focus groups, and public meetings.

### Passenger Surveys

An effective way to find out what the public desires is to simply ask them! There are various ways to ask riders what they want, including on board paper or electronic surveys, online surveys, and telephone surveys. Before conducting a survey, establish what specific information is desired from passengers as this will determine the questions asked. Passenger surveys can be used to gather information for many planning purposes, including collecting data for a specific service initiative (i.e., should the agency add service on Saturdays?), understanding rider trip characteristics, and determining rider satisfaction. The following are examples of questions that can be asked in a passenger survey:

- What is the purpose of the passenger's trip?
- What is the passenger's origin and destination, and how many transfers will they have to make to complete the trip?
- How did the passenger pay their fare?
- How often does the passenger use public transit?
- How did the passenger get to the bus stop? How will the passenger get to their final destination after getting off the bus?
- How long did the passenger wait for the bus?
- Why did the passenger choose to take public transit and how would they have completed the trip otherwise?
- What time of the day does the passenger usually ride the bus?
- What is the passenger's income?



- Do they own an automobile?
- How would the passenger like to receive information from the transit system?
- What service changes would be the most helpful?

Responses to questions like these can help a transit system determine common paths of travel, the number of internal and external transfers, whether fare cards or passes are being utilized or are needed, on-time performance, number of choice riders, needs for route changes or extensions, and how to best conduct outreach to customers. A transit system can also ask survey respondents to rate their satisfaction with the agency's services.

Passengers can be given surveys onboard the bus using a paper system that allows the rider to fill out a hard copy form. The passenger can leave the survey on the bus or mail it back to the transit system. Alternatively, postcards with QR codes (quick response code, a two-dimensional bar code that can be scanned by a smart phone) that link to an electronic passenger survey can be printed and distributed to eliminate the need to distribute, collect, and enter the data from paper surveys.

Passengers can also complete an interview survey, with an interviewer asking the questions and recording the answers on a mobile device. Having the interviewer use this technology allows for location data to be tracked, as well as the opportunity to create an audio recording of the passengers' answers. A spoken survey also facilitates participation by passengers with low literacy.

Regardless of the medium used, limit the survey to the necessary questions to ensure passengers return completed surveys in a timely manner. Asking too many questions can cause passengers to return an incomplete survey or not return the survey at all.

The [Transit Performance Monitoring System \(TPMS\) Results](#) report, by McCollom Management Consulting for the American Public Transportation Association (APTA), found that it was more effective to survey passengers on-board than over the telephone and that well-trained surveyors generally yielded a good survey response rate, regardless of the survey method chosen.

To read more about how a transit system used mobile devices to conduct an on-board survey, see the project results presentation, [Transit, Technology and Public Participation](#), by Jeremy Mattson and Del Peterson at the Small Urban and Rural Transit Center.

For more information about conducting on-board survey using paper forms, see the [Transit Performance Monitoring System \(TPMS\) Results](#) report.

## [Community Surveys](#)

The increased availability of electronic survey media options over the past several years has made it relatively easy and inexpensive to conduct community surveys. These types of surveys are used to obtain information from community members who may not use the public transit system on a regular basis or to help determine the feasibility of starting a new service. Community surveys are helpful in gauging support and awareness of the transit program, as well learning what types of transit services would be needed to attract new riders to the service.

## Focus Groups and Public Meetings

Focus groups and public meetings are useful public outreach tools to use when specific service proposals are in the review stage. Presenting service proposals to the public in an interactive setting allows people to better understand the proposals, which can result in insightful comments and suggestions from potential riders. During the COVID-19 pandemic, many of these meetings were held virtually, which enabled greater public participation; however, those without electronic access were not able to participate. Moving forward, a hybrid approach is likely the most effective way to ensure access and maximize participation.

Public meetings are required in certain circumstances, including as part of some of the requirements of Title VI of the Civil Rights Act of 1964 (see below).

## Public Involvement and Title VI Requirements

Not only is public involvement a good business practice, but it is also a requirement if a transit agency receives federal funds. As stated in the Federal Transit Administration (FTA) Title VI circular (FTA C 4702.1B, [Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#)), all recipients of federal funding are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) which reads:

### *5307 (b)*

*Program of Projects. Each recipient of a grant shall—*

- (1) make available to the public information on amounts available to the recipient under this section;*
- (2) develop, in consultation with interested parties, including private transportation providers, a proposed program of projects for activities to be financed;*
- (3) publish a proposed program of projects in a way that affected individuals, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;*
- (4) provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed program of projects;*
- (5) ensure that the proposed program of projects provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources;*
- (6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; and*
- (7) make the final program of projects available to the public.*

As part of the Section 5311 subrecipient grant application process, State DOTs typically require a public participation process that addresses the above requirements, including consultation with private operators and a public hearing (or opportunity for one upon request) about the proposed grant application.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin. Subrecipients of FTA funding are required to prepare and submit a Title VI program that includes a public participation plan, as summarized in the [Civil Rights section](#) of the Toolkit and detailed in the FTA Circular. According to the Title VI Circular, public participation plans must

include “an outreach plan to engage minority and limited English proficiency populations, as well as a summary of outreach efforts made.” This plan does not have to be limited to minority populations alone and it can include outreach to other traditionally underserved groups such as low-income populations, people with disabilities, and others. When developing a public participation plan, an agency has the ability to develop policies appropriate to current projects and the community, but public involvement is always required when developing new programs or projects.

The Title VI circular also states that grant recipients are required to comply with the public participation requirements of 49 U.S.C. Section 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service), and some states extend this requirement to their Section 5311 subrecipients.

There are additional Title VI considerations for service planning. Services must be provided in a non-discriminatory manner, with services equitably provided to minority populations. All FTA funded transit systems that operate fixed route services must establish system-wide service standards and policies.

For more information about Title VI requirements, see the [Civil Rights section](#) of the Toolkit and the [Title VI Circular](#). FTA’s [Environmental Justice Circular](#) also gives information about designing an outreach strategy for environmental justice populations in a community. More about Environmental Justice is also found in the [Civil Rights section](#) of the Toolkit.

An important element of public involvement is public notification. National RTAP’s 2024 [What Transit Agencies Need to Inform the Public About Before Making Changes](#) technical brief provides a checklist of activities that trigger the need for public notification.

## Required Planning

Several State DOTs require local transit agencies to develop multi-year plans, both as a function of their role in oversight of these agencies and to help plan their own multi-year budgets. Federal rural public transportation funds are administered through the states, which means that State DOTs must weigh the needs of all their local transit grantees in the annual budget process. Having multi-year plans in place for local transit programs gives DOTs an idea of the level of investment that is likely to be needed for each of their grantees for several budget years. These plans are typically called transit development plans (TDPs) or short-range transit plans.

### Transit Development Plans

A Transit Development Plan (TDP) is a short-range plan that reviews and updates a transit agency's goals, evaluates the existing conditions and needs, and identifies ways to meet near-term and long-term needs and goals. A TDP will typically include recommendations regarding the:

- Services the agency intends to operate
- Capital that will be required
- Multi-year budget estimates

The planning horizon for a TDP is typically between five and ten years.

State DOTs often will fund the development of these plans. For example, in the Commonwealth of Virginia, TDPs are required for local grantees and the Virginia Department of Rail and Public Transportation (DRPT) has a [standard outline for the structure of the plans](#). DRPT hires professional planning firms to conduct the technical work for these studies, which are guided by the local transit agencies. The Maryland Department of Transportation also conducts local transit planning efforts in a similar manner, as do many other State DOTs. Other State DOT guidance on TDPs include examples from [Florida](#), [Oregon](#), and [Washington State](#).

### [Coordinated Public Transit Human Services Transportation Plans](#)

In addition to state-specific planning requirements, FTA has planning requirements associated with its Section 5310 grant program. Federal transit law requires that projects selected for funding under the Enhanced Mobility for Individuals and Individuals with Disabilities (Section 5310) Program be included in a locally developed, coordinated public transit-human services transportation plan, and that the plan be developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public utilizing transportation services. These coordinated plans identify the transportation needs of individuals with disabilities, older adults, and people with low incomes, provide strategies for meeting these needs, and prioritize transportation services for funding and implementation.

Details about what must be included in this plan can be found in the [Section 5310 circular](#).

Many State DOTs have assisted counties and local regions to develop and update these coordinated plans. Examples of guidance for developing these plans can be found on many state websites, such as [Alaska](#), [Ohio](#), [Texas](#), [Washington](#), and [Wisconsin](#).

National RTAP offers a guidance in a technical brief titled [Writing a Coordinated Public Transit Human Services Transportation Plan](#). Technical assistance in developing these plans can also be found through the [National Center for Mobility Management](#). Resources of transportation coordination can be found through the [Transportation Technical Assistance Coordination Library \(TACL\)](#) as well as FTA's [Coordinating Council on Access and Mobility](#) and [Transportation Coordination](#) web pages. For more information, see the [Coordination and Mobility Management section](#) of the Toolkit.

## Service Options

Since the beginning of rural public transit, transit managers have been seeking new ways of providing service to their customers. Rural transit systems may serve customers that live on the outskirts of a metropolitan urban area. They may transport residents to and from small towns and low-density counties, as well as extremely isolated areas. Rural transit can include rural towns that are ten miles apart, 50 miles apart, or communities on the fringes of urbanized areas, or that are hours away. Along with this array of service areas comes an assortment of customer transportation needs - commutes to work in the city, access to key destinations such as local and specialty health care, shopping, school, connections to intercity bus, and other transportation services.

With a variety of service areas, customer demands, and operational burdens, choosing the right service design for each transportation need is not an easy task. What might be an effective and innovative approach in one area may not work in another.

Decisions about what types of services are provided by the transit agency will be based on the information gathered during the planning stage that includes an inventory of resources and public outreach. This section of the Toolkit will describe each of the basic service types—fixed route, flexible route, and demand response service—and will provide guidance about when each service type should be used. This section will also provide guidance about productivity and cost factors. There are different Americans with Disabilities Act (ADA) requirements associated with each type of service, and for more information about that topic see the [ADA section](#) of this Toolkit as well as the [ADA Toolkit](#).

### Productivity and Cost

It is essential that transit managers understand the importance of productivity in determining the most appropriate service design for each particular part of their service area. A measure of productivity is one-way trips per vehicle hour or mile. For rural transit, one-way trips per vehicle hour is commonly used to measure productivity. This measure is applicable to all rural transit service options: fixed route and paratransit (demand response). Productivity improvements are also a practical way to lower costs.

**The following example demonstrates how productivity impacts costs.**

It costs a transit system **\$50** per hour to provide service.

- 1.5 one-way trips per hour will yield a cost of **\$33.33** per trip
- 3 one-way trips per hour brings the cost to **\$16.67** per trip
- 10 one-way trips per hour brings the cost down to **\$5** per trip
- 25 one-way trips per hour per hour brings the cost to **\$2** per trip

Where possible, always seek the highest productivity service that can safely and appropriately meet customer needs. See [TCRP Report 136](#), Guidebook for Rural Demand Response Transportation: Measuring, Assessing and Improving Performance for additional information on this subject.

### Service Options for Rural Transit

Service models for rural transit are briefly described below and in more detail in the sections that follow:

- **Fixed route service with ADA complementary paratransit** refers to a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule. ADA complementary paratransit is comparable transit service required by the Americans with Disabilities Act (ADA) for people with disabilities who are unable to use fixed route transportation systems. ([49 CFR 37.3](#))

- **Flexible route service (Route deviation)** refers to a blend of fixed-route and paratransit services that includes public fixed routes with published schedules that can flex off route up to a prescribed distance to pick up passengers that may not be able to get to a bus stop.
- **Fixed schedule service** is a hybrid service that provides door-to-door service according to a schedule. This service is typically used in more remote parts of a service area.
- **Demand-response service** refers to any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, which is not a fixed route system. ([49 CFR 37.3](#)) An advance request for service is a key characteristic of demand-responsive service provided by public entities, nonprofits, and private providers.
- **On-demand (Microtransit) service** refers to technology-enabled service that uses multi-passenger vehicles to provide on-demand services with dynamically generated routing. Microtransit services are traditionally provided in designated service areas. Service models for rural areas include small rural cities of under 25,000 population, and first mile/last mile connections to fixed route services (typically in urban/suburban areas). ([FTA Shared Mobility Definitions](#))

## Fixed Route

According to National RTAP's [Dispatching and Scheduling for Rural Transit Systems](#) training module, fixed route services are “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 service trip serves the same origins and destinations.”

This type of service is typically provided by urban systems and funded through the FTA Section 5307 Urbanized Area Formula Program, although rural systems may also provide fixed route service. Many smaller cities, sometimes with populations as low as 10,000, employ fixed route, as well. A general rule of thumb is that fixed route services can be effective in areas with population densities of over 1,500 people per square mile and typically in cities of over 25,000 population.

The following guidance is largely taken from the [Rural and Tribal Transit Service Designs for the 2020s Workshop, National RTAP Conference, December 2023](#).

### Fixed Route Guidelines for Rural Cities

1. **Maximize Use of Fixed-Route** – It has the capability of moving the most people at the lowest cost but is not appropriate for all service areas or all people. The integration of people with disabilities into the mainstream of American life is a fundamental purpose of the ADA ([ADA Basic Principles](#)); however, complementary paratransit or demand-response service may be needed.
2. **Minimum Density** – Fixed-route service works best in communities of at least 1,000 to 1,500 persons per square mile. Similarly populated areas with major destinations or tourism will also support fixed route service.



3. **Service Days and Hours** - If possible, provide service from 6:30 AM to 6:30 PM, Monday through Friday and weekend service.
4. **When is Service Provided?** - When the service is provided is as important as where (origin and destination). Serving commuters, shoppers, students and others may require service early and late in the day and on weekends. A service that only operates for four hours per day won't work for most riders; especially those who need to go to school or work.
5. **Out and Back** - Out and back (bi-directional) is the typical service design of fixed-route transit. If there is a bus stop on one side of the street, there should usually be a stop across the street.
6. **Timed Transfer and Interlining** - Fixed routes should meet at a designated transfer point and then become a second route (fixed route interlining). This reduces the need for transfers. Fixed route services should also be timed to meet other buses.
7. **Transfer Location** - Transfer locations should be at major trip generators such as large stores, downtown, or at a shopping mall with proper access. Well-placed transfer locations will reduce the number of transfers and decrease travel time.
8. **Route Design** - Keep route designs simple. Some routes should be origin based and some should be destination based.
9. **Meandering Loops** - Use out and back (bi-directional) routes whenever possible and keep meandering loops to a minimum.
10. **Timing Points** - Where stops are less than three to four minutes apart, timing points should be every seven to eight minutes. Buses should never run early (or late).
11. **Headways** - The time between buses going in the same direction on the same route. Going from one hour headways to ½ hour headways is excellent customer service, but it doubles the cost.
12. **Dependability** - Fixed route service must operate on schedule every day.
13. **Proper Streets and Turns** - A bus must be able to easily traverse a narrow street. Routing should avoid unprotected left turns on busy streets as well as any other difficult maneuvers. Never put the driver and the bus in a position where the vehicle must back up as a part of the route.
14. **Marketing** - Rural transit services need to be professionally marketed and promoted.
15. **Accessible Bus Stops and Pathways** - Care must be taken in selecting bus stops for safety and accessibility.

### **Fixed Stops versus Flag Stops**

Some rural transit systems allow riders to request “flag stops” instead of, or in addition to, fixed stops (where the law allows). This is particularly valuable for long distance rural routes. An example



of a flag stop policy is to allow drivers to have discretion to stop the bus to pick up or drop off passengers at any location requested by a passenger. Flag stops are commonly used in rural areas where it may not be practical to install bus stops at all locations where riders may need to board. The practice saves riders long walks to fixed stops by allowing stop flexibility. In small cities, it may be possible to work with the local government to install poles and/or bus stop signs through in-kind match.

There are some criticisms of flag stops, including safety issues, the potential for inconsistencies among drivers, and ADA concerns. Persons with visual disabilities or persons that can't use their arms may not be able to flag down a bus. The ADA concerns are outlined in the [Fixed Route Bus Requirements section of the ADA Toolkit](#).

For safety and consistency, it is important that agencies develop specific policies for drivers and passengers to use in determining when and where it is safe for the transit vehicle to stop for passenger pick-ups and drop-offs. Training for drivers with regard to flag stop policies is also important.

Examples of flag stop policies include:

- Instructing drivers to stop safely for anyone on a corner who may have a disability.
- As requested by a rider, allowing drivers the discretion to stop the bus to pick up or drop off passengers at any location that is safe to pull over.

## **Flexible Route**

A flexible (flex) route is also called “route deviation or point deviation” service. For flex route service, the bus may flex from the scheduled route to stop at locations within a defined distance (for example,  $\frac{3}{4}$  mile) of the route. When this is done, the bus must return to the route where it flexed to continue service. Flexible routes are appropriate for long distance routes but less so in small and larger cities, though very small communities with small service areas may also find this works well. Girdwood, Alaska is one such system where both the population and service area lend themselves well to Flex Route service. .

The best use for this service, however, is for long distance, rural routes where it isn't feasible to operate two vehicles when a person requests a flex ride. One vehicle can typically handle both (as needed). For example, the [North Central Regional Transportation District \(NCRTD\)](#) in Northern New Mexico uses [flexible service](#) to serve persons with disabilities for all of its long distance routes (often 70 miles or more).

## **Fixed Schedule Service**

Fixed schedule service is a hybrid service that is a cross between fixed route and demand response service. This service model is most appropriate in remote, rural areas where all-day service, five days per week, is not appropriate. Fixed schedule service is a method of providing limited transit access over a large area that could not otherwise support service. This service picks people up at their door and delivers them to their destination; but it is according to a schedule.

For example, a county could be divided into four service zones, each getting service on designated day(s) and time(s), based on needs. Fixed schedule service is ideal for riders who use the community

transportation service on occasion for appointments or shopping, but this type of service is not usually able to accommodate employment trips, which require a higher level of service.

Fixed schedule service:

- Works best in larger/remote rural areas when there are not enough resources to cover all parts of the service area at all times.
- Serves different areas according to a schedule that is clearly posted and well marketed.
- Schedules are often driven by dialysis needs.
- Can be one or more days per week and one or more round trips per day.
- Experience indicates that passengers accept this approach, and doctors and hospitals will cooperate.
- Productivity is 6-12 one-way trips per hour.

### **Checkpoint or Point Deviation Service**

Checkpoint or point deviation is another type of hybrid service in which vehicles serve designated stops at scheduled times but operate in demand-responsive mode between stops. Spontaneous travelers can use the service by simply boarding and disembarking from buses at the designated checkpoint stops, without advance reservation. Riders unable, or unwilling, to travel to the checkpoints may access a demand-responsive service with advance reservation. There is no designated route between checkpoints.

Fares may be lower for checkpoint boarding to encourage use of the lower-cost service. There is sufficient time built into the schedule to allow for the deviations between checkpoint stops. The overall running times between checkpoints are therefore longer than they would be on a fixed route.

The checkpoint stops are usually made within a 10-minute window (not early, but up to 10 minutes late). If there are no deviations between checkpoints, vehicles may arrive early at a checkpoint, but will not leave until the scheduled time. Checkpoint service typically provides access to riders within one-quarter mile of the checkpoints, as well as within the deviation service area. As with a pure demand-responsive system, the route deviation area would need to be defined.

Checkpoint service offers the spontaneity and freedom of travel for riders who do not wish to call ahead, while also accommodating riders who need a more specialized pick-up location.

### **Zone Service**

Zone service is a method of providing limited transit access over a large area that could not otherwise support service. Zone service can assign fixed-route, demand-response or other type of service to certain zones or sectors on certain days. For example, a community might have five zones, each of which is provided transit service one day of each week. Communities with a more densely populated core could provide daily service in the core area and zone service in outlying areas. Depending upon demand, zones may have service several days a week or as infrequently as once a month. Potential users in the zones plan their trips around the schedule, concentrating their trips on the days that service is offered.

Zone service is ideal for riders who use the community transportation service on occasion for appointments or shopping, but this type of service is not usually able to accommodate employment trips, which require a higher level of service.

### **When Flexible Routes are Appropriate**

**TCRP Report 6**, Users' Manual for Assessing Service-Delivery Systems for Rural Passenger Transportation, states that route deviation services work well when the following is true: (Route deviation systems and services are also known as flexible route systems.)

- The deviations are a relatively small part of the overall demand and the overall running time of the route
- Most of the riders are not time-sensitive
- Door-to-door service is important to some, but not all, passengers
- There are other positive reasons for providing services that are more like fixed route than demand response services

TCRP Report 6 also states that route deviated service does not work well if the following is true:

- Most of the trips are time sensitive
- Some sort of route structure is not desirable for the community

When designing flexible services, such as route and point deviation services, transit agencies must ensure that ADA requirements are met.

Chapter 3 of TCRP Report 6 Users' Manual for Assessing Service Delivery Systems for Rural Passenger Transportation goes into detail about how to choose the appropriate service type. To read more about when flexible routes and point deviated services are appropriate, see **TCRP Report 140**, A Guide for Planning and Operating Flexible Public Transportation Services and **TCRP Synthesis 53**, Operational Experiences with Flexible Transit Services.

More information about fixed route services can be found in **Best Practices in Transit Service Planning**, a resource by the Center for Urban Transportation Research (CUTR) at the University of South Florida (USF).

### **Demand Response**

According to National RTAP's **Dispatching and Scheduling** training module, demand response service is "characterized by the fact that vehicles that do not operate over a fixed route or on a fixed schedule." Because they do not operate on a fixed route or schedule, passengers must request a trip by contacting the transit agency. This training module also divides demand response services into these four categories:

- Many origins - Many destinations
- Many origins - One destination
- One origin - Many destinations
- One origin - One destination

There are a variety of ways in which transit systems provide these services: reservation service, subscription service, ADA complementary paratransit service, taxicab service, vanpool service, carpool service, volunteer drivers, and transportation network companies (TNCs, such as Lyft or Uber).

Types of demand response service include:

**Day-in-advance** service (requires the customer to make a reservation 24 to 48 hours in advance) is the most appropriate service when overall demand levels are low and trip origins are dispersed in a very rural area.

**Microtransit** is most appropriate in small cities up to 25,000 population.

**Subscription service** works well in any demand response service model.

For more information about the delivery methods above, see the [National RTAP Dispatching and Scheduling](#) training module and the [Rural and Tribal Transit Service Designs for the 2020s Workshop, National RTAP Conference, December 2023](#).

For more information on ADA complementary paratransit service, see the [ADA section](#) of the Toolkit.

TCRP Report 6 breaks demand response services into three different categories: subscription services (a rider requests a repetitive ride), advanced reservation (a rider requests a particular ride ahead of time) and real time scheduling (a rider calls to request the service just before the ride is needed). The report also outlines which of these scheduling categories is most effective for specific situations, as described below.

Subscription service works well in the following situations:

- Travelers are relatively clustered around the same origins and destinations
- The demand for trips is once or twice a day (not all day long)
- The same persons take the same trips (that is, the same origins and destinations at the same times) on a frequent, regular basis, but the level of demand is not high enough to justify fixed route or fixed schedule service
- Travel demand densities are relatively low

Advanced reservation service is the most appropriate in the following situations:

- The trips are not taken on a regular pattern (such as those on subscription services)
- Ride sharing is used to reduce the cost per trip for each passenger
- Overall demand levels are low and trip origins are dispersed

Real-time scheduling is best suited for situations in which:

- Highly personalized services are appropriate
- Service needs are immediate

- Door-to-door services are desired
- Origins and destinations are variable and do not necessarily fit any preestablished patterns
- Demand densities are not very low and trip distances are not very long

Real-time scheduling is sometimes used in conjunction with advance reservation demand response service, such as when a system uses “will-calls,” meaning that once the rider has been dropped off at their destination, they “will-call” when they are ready to be picked-up for their ride home.

TCRP Report 6, Users’ Manual for Assessing Service Delivery Systems for Rural Passenger Transportation, Chapter 3, explains how to choose the appropriate service type and the advantages and disadvantages of each service type.

**TCRP Report 136**, Guidebook for Rural Demand Response Transportation: Measuring, Assessing and Improving Performance, lists factors that influence rural demand response performance over which a transit manager has direct influence. These are:

- Vehicle operators
- Operating staff- scheduler, dispatch, and operations supervisor
- Scheduling/dispatch
- Certain operating policies
- Vehicles
- Administrative expenses
- Safety

To view the details of this list, see TCRP Report 136.

## Microtransit and Mobility on Demand

The **Shared-Use Mobility Center (SUMC)** defines microtransit as a technological evolution of dial-a-ride and paratransit and refers to services with on-demand availability that use vehicles larger than personal autos but smaller than transit buses—generally vans or cutaways carrying up to 20 passengers. SUMC notes that microtransit services require professional drivers who are usually employed through a purchased-transportation arrangement with a vendor or employed directly by a transit agency.

An increasing number of rural public transit providers have recently begun operating transit service with an on-demand, e-hailing component. These services, called microtransit and mobility on demand, use smaller vehicles and mobile technology to provide dynamic routing and curb-to-curb or corner-to-corner service. Customers generally use a smart phone application (app) to schedule and pay for a ride within a specific geo-fenced zone. These services will have a back-up phone number to access a dispatcher for riders who do not have smart phones, as well as a farebox. Microtransit service can provide flexibility to customers in rural areas. Dynamic routing capabilities allow drivers to quickly adjust pick-up locations to provide more efficient service.

Rural microtransit typically uses app-based, real-time scheduling technology, to manage trip requests and provide constantly updated real-time arrival information. The service typology is like the commonly known services provided by Uber, Lyft, and other transportation network companies, except it is a shared ride service. By adopting this technology, rural public transportation providers

can operate more efficiently and customer focused service in small cities. Microtransit service provides more flexibility to customers than traditional fixed route service. Riders can individualize service by selecting both their pick-up and drop-off locations, while dynamic routing capabilities allow drivers to quickly adjust pick-up locations to provide more efficient service. Many transit operators see microtransit as a viable alternative to lower performing fixed routes or as a way to provide true demand-response service.

The cost to provide microtransit services includes the typical transit operating costs such as labor and fuel and also includes the cost of the specialized software platform that is used for the smart phone app.

FTA has funded several Integrated Mobility Innovation (IMI) grants to encourage the advancement of these types of technologies for the transit industry. Information concerning IMI grants, including descriptions of previously funded projects can be found on the [FTA IMI web page](#).

Key characteristics of rural microtransit service include:

- On-demand and real-time service – customers book trips when they are ready to go
- Dynamic routing and scheduling – routes may vary
- Shared ride – where possible trips are grouped together
- Operation within a geofenced zone – shorter trips within the defined area
- App-based – leverages customers' smartphones for more direct and efficient service (with a back-up phone number to access a dispatcher for riders who do not have smart phones)

The operating cost of microtransit service in an area already served by paratransit is similar for the same number of service hours. In many cases, existing vehicles can be used.

Rural microtransit is best suited for short-range trips (one to seven miles) within cities of at least 3,000 to 5,000 population with significant destinations such as shopping, health care, employment needs and connections to other transit systems. It is particularly useful as an option where fixed route transit cannot operate in an efficient or productive manner. Microtransit rarely moves more than three to six passengers per vehicle revenue hour, but it may offer greater flexibility in well-defined corridors or zones of operation that cannot sustain a productive fixed route like in small cities, commercial subdivisions, or strings of office parks. Successful installations in cities of between 8,000 and 17,000 population is documented in the [Texas Rural Microtransit Guidebook: A Step by Step Guide to Implementing Rural Microtransit in Texas](#).

## Choosing Vehicles

It is important to match the correct vehicle for the need and the environment. Using a vehicle that is too small can make for uncomfortable service. Using a vehicle that is too large may be difficult to maneuver. Rural transit programs typically operate fleets that may include the following types of vehicles:

- Accessible vans
- Modified mini-vans
- Light and medium duty transit vehicles (these can be different sizes)

Larger buses and specialty vehicles may also be included in some fleets, depending upon the services provided by the agency.

There are several factors to consider when choosing vehicles for a fleet. The Ohio DOT's [Vehicle Catalog & Selection Guide for local transit programs](#) is an excellent reference for selecting smaller vehicles and details many of the questions and issues facing rural transit managers when they procure vehicles. The guide includes the following considerations:

- Capacity needs/safety
- Client needs/comfort
- Purchase price
- Type of service/environment
- Operating and preventive maintenance cost
- Future needs
- Regulatory requirements
- ADA requirements
- Ability to train or hire drivers with a Commercial Driver's License (CDL)

While the [Ohio Guide](#) is geared to transit providers within the state, sections on legislation, regulations, and accessibility are useful and applicable across the country.

### Capacity – Size and Usage

There are a wide variety of transit vehicles available and each is best suited for specific types of service. Considerations should include current needs and near term future (five years) needs.

- Sedans and minivans – These are typically used in demand response service. While every vehicle does not have to be accessible, a level of service equivalent to that available to individuals without disabilities must be made available to people needing an accessible demand response vehicle. ([49 CFR 37.77](#))
- Accessible lift or ramp equipped vans – Ramp equipped vehicles allow for faster boarding and benefit many riders. These vehicles are well suited to microtransit
- Light transit vehicles (often called body on chassis or cutaway) can be different sizes. Can be used in paratransit, regional service or light fixed route.
- Medium and heavy duty transit coaches for heavily used routes and, in particular, for rural areas and long distance routes – they can last twice as long as light duty vehicles. Some rural systems use heavy duty coaches for commuter service. Medium duty coaches are often used when serving small cities with fixed route. These vehicles offer a more comfortable ride than light duty vehicles.

When selecting vehicles, another important consideration is the long term availability of drivers with commercial driver's licenses (CDL). Finding CDL drivers or those able to complete the training and testing (often at a long distance from home) can be challenging in rural areas. When looking at smaller vehicles, the difference between a vehicle requiring a CDL and one that doesn't (over 14 passengers) is very small. When capacity is not an issue, opting to purchase the non CDL vehicle makes sense and should be part of the consideration.



## Alternative Fuel Vehicles – Options and Issues

Interest in alternative fueled vehicles has grown among rural transit agencies in recent years. National RTAP's Alternative Fuels Topic Guide provides links to numerous resources on this topic. National RTAP's Best Practices Spotlight Article on [Electric Vehicle Maintenance Best Practices](#) provides recommended practices and case studies from transit agencies that have successfully implemented these vehicles into their fleets.

While electric vehicles (EVs) provide cleaner transportation, there are hurdles related to charging and maintenance infrastructure. There also need to be maintenance staff capable of maintaining EVs. Where hybrid and/or EV support is available, transit operators can consider that option. Some rural systems are looking to team with their local governments to build the infrastructure and have the staff to operate EVs.

The U. S. DOT's [Rural EV Toolkit: Charging Forward: A Toolkit for Planning and Funding Rural Electric Mobility](#) contains information and resources on planning and funding rural EV infrastructure. This website also contains a section on [Electric Mobility Basics](#) that includes descriptions of the three types of electric vehicles currently available: Battery electric vehicles (BEVs), Plug-in hybrid electric vehicles (PHEVs), and Fuel cell electric vehicles (FCEVs).

## Accessibility Features/ADA requirements

Different types of services have different requirements for ADA accessibility.

- For fixed route and flex route services all vehicles must be is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs - ramp or lift equipped. ([49 CFR 37.71](#), [49 CFR 37.73](#), and [49 CFR 37.75](#))
- Demand response service must be accessible as a whole, while every vehicle does not have to be accessible, people needing an accessible demand response vehicle should have the same access to the service as other riders. ([49 CFR 37.77](#))
- Modification of Fixed-Route Service - According to the FTA's [FY2023 Comprehensive Review Contractors Manual – ADA General](#), there are no ADA concerns with a proposal to move from a fixed-route to a demand-responsive service. As stated above, all vehicles used in demand-responsive service must be accessible to and usable by persons with disabilities, including wheelchair users, unless equivalent service can be demonstrated (49 CFR 37.77(c)). Once the move to demand-responsive service is complete, the obligation to provide ADA complementary paratransit service is no longer applicable. For more information on ADA requirements for demand- responsive service, see [Chapter 7 of FTA Circular 4710.1](#).

Many transit vehicles employ low floors and ramps rather than wheelchair lifts. Ramps have many advantages:

- Lower maintenance and expenses.
- Ramps are far less prone to breakdowns
- Can be manually deployed easily if necessary
- They are easier to deploy and take far less time to board and alight.

Low floor can work in many parts of the rural service area, but there are some terrain issues which may make low floor problematic. If one is considering a low floor vehicle, have the vendor bring a vehicle to your service area and test it to determine clearance issues.

### Purchase Price and Grant Funding

Alternative fueled buses – hybrids and electrics are often available through a reduced local match, with the Federal Government accounting for 90 percent or more of the purchase prices. While most traditional fuel types will be subject to a higher match rate of 20 percent or more.

The following factors should be considered when choosing vehicles:

- Operating and preventive maintenance cost
- Maintenance availability
- Future needs
- Regulatory requirements
- Ability to train or hire drivers with a Commercial Driver's License (CDL)

## Communications and Technology

The area of communications and technology in public transportation is continually evolving. There are more proven products for a variety of services than ever before. Unfortunately, there are still some rural areas especially where broadband does not exist or communication may be spotty. The most basic communication and technology need in public transportation is making sure customers have a way to get in touch with the transit agency and staff have a way to reach drivers while they are on the road (and vice versa).

Typical devices used to communicate with drivers while they are in-service include the following:

- Two-way radios
- Cellular phones
- Mobile data computers/terminals (MDC or MDT)
- Tablets

For basic communication, in some places a radio network works well and in other areas cell phones have better coverage. That has to be tested and selected locally.

Automatic vehicle location (AVL) technology is also becoming commonly used, particularly in association with MDCs and tablets. This technology generally allows the public as well as the agency to see where each of the vehicles are throughout a service area in real-time.

It should be noted that the Federal Motor Carrier Safety Administration (FMCSA) restricts the use of all hand-held mobile devices by drivers of commercial motor vehicles. Drivers of commercial motor vehicles are restricted from holding a mobile device to make a call or dialing by pressing more than a single button. Commercial motor vehicle drivers are permitted to use a hands-free phone located in close proximity.

## Software Platforms and Technology

There are a number good rural transit software options and vendors. As of this writing, there are traditional day-in-advance, demand response packages and a variety of microtransit packages that allow for real-time service. Many vendors offer both options. Change in this area is happening very rapidly; software features can include, but are not limited to:

- App-based – Customers want to be able to access the service using an app on their smart phone. This is a standard feature of microtransit, and often deployed by fixed route operators for next bus arrival information and alerts.
- Cloud-based – Technology is hosted by the vendor, making it easier for small transit systems to implement, and allowing for more frequent updates and bug fixes.
- Customized performance reports – It is important to work closely with the software vendor to be sure that desired data is collected and that performance reports meet the needs of the agency.

These options can result in reduced demands on the dispatcher and improve service quality.

The following factors should be considered when choosing communications and technology devices and tools:

- What level of sophistication is right for the agency?
- Does the agency have in-house technical expertise to keep MDCs and tablets operating effectively?
- What is the geographic range for various technologies in the service area? Are there dead areas for either two-way radios or cellular phones?
- Is there a need to extract data from the communication device (i.e., MDCs and tablets can be used for multiple data collection purposes)?
- Does the agency use paper or electronic driver manifests (i.e., daily assignments for each driver, such as passenger pick-up and drop-off details for demand response drivers, and route assignments for fixed-route drivers)?

The National Center for Mobility Management (NCMM) provides [links to additional information about transit technology](#), as does the [National Center for Applied Transit Technology \(NCATT\)](#).

Note that any FTA-funded intelligent transportation systems (ITS) technology must be consistent with and conform to the National ITS Architecture, as well as to U.S. DOT-adopted ITS Standards. ITS projects and programs are also required to be a part of a locally approved Regional ITS Architecture. [More information about this requirement](#) is available on the FTA website.

## Facilities Planning

There are several types of facilities that may be needed for a transit program, depending upon the size, organizational arrangements, and complexity of service. These include the following:

- Administrative/operations center (or office)
- Vehicle maintenance garage
- Vehicle storage area
- Passenger facilities, such as transfer facilities, bus stops, and shelters

At the very minimum, a transit agency is likely to need secure vehicle parking and the use of an office. When planning to construct a new vehicle storage facility, maintenance facility, or operations center, a transit agency is required to conduct a Title VI equity analysis during the planning stage with regard to the location of the facility. For more information, see the FTA [Title VI Circular](#) (C 4702.1B, pages III-11 to III-12).

The following resources address various elements of facilities planning for rural and small urban transit providers:

- Several sections of the [Ohio Department of Transportation's Rural Transit Manual](#)
- [Transit in Small Cities: A Primer for Planning, Siting, and Designing Transit Facilities in Oregon](#)
- [Independent Cost Estimates for Design and Construction of Transit Facilities in Rural and Small Urban Areas – Transportation Research Board, Transportation Research Results Digest 397](#)

## Sustainability

Sustainability is an important consideration in service planning, strategic planning, and budget development. In this context, sustainability refers to the ability of the transit program to maintain itself and operate as efficiently as possible. The Rural Transportation Toolkit, published online by the Rural Health Information Hub includes a [module on sustainability](#).

This module covers the following topics:

- The importance of sustainability planning
- Transportation program sustainability strategies
- Federal agencies and programs that provide funding for transportation
- Foundations working on rural transportation issues
- Partnerships

This module discusses the following key issues to consider when planning for sustainability:

- Planning for the continued engagement of stakeholders and partners
- Considering what contributions stakeholders can make
- Monitoring population demographics and trends in the community
- Considering what fees may be appropriate for service
- Tracking the impact of the program

- Leveraging human, financial, and in-kind resources from the community.

## Sponsorships

Transit has a long history of providing advertising on and in buses for additional revenue. Instead of just selling advertising, rural transit can sell sponsorship packages. Since sponsorship and advertising funds are an important source of local funding, sponsorships are a potential source of revenue for rural transit and can help sustain and expand service.

Potential sponsors will want to be associated with a service that takes pride in its vehicles and is one that the community can take pride in, as well.

### **Identifying the Service**

A sponsorship program is designed to sell a service to both public and private sponsors. Possible services for sale can include (but should not be limited to):

#### Sponsorship services at any level

- Recognized as a sponsor of rural transit in the how to ride guide, system map and schedule
- Sponsored by (name of sponsor) on all system literature and advertising
- Decal on the side or back of the bus
- Special promotions sponsorship

#### Higher level sponsorship services

- Company logo on rural transit maps and brochures
- Placing of a shelter for customers and/or employees
- Placing of a stop conducive to customers and/or employees - this could include going into a parking lot and stopping next to the facility
- Route/bus named for sponsor
- Bus wrap
- Dedicated shuttle - shopper, tourist, or college

## **Fare Policies**

Fare policies are typically calculated to maximize ridership and revenue. Fares can have an impact on ridership and revenue:

- Influence ridership choices -
  - Short term, “Free Fare Days” can attract new riders to a particular route or service.
  - Maximizing the cost for paratransit, while minimizing the cost for fixed route can influence ridership.
  - Some systems opt to maximize ridership through a very low or no fare.

- Generate revenue – The farebox in rural transit will typically generate one to five percent of the operating revenue

The development of fare policies for rural transportation programs typically considers the following factors:

- How much can the rider afford to pay?
- Is there a fare recovery goal? (i.e., a certain percentage of the overall costs that are expected to be covered by rider fares). According to the [2021 Rural Transit Fact Book](#), which reports 2019 NTD data, the average farebox recovery for rural transit systems was 9%.
- How much money is needed from farebox revenue? What are the other funding sources?
- How much do peer agencies charge?
- What is the mode of service? (i.e., demand response, deviated fixed route, fixed route)
- Will there be a differential based on distance traveled or time of day?
- Does the agency wish to incentive ridership through fare policy? (this would apply to agencies considering fare-free programs)
- Are there local political policies that may affect fare policy?

There are several TCRP publications that discuss various aspects of fare policy as well as fare collection and payment options. These can be found in the [APTA TCRP publications catalog](#).

## Coordination

Coordination allows service providers to leverage all the resources in a community to increase mobility for everyone. For more information, see the [Coordination and Mobility Management section](#) of the Toolkit.

## Monitoring and Evaluation

A community's needs and resources are always changing. To ensure that services are as appropriate today as they were yesterday, it is important to have a system for monitoring and evaluation.

Transit Performance Measurement, a document adapted from a former National Transit Institute (NTI) course entitled Improving Transit System Performance: Using Information Based Strategies, identified these six steps in the performance evaluation process:

1. **Establish goals and objectives** - While goals can be general, it is important to identify measurable objectives with collectable data.
2. **Select performance indicators** - Choose indicators that are commonly understood, to allow comparison with other systems, and that can be calculated easily. Choose what part of the service each indicator will measure (for example, will it measure overall performance or performance on a specific aspect?). Decide how frequently to measure performance.
3. **Collect and tabulate data** - Ensure that all data are collected and analyzed consistently.

4. **Analyze and interpret indicators** - There are three approaches for analyzing results: compare against the agency's own data over time; compare against peer systems; compare against industry norms/standards. The most complete performance evaluation will include all three approaches.
5. **Present the results** - It is important to present the results in a way that is clear and can be understood by agency staff as well as outside constituencies. Graphical presentations can increase clarity and understanding.
6. **Take corrective actions and monitor results** - The last, and most important, step is to use the results of the evaluation to make changes to the system to increase efficiency and effectiveness.

This process should be repeated on a regular, scheduled interval.

Another important method for collecting service evaluation data is having a manager ride the bus. This allows the manager to see first-hand the condition of the buses and shelters, how the driver interacts with passengers, passenger behavior on the bus, the sections of a route that carry the most riders, whether the bus runs on schedule, and the overall experience of using the service. While it does take time out of a manager's day to ride the bus, it is a valuable tool for assessing the quality of the service the agency is providing.

Other resources on transit performance measurement include:

- TCRP Report 88: [A Guidebook for Developing a Transit Performance-Measurement System](#)
- TCRP Report 136: [Guidebook for Rural Demand-Response Transportation: Measuring, Assessing, and Improving Performance](#)

## Innovative Approaches

Transit managers seeking new ideas for innovative rural transit services and creative problem solving can learn from the following resources:

- [Progressive Rural Transit Services Offer Lessons in Mobility, Access for All](#), Metro Magazine – This November 2019 article highlights innovative approaches by Greenway Public Transportation (Conover, North Carolina), the Travel Washington Intercity Bus Program of Washington State Department of Transportation (providing four intercity bus routes across the state), the South Central Tennessee Development District Mule Town Trolley Service (Mount Pleasant, Tennessee), and Kayak Public Transit (Pendleton, Oregon).
- National Cooperative Highway Research Program (NCHRP) Research Report 861: [Best Practices in Rural Regional Mobility](#) – This research report discusses the roles of state transit program policies and regional planning agencies in developing rural regional public transit services and shares 12 case studies (from California, Colorado, Iowa, Kansas, Maine, Michigan, Minnesota, Montana, New Mexico, Oregon, Vermont, and Wisconsin). The report provides a checklist for developing a rural regional route.
- Transit Cooperative Research Program (TCRP) Synthesis 94: [Innovative Rural Transit Services](#) – This synthesis of transit practice showcases innovations of four rural transit



agencies (in Idaho, Texas, Vermont, and Virginia as well as the Oregon Department of Transportation.

- Rural Health Information Hub's [Transportation to Support Rural Healthcare – Models and Innovations](#) web page – This web page compiles reports on projects to provide innovative rural transportation practices to support rural resident access to health care.

## Section Sources

- Bryson, John, and Lauren Hamilton Edwards, [Strategic Planning in the Public Sector](#), Oxford Research Encyclopedia of Business and Management (2017), pp. 2, 8-9
- Burkhardt, Jon E., Beth Hamby, and Adam T. McGavock, [TCRP Report 6, Users' Manual for Assessing Service Delivery Systems for Rural Passenger Transportation](#), National Academies Press (1995)
- Ellis, Elizabeth and Brian McCollom, [TCRP Report 136, Guidebook for Rural Demand-Response Transportation: Measuring, Assessing, and Improving Performance](#), National Academies Press (2009)
- [FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#) (2012)
- [FTA Circular 9040.1G, Formula Grants for Rural Areas: Program Guidance and Application Instructions](#) (2014)
- [FTA Section 5310 web page](#) (accessed March 2024)
- Hosen, Kenneth I. and S. Bennett Powell, TCRP Synthesis 94: [Innovative Rural Transit Services](#) (2011)
- KFH Group, Inc. in association with Cambridge Systematics, Inc., NCHRP Research Report 861: [Best Practices in Rural Regional Mobility](#) (2017)
- Koffman, David, [TCRP Synthesis 53, Operational Experiences with Flexible Transit Services](#), National Academies Press (2004)
- Lawrie, Judson, TCRP Synthesis 59, [Strategic Planning and Management in Transit Agencies](#), National Academies Press (2005)
- Lehman Center for Transportation Research, Florida International University, in association with the National Center for Transit Research at Center for Urban Transportation Research, [Training Manual for Transit Service Planning and Scheduling](#) (2005)
- Mattson, Jeremy, [Rural Transit Fact Book](#), North Dakota State University, Upper Great Plains Transportation Institute, Small Urban and Rural Center on Mobility (2021).
- Mattson, Jeremy and Del Peterson, [Transit, Technology and Public Participation, presentation hosted by the Center for Urban Transportation Research \(CUTR\) \(April 5, 2012\)](#)
- McCollom Management Consulting, [Transit Performance Monitoring System \(TPMS\) Results Summary Report Phases I and II, American Public Transit Association \(APTA\) \(2004\)](#)
- Mistretta, Mark, Jay A. Goodwill, Rob Gregg, and Christopher DeAnnuntis, [Best Practices in Transit Service Planning, Center for Urban Transportation Research \(CUTR\) at the University of South Florida \(USF\) \(2009\)](#)
- [National RTAP, 2022 Rural and Tribal Transit Managers Survey Results \(2022\)](#)

- [National RTAP, Developing, Designing & Delivering Community Transportation Services technical brief](#) (2022)
- [National RTAP, Dispatching and Scheduling for Rural Transit Systems training module](#) (2021)
- Ohio Department of Transportation, [Vehicle Catalog and Selection Guide](#)
- Phillips, Robin and Cara Marcus, [Progressive Rural Transit Services Offer Lessons in Mobility, Access for All](#). Metro Magazine (November 27, 2019)
- Potts, John F., Maxine A. Marshall, Emmett C. Crockett, and Joel Washington, [TCRP Report 140, A Guide for Planning and Operating Flexible Public Transportation Services](#), National Academies Press (2010)
- Reilly, Jack, Edward Beimborn, and Robert Schmidt, Transit Performance Measurement, material adapted from a National Transit Institute (NTI) course developed at the University of Wisconsin-Milwaukee (not online)
- Rural Health Information Hub, [Rural Transportation Toolkit](#) (accessed March 2024)
- Rural Health Information Hub, [Transportation to Support Rural Healthcare – Models and Innovations](#) web page

# Communicating with the Public

## Introduction

Communicating with the public is an important element of multiple aspects of managing a public transit system. This section of the Transit Manager's Toolkit is intended to provide guidance on each of the ways a rural transit agency gives information to and engages with the community it serves. The section summarizes the various parts of public communications and introduces requirements and recommendations that are detailed in other sections of this Toolkit, as well as other National RTAP resources. This section of the Toolkit is organized into the following subsections:

- Keeping the Public Informed about Services
- Public Notice and Engagement as Part of Planning
- Ensuring Information Is Understandable and Accessible
- Communicating in a Crisis
- Providing Customer Service
- Education and Outreach
- Hosting Public and Stakeholder Meetings
- Section Sources

A key resource referenced throughout this section of the Toolkit is the [National RTAP Marketing Toolkit](#).

## Keeping the Public Informed about Services

An essential characteristic of a public transit system is ongoing publicly available information about the transit agency's services and how to use them. Promoting the service as open to the public is an important aspect of providing public transportation. Informational materials typically used by rural public transit agencies include:

- **Rider's Guide** – As noted in the [Fundamental Communications section of the Marketing Toolkit](#), whatever type of service the transit agency operates — fixed route, demand response, or any other type— a rider's guide is one of the most basic and important information tools. A rider's guide is also commonly referred to as a “how to ride” guide or a passenger guide. Rider's guides will vary with the type of service(s) operated; common elements include:
  - Information on geographic coverage as well as days and hours of service (for fixed routes, this would include route maps and schedules)
  - Fare information, including payment methods, how to qualify for reduced fares, and fare transfers between routes

- How to access the service (which could include how to identify a bus stop, how to request a deviation, how to make a demand response trip reservation, and how to apply for eligibility for services with eligibility requirements)
- Passenger code of conduct (including rules/policies about prohibited behaviors, such as smoking or eating on the bus)
- Information about accessibility of the service to riders with disabilities
- Contact information, including a website address and reference to Google Transit trip planning, if available

For more detailed suggestions, refer to the [Fundamental Communications section of the Marketing Toolkit](#). For examples, the [Marketing Templates section of the Marketing Toolkit](#) includes templates for passenger guides for fixed route and demand response services.

- **Route Maps and Schedules** – Transit agencies that operate fixed routes and route deviation service should publish route maps and schedules of key timepoints for each route. A system map is also helpful, so that riders can more easily identify where the routes intersect and what routes they can use to complete their trip. Each map should indicate key bus stop locations (at a minimum, each timepoint listed in the schedule), landmarks, and key destinations clearly noted on the map. The [Marketing Templates section of the Marketing Toolkit](#) includes templates for route maps and schedules as part of a rider guide.
- **Fare Policy** – It is important to notify the public of the costs to ride the service, including the regular general public fare, reduced fares for groups such as seniors, people with disabilities, veterans, and students, as well as eligibility criteria for reduced fares, options for multi-ride tickets/passes (and where to purchase them), and other details about paying to ride the transit system.
- **Passenger Policies** – Policies about passenger code of conduct on board the bus, consequences for prohibited behavior, policies for accommodating people with disabilities on all services, eligibility requirements for services that are only open to a limited population, and other important policies should be documented in writing and made available to the public.
- **Notices of Service Changes**– It is important to alert passengers and the public of service changes so that they know to alter their personal travel plans to adjust for the transit system changes. Service changes can occur now or in the future, be unexpected or planned, and temporary or permanent. The transit agency should have a system in place for preparing and posting notices quickly and with as much notice as possible to passengers and potential passengers.

Typical strategies for sharing public information include:

- **Printed materials** – Printed materials are an important means to share information with members of the community who may not have access to the Internet. Transit agencies should consider stocking rider guides, route maps, and schedule brochures at community information centers such as public libraries, government service buildings, social services

buildings, and visitors' centers within the transit service area. Templates for brochure designs, as well as stock photos and graphics, can be found in the [Marketing Tools section of the Marketing Toolkit](#).

- **Website** – At a minimum, the transit agency's website should detail each of the services operated and provide contact information. It should also include a Title VI notice (as discussed in the [Civil Rights section](#) of the Toolkit, and contact information for requesting any materials in a different format (discussed later in this section of the Toolkit under Ensuring Information Is Understandable and Accessible). National RTAP's [Website Builder technology tool](#) is a free resource that rural and Tribal transit agencies can use to create and maintain their websites. National RTAP's [Transit Website Checklist](#) contains suggested components that transit websites should consider for inclusion. Readers can also learn from National RTAP's February 2022 [virtual marketing workshop on transit websites](#).
- **General Transit Feed Specification (GTFS) data** – National RTAP offers the [GTFS Builder technology tool](#) that rural and Tribal transit agencies can use to develop and generate schedule and geographic data (route alignment and bus stops) for uploading. GTFS files can then be used in Google Transit, Apple Maps, and other apps that provide transit information from GTFS data. Many transit agencies use Google maps created with their GTFS data to serve as route maps on their website.
- **Social media** – Social media such as Facebook and Twitter are good strategies for getting time sensitive information out quickly and in a format that can easily be shared. National RTAP provides several resources on using social media to share information on rural transit services, including a [Best Practices Spotlight Article on Social Media](#) and the [Leveraging Social Media: Spreading the Word and Enhancing Community Participation Technical Brief](#).
- **Emailed service announcements and alerts** – Transit agencies can build an email list of subscribers to which they can send electronic newsletters and service change alerts. This is a way of quickly reaching all riders who have chosen to subscribe, including those who do not regularly use social media. National RTAP's [Website Builder technology tool](#) includes a contact form that can be used to develop an email list. Transit agencies that are part of government organizations may be able to be part of the government organization's electronic subscription service.
- **Notices posted onboard buses** – Onboard notices help share important information with passengers who are able to read the notices. This means of communication will not be useful for informing riders with vision disabilities or those who are unable to read the language(s) the information is posted in.
- **Signage posted at transit facilities (including bus stops at fixed stops)** – If a transit facility has a bulletin board or passenger shelter -- route, schedule, and fare information can be posted. It can also be helpful to post notices and signs at transfer centers and bus stops that are served for routes that have or will be changed. As noted in the [Marketing Toolkit](#), posting up-to-date information at the bus stop is particularly important on low frequency routes.
- **Telephone support** – As stated in the [Marketing Toolkit](#), one of the most basic and essential means of communicating passenger information is the telephone. For example, seniors and people with low literacy may prefer and better understand telephone calls and messages. Options offered on an automated phone answering system should be very clear and include an option for speaking with a real person during office hours.

- **Real-time information** – The [Marketing Toolkit](#) explains real-time information as “how long until the bus gets here.” Transit agencies with automatic vehicle locator (AVL) technology can provide real-time information to riders through smart phone or tablet apps, the agency’s website, text message, or an automated phone system.

The [Marketing Toolkit](#) provides more information, recommendations, and templates for keeping the public informed about transit services. Links to recordings and slide presentations of National RTAP’s 2022 series of six virtual marketing workshops can be found under the [Webinars web page](#).

## Public Notice and Engagement as Part of Planning

As discussed in the [Planning and Evaluation section of the Toolkit](#), there are several types of planning efforts conducted by rural transit agencies that need and sometimes require public involvement. These include:

- **When planning changes in services and fares** – Public input on what services are needed and what fare levels riders are willing and able to pay can help a transit agency plan new and changed services and fares that are designed to meet the needs of the community. Some State Departments of Transportation (DOTs) require their Section 5311 subrecipients to conduct a public hearing before implementing service and fare changes.
- **When developing local coordinated plans** – Some State DOTs require rural transit grant projects to be included in locally developed, coordinated public transit-human services transportation plans. Local coordinated transit planning typically includes a public involvement process.
- **When applying for grants** – Under FTA’s Title VI requirements (discussed in the [Civil Rights section](#) of the Toolkit), all recipients of federal funding are required to include public participation as part of the development of the program of projects for an FTA grant. This requirement is discussed under [Public Involvement and Title VI Requirements in the Planning and Evaluation section](#) of the Toolkit. State DOTs typically require a public participation process, including consultation with private transportation providers and a public hearing (or opportunity for one upon request) about the proposed grant application.
- **For projects that require an Environmental Impact Statement** – Under the U.S. DOT Environmental Justice requirements and corresponding FTA guidance (discussed in the [Civil Rights section of the Toolkit](#)), FTA recipients are required to engage minority and/or low income populations during the transportation decision making process for projects that require an Environmental Impact Statement (such as construction and rehabilitation of certain types of facilities). This includes public outreach and engagement in the planning process to ensure that community members have an opportunity to express their concerns about the proposed project.

The above list of planning activities that necessitate public notice and/or engagement is not exhaustive and does not include notices that may be required for other types of state or federal requirements discussed in other sections of the Toolkit.

National RTAP developed a checklist called [What Transit Agencies Need to Inform the Public](#)



[About Before Making Changes](#) that lists these planning efforts and other transit agency policies and programs that necessitate notifying the public.

Examples of public notice and engagement strategies include passenger surveys, community surveys, focus groups, and public meetings. Email or postal letters can be used to provide notice of surveys and meetings to stakeholders such as municipalities, tribes, private providers, social service agencies, advocacy organizations, major employers, educational facilities, and other organizations.

Hosting public and stakeholder meetings is discussed later in this section of the Toolkit. Other resources on conducting public notice and engagement activities include:

- [Public Involvement Techniques for Transportation Decisionmaking](#)
- [Developing and Advancing Effective Public Involvement and Environmental Justice Strategies for Rural and Small Communities](#)
- [How to Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation Decisionmaking](#)

## Ensuring Information Is Understandable and Accessible

It is very important that the public information provided by transit agencies is understandable and accessible by as many members of the public as possible. There are federal requirements for translating essential information into languages other than English in communities with concentrations of people who speak another language. There are also federal requirements to make information accessible to individuals with disabilities.

- **Language assistance for Limited English Proficiency (LEP) populations** – As discussed in the [Civil Rights section](#) of the Toolkit, FTA-funded transit agencies are required to take reasonable steps to ensure meaningful access to information, services, and the benefits of their programs for LEP persons. This can include, but is not limited to, translating service information into commonly spoken languages or using images to convey information instead of words. Commonly spoken languages are determined through a required analysis conducted by each transit agency. National RTAP developed the [Essential Spanish for Rural Transit training module](#) and related resources for transit agencies that serve Spanish speakers.
- **Information accessibility for people with disabilities** – Transit agencies must make service information available to people with disabilities, including those with vision, hearing, and speech disabilities. The [Rider Information section of the ADA Toolkit](#) discusses this requirement and approaches to providing accessible information. Examples include accessible websites, accessible electronic documents, large print, audio recordings, text telephone (TTY) (including TTY relay services (available nationwide by dialing 711), and more.

When preparing written communications, it is a good idea to use plain language so that it is easily understandable by as many readers as possible. For tips on writing clearly using principles of plain language, see National RTAP's [Plain Language for Rural Transit: Writing for Readability and Clarity Technical Brief](#).



## Communicating in a Crisis

During critical incidents, what is said to the public is extremely important. National RTAP's [Emergency Information Dissemination Technical Brief](#) guides transit managers to develop and deliver emergency information to the public, community leaders, and the media, in an appropriate manner that will aid everyone involved.

Communications are also discussed in the [Mission and Leadership section](#) of the Toolkit under Leading During a Crisis, as well as the [Safety, Security and Emergency Management section](#) of the Toolkit under Lessons Learned from The COVID-19 Pandemic.

## Providing Customer Service

Communication is a critical element of customer service. All frontline transit employees: drivers, schedulers, dispatchers, transfer center staff, front desk staff, supervisors, staff and management who respond to customer inquiries by phone or email, and anyone else who may interact with transit passengers during the course of their workday should be trained in providing excellent customer service.

National RTAP offers resources for use in training, including the [Customer Service Excellence training module](#) and [2 the Point - Customer Service training card](#) for drivers (available in English and Spanish).

In addition to providing day-to-day customer service as a good business practice, transit managers and staff need to be aware of additional customer service considerations for:

- **Serving individuals with disabilities** – Under the U.S. DOT ADA regulations, which are introduced in the [ADA section](#) of the Toolkit, drivers and other staff must be trained to properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities. An in-depth discussion on this requirement, along with communication and customer service tips for passengers with different types of disabilities, can be found in the [Passenger Assistance and Customer Service section of the ADA Toolkit](#). Also, as discussed earlier in this section under Ensuring Information Is Accessible to All, transit agencies need to ensure communication methods with disabilities are accessible.
- **Customers making complaints** – From time to time, even the best managed transit systems will receive complaints from passengers and members of the public. Transit agencies need to have policies and procedures in place for receiving and investigating complaints, solving identified problems, responding to complaints, and documenting how each complaint was handled and resolved. As mentioned in the [ADA](#) and [Civil Rights](#) sections of the Toolkit, federal regulations require complaint procedures for complaints related to discrimination.
- **Difficult situations** – Drivers and other frontline transit agency staff may routinely face difficult passengers and situations. Successfully managing such situations requires effective communications. The Customer Service Breakdowns chapter of

the [Customer Service Excellence training module](#) and National RTAP's [Problem Passengers: Managing Difficult Passengers & Situations training module](#) focus specifically on defusing these types of situations. Tips for handling potentially volatile situations that could escalate to violence are provided in the [Safety, Security and Emergency Management section](#) of the Toolkit under Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults.

## Education and Outreach

Another important facet of communication is educating the public about the transit agency and its services. This involves reaching out to the community to ensure the information is easy to obtain, as well as offering the community opportunities to ask questions and share feedback.

Educating the community about the rural transit agency can be conducted using various approaches. Common approaches and reasons include:

- **Speaking to community leaders, stakeholders, and decision-makers** to help them understand the importance of transit services to the local community—for example, the role of transit in:
  - helping residents who cannot drive or cannot afford to drive to connect to essential needs and employment.
  - helping senior residents stay active and maintain their independence.
  - helping employers attract and retain employees who otherwise would not have the means to travel to work.
  - bringing customers and visitors to local businesses and tourist destinations.
  - reducing traffic congestion by reducing the need for residents and visitors to drive to their destination.
- **Speaking to organizations that support people in need** to educate them on which transit services their clients may find helpful.
- **Speaking in community settings** to potential passengers, caregivers, and others who may know people who need transportation. Examples of community settings include:
  - Hosting public meetings at local government buildings, public library branches, and the transit agency facility.
  - Staffing a booth or table at community events, such as the county fair and fairs/informational events for seniors, job seekers, etc.
  - Staffing a table or speaking to specific groups who gather at food banks, community meals, cultural centers, senior centers, etc.
- **Written approaches to distribute information** through news media and social media. This includes issuing press releases and public service announcements and helping social media users learn about the availability of transit services through frequent posts. The transit agency's website can be another important educational platform.
- **Educating new and future passengers on how to use transit services:**
  - One-on-one travel training and/or coaching, which can be helpful for anyone who needs someone to “show them the ropes” on how to ride before they feel confident traveling independently, as well as riders with disabilities who may need practice on riding specific routes.

- Bus familiarization training for groups, such as school classes or seniors. Educating schoolchildren about the transit system not only prepares them to ride the bus, it can also help raise awareness of the value of transit to the next generation of community leaders.
- Distributing a rider's guide, discussed earlier in this section of the Toolkit under Keeping the Public Informed about Services.
- Helpful resources and information on travel training and bus familiarization training include:
  - **National Aging and Disability Transportation Center**
  - **Association of Travel Instruction**
  - **National Center for Mobility Management**

In smaller rural transit agencies, the transit manager may be responsible for most of these educational activities. In other organizations, the mobility manager or marketing manager may be responsible for some or all of these activities. Even in larger organizations, one of the many hats typically worn by the transit manager involves speaking to community leaders, stakeholders, and decision makers.

National RTAP's Marketing Toolkit provides more information with links to additional resources and templates in its [section on Strategies for Building Awareness, Image, and Support](#).

## Hosting Public and Stakeholder Meetings

As noted earlier under the Public Notice and Engagement as Part of Planning section, public meetings are a strategy for getting input from the public when developing plans. They are also an important means for sharing information with the public and with stakeholders about the transit agency and its plans and projects.

To ensure transit agency's riders are able to attend, public meetings should be held at locations served by the transit agency during times when it is possible to arrive and depart using transit. The facility needs to be accessible to people with disabilities, and the information that is provided at the meeting should be available in accessible formats as well as languages determined by the transit agency's LEP plan. The meeting should be announced several weeks in advance, and the notice should provide instructions for requesting a sign language interpreter and other accommodations that may not be provided automatically. Notices about and invitations to the meeting should be sent to stakeholders and news organizations, as well as posted to the transit agency's website and social media platforms. Formal public hearings may require placing a legal notice in the local newspaper. The transit agency should document all notices about the meeting, ask attendees to sign a sign-in sheet upon arrival, and document comments made by meeting attendees.

During the COVID-19 pandemic, virtual online meetings became a familiar alternative to in-person meetings. Even after the pandemic subsided, transit agencies continued hosting online meetings in addition to in-person meetings to facilitate public involvement opportunities. Like in-person meetings, virtual online meetings need to be accessible to participants with disabilities. This includes ensuring that audio information is also available visually (e.g., through captioning and/or sign language interpretation), visual information is available through an audio description, and interactive

features such as chat, polling, questions, etc. are usable by participants with disabilities and their assistive technology.

For discussion on making public meetings accessible to people with disabilities, refer to the [Public Meetings and Outreach section of the ADA Toolkit](#).

## Section Sources

- Federal Highway Administration, [How to Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation Decisionmaking](#)
- Federal Highway Administration, [Public Involvement Techniques for Transportation Decisionmaking](#)
- Federal Highway Administration, [Developing and Advancing Effective Public Involvement and Environmental Justice Strategies for Rural and Small Communities](#)
- National RTAP, [ADA Toolkit](#)
- National RTAP, [Best Practices Spotlight Article on Social Media](#)
- National RTAP, [Essential Spanish for Rural Transit](#)
- National RTAP, [GTFS Builder](#)
- National RTAP, [Leveraging Social Media: Spreading the Word and Enhancing Community Participation Technical Brief](#)
- National RTAP, [Marketing Toolkit](#)
- National RTAP, [Plain Language for Rural Transit: Writing for Readability and Clarity Technical Brief](#)
- National RTAP, [Problem Passengers: Managing Difficult Passengers & Situations Training Module](#)
- National RTAP, [Transit Website Checklist](#)
- National RTAP, [Website Builder](#)
- National RTAP, [What Transit Agencies Need to Inform the Public About Before Making Changes](#)

# Federal Regulations and Circulars

## Introduction

This section of the Transit Manager's Toolkit introduces the primary sources of Federal Transit Administration (FTA) guidance on the federal regulations that apply to rural public transit providers. This section is organized in the following subsections:

- Federal Regulations and Laws
- FTA Circulars
- Office of Management and Budget "Super Circular"
- CFRs

## Federal Regulations and Laws

Throughout the Toolkit, there are acronyms that refer to rules, regulations, and laws. Federal regulations are detailed in the Code of Federal Regulations (CFR). The U.S. Government Printing Office (GPO) [defines the CFR](#) as "the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government." The regulations established by the U.S. Department Transportation (U.S. DOT) are found in Title 49 of the CFR. The CFRs that have been established by FTA are found in Parts 600 through 699. Parts 1 to 99 of the Title 49 were established by the Office of the Secretary of the U.S. DOT, and some of these are very important to be aware of, such as 49 CFR Part 37, which includes many of the Americans with Disabilities Act (ADA) rules that apply to public (and private) transportation providers. A table is provided at the end of this section with links to CFRs that rural public transit managers need to become familiar with.

Federal agencies such as FTA and U.S. DOT are authorized by legislation (statutory law) to establish these rules and regulations. The laws themselves are documented in the Code of Laws of the United States (U.S. Code, or U.S.C.). The federal transit laws are codified at Title 49 U.S.C. Chapter 53 and are periodically reauthorized and amended through new legislation. FTA regulations and grant compliance requirements can change with each new funding authorizing legislation. The requirements associated with a specific grant will depend on its authorizing legislation. In 2022, FTA Section 5311 recipients and subrecipients are likely to be using grant funding from one or more of the following acts:

- In 2015, the [Fixing America's Surface Transportation \(FAST\) Act](#) amended the federal transportation laws and reauthorized the Federal Transit Administration (FTA) funding programs through Federal Fiscal Year 2020. The FAST Act expired on September 30, 2021, following a one-year extension included in [H.R. 8337 - Continuing Appropriations Act, 2021 and Other Extensions Act](#), signed into law on October 1, 2020.
- Several laws were enacted to provide emergency support to address the impacts of the COVID-19 pandemic which provided additional funding to FTA grant recipients and subrecipients: the [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#)

(enacted March 27, 2020), the [Coronavirus Response and Relief Supplemental Appropriations Act of 2021 \(CRRSAA\)](#) (enacted December 27, 2020), and the [American Rescue Plan of 2021 \(ARP\)](#) (enacted March 11, 2021). The Federal Transit Administration's [Dear Colleague Letter: Announcing Guidance Updates Associated with the End of COVID-19 Disaster Declarations \(May 2, 2023\)](#) also provides clarifying information on this subject.

- On November 15, 2021, the [Bipartisan Infrastructure Law](#), enacted as the Infrastructure Investment and Jobs Act, was signed into law, reauthorizing FTA programs, including the Section 5311 Formula Grants for Rural Areas Program (49 U.S.C. 5311), through Federal Fiscal Year 2026. (At publication time, FAST Act requirements continue to apply; new federal requirements or guidance have not been issued for grants authorized under the BIL.)

Some of the requirements established by federal agencies come from Executive Orders, which are directives that are signed by President of the United States and have the force of law. An example is [Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency](#). (The requirements related to this executive order are introduced in the [Civil Rights section](#) of this Toolkit.)

FTA issues guidance on how to comply with federal rules, regulations, and requirements. In FTA guidance documents that were issued prior to the passage of the FAST Act, earlier federal transit authorizing legislation is referenced, such as the Moving Ahead for Progress in the 21st Century Act (MAP-21), so it may be useful to know what these are. A history of the authorizing legislation for the Section 5311 program can be found on pages I-6 to I-7 of FTA Circular C 9040.1G.

Here are links to web pages that provide more information about [MAP-21](#), the [FAST Act](#), and the [Bipartisan Infrastructure Law](#).

## FTA Circulars

FTA often communicates guidance on regulations through circulars, which assist grantees in understanding and complying with statutory requirements. FTA circulars describe the regulations, and sometimes provide additional guidance on matters on which the CFRs are silent. FTA circulars provide instructions to grantees or other stakeholders on how FTA grants will be administered. This guidance provides grantees with direction on program-specific issues and statutory requirements. Grantees are required to comply with all circulars and agree to do so by signing [FTA Certifications and Assurances](#) that are released annually. States and other direct recipients do this within FTA's Transit Award Management System (TrAMS).

Subrecipients do this as part of their grant application to the state (with each state determining their own application process). The [FTA Master Agreement](#) which is incorporated in each FTA grant agreement also obligates grantees to comply with federal requirements. More information about the Certifications and Assurances and Master Agreement can be found in the [Grant Compliance Requirements section](#) of the Toolkit.



Read more about [how FTA develops regulations and circulars](#) and find a [full list of FTA circulars](#) on the FTA website, with a list of those most relevant to Section 5311 subrecipients listed below.

Note that the FTA website URLs sometimes change. Although National RTAP regularly checks the functionality of all links in this Toolkit, there may occasionally be a “broken” link. In this case, look for the FTA Circulars page through the [FTA home page](#) under Regulations and Programs.

Any funds subrecipients are still spending that were authorized and appropriated while MAP-21 (Federal FY13-FY15) or the FAST Act (Federal FY 16 through FY21) were in effect will follow FTA’s regulations under those acts. Funds apportioned in FY16 through FY21 will fall under FAST Act requirements. [Apportionments](#) under the Bipartisan Infrastructure Law will begin in FY22. When in doubt, follow this simple advice from FTA, “old money, old rules; new money, new rules,” and check with the State DOT to confirm which federal authorization funds the specific grant.

FTA circulars that apply, or may be of interest to subrecipients of Section 5311 funds, include:

Number	Name	Last updated	What it covers
C 4220.1F	<a href="#">Third Party Contracting Guidance</a>	2013	Procurement requirements
C 4702.1B	<a href="#">Title VI Requirements and Guidelines for Federal Transit Administration Recipients</a>	2012	Title VI requirements
C 4703.1	<a href="#">Environmental Justice Policy Guidance for Federal Transit Administration Recipients</a>	2012	Environmental Justice
C 4704.1A	<a href="#">Equal Employment Opportunity (EEO) Act: Guidance</a>	2017	EEO requirements
C 4710.1	<a href="#">Americans with Disabilities Act (ADA): Guidance</a>	2015	ADA requirements
C 5010.1E	<a href="#">Award Management Requirements</a>	2018	General requirements for all FTA grants
C 5100.1	<a href="#">Bus and Bus Facilities Program: Guidance and Application Instructions (Section 5339)</a>	2015	Section 5339 requirements
C 7050.1C	<a href="#">Joint Development Guidance</a>	2024	General requirements for all FTA grants



Number	Name	Last updated	What it covers
C 9040.1G.	<a href="#"><u>Formula Grants for Rural Areas: Program Guidance and Application Instructions (Section 5311)</u></a>	2014	Section 5311 requirements
C 9070.1G	<a href="#"><u>Enhanced Mobility of Seniors and Individuals with Disabilities: Program Guidance and Application Instructions (Section 5310)</u></a>	2014	Section 5310 requirements

In November 2021, FTA issued a [request for information in the Federal Register soliciting input on potential changes to the Title VI circular](#). As of this Toolkit’s publication time, the 2012 Title VI Circular (C 4702.1B) continues to be in effect. Prior to updating the Title VI circular, FTA will publish a Notice of Proposed Rulemaking with a public comment period.

## Office of Management and Budget (OMB) “Super Circular”

In December 2013, OMB published the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#), commonly referred to as “the Super Circular,” which applies to any organization receiving federal funding. It consolidated eight circulars into uniform regulations in Title 2 of the Code of Federal Regulations (CFR), specifically 2 CFR Part 200. The Super Circular applies to federal grants and agreements awarded on or after December 26, 2014.

The [Super Circular](#) sets forth pre- and post-award requirements for grantees, including standards for financial and program management; property standards; procurement standards; performance and financial monitoring and reporting; record retention and access; closeout; cost principles; audit requirements; and more. Grantees should consult the Super Circular before applying for a grant and while administering a grant.

The Super Circular was adopted by the U.S. DOT in [2 CFR Part 1201](#), which repealed the former 49 CFR Parts 18 and 19 for grants and cooperative agreements executed on or after December 26, 2014.

The Super Circular is reflected in FTA Circular C 5010.1E, [Award Management Requirements](#), which was updated in 2018, but various other FTA circulars have not yet been updated to reflect the Super Circular. There may still be references in the older circulars to the former 49 CFR Parts 18 and 19 and OMB Circulars A-87, A-122, A-133, and others, all which were superseded by the Super Circular.

## CFRs

In addition to the FTA circulars and the Super Circular, rural transit managers need to be aware of the many CFRs that apply to their grant or their services. A table with links to each CFR is provided at the end of this section of the Toolkit. The OMB Super Circular is found in 2 CFR Part 200 and the U.S. DOT adoption of the Super Circular is found in 2 CFR Part 1201. The U.S. DOT regulations are found in Title 49 of the CFR.

- Parts 26, 27, and 37 through 40 of Title 49 were established by the Office of the Secretary of the U.S. DOT, and include requirements related to Disadvantaged Business Enterprise (DBE), nondiscrimination on the basis of disability, and procedures for drug and alcohol testing.
- Parts 604, 605, 625, 630, and 655 were established by FTA and include numerous requirements with which FTA grantees must comply, including charter bus, school bus, transit asset management, National Transit Database (NTD), and drug and alcohol testing programs. Parts 661, 663, and 665 are procurement-related FTA requirements: Buy America, pre-award and post-delivery audits, and bus testing.
- Parts 380 through 396 were established by the Federal Motor Carrier Safety Administration (FMCSA). Under Part 380, drivers applying for a Class A or B CDL (new or upgraded) as well as drivers applying for a passenger endorsement are subject to Entry-Level Driver Training Requirements. The Part 382 FMCSA drug and alcohol program requirements may apply to Section 5310 grantees if they have safety sensitive employees and are not subject to FTA's drug and alcohol program requirements under Part 655. As part of the [grant agreement with the FTA](#) (Section 33, Motor Carrier Safety of the FY2022 Master Agreement), Section 5311 grantees agree that they will comply with certain insurance and safety requirements of the FMCSA. These requirements, included in the Federal Motor Carrier Safety Regulations (FMCSRs), include requirements for passenger carriers and employers of drivers of vehicles that require a Commercial Driver's License (CDL). The [FMCSRs](#) can be found on the FMCSA website. Section 5311 grantees specifically need to comply with 49 CFR Parts 383/384 (federal and state CDL requirements), 387 (minimum insurance requirements – with the exception that Section 5311 grantees must only obtain the highest amount required by any state in which the public transportation provider operates), and 390 – 397 (safety requirements), to the extent applicable.

Federal regulations with which rural transit managers need to be familiar:

Title/Part of CFR	Name	What it covers
2 CFR Part 200	<a href="#">Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards</a>	Office of Management and Budget (OMB) “Super Circular” – includes requirements for financial management, equipment and real property management, procurement, reporting, recordkeeping, grant closeout, cost principles, and audits. Superseded previous OMB Circulars including A-21, A-87, A-102, A-110, A-122, and A-133, and others.

Title/Part of CFR	Name	What it covers
2 CFR Part 1201	<u><a href="#">Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards</a></u>	U.S. DOT adoption 2 CFR Part 200. Superseded and repealed the requirements of former U.S. DOT Common Rules (49 CFR Parts 18 and 19) for grants and cooperative agreements executed on or after December 26, 2014.
49 CFR Part 26	<u><a href="#">Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs</a></u>	U.S. DOT requirements for Disadvantaged Business Enterprise (DBE) participation in procurement
49 CFR Part 27	<u><a href="#">Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance</a></u>	U.S. DOT requirements under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794, “Section 504”) See also 49 CFR Part 37
49 CFR Part 37	<u><a href="#">Transportation Services for Individuals with Disabilities (ADA)</a></u>	U.S. DOT requirements under the ADA for programs and services – including general nondiscrimination, service requirements, when facilities must be made accessible, when vehicles that comply with 49 CFR Part 38 must be purchased
49 CFR Part 38	<u><a href="#">Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles</a></u>	U.S. DOT requirements under the ADA for vehicle specifications – vehicle procurements must meet these standards
49 CFR Part 39	<u><a href="#">Transportation for Individuals with Disabilities: Passenger Vessels</a></u>	U.S. DOT requirements under the ADA for waterborne passenger transportation service (including ferries and water taxis)
49 CFR Part 40	<u><a href="#">Procedures for Transportation Workplace Drug and Alcohol Testing Programs</a></u>	U.S. DOT requirements for drug and alcohol testing procedures, employer responsibilities, and qualifications of service agents See also: 49 CFR Part 655 (for Section 5307, 5311, and 5339 grantees) 49 CFR Part 382 (for Section 5310 grantees that employ CDL drivers)
49 CFR Part 604	<u><a href="#">Charter Service</a></u>	FTA requirements that protect private charter operators from unauthorized competition from FTA funding recipients

<b>Title/Part of CFR</b>	<b>Name</b>	<b>What it covers</b>
49 CFR Part 605	<u><a href="#">School Bus Operations</a></u>	FTA requirements that prohibit FTA funding recipients from providing exclusive school bus transportation in competition from private operators
49 CFR Part 625	<u><a href="#">Transit Asset Management</a></u>	FTA Transit Asset Management (TAM) planning and reporting requirements
49 CFR Part 630	<u><a href="#">National Transit Database</a></u>	FTA National Transit Database (NTD) reporting requirements
49 CFR Part 655	<u><a href="#">Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations</a></u>	FTA drug and alcohol testing programs requirements that apply to Section 5307, 5311, and 5339 grantees See also 49 CFR Part 40
49 CFR Part 661	<u><a href="#">Buy America Procedures</a></u>	FTA procurement requirements to ensure steel or manufactured products meet minimum domestically produced contents
49 CFR Part 663	<u><a href="#">Pre-Award and Post-Delivery Audits of Rolling Stock Purchases</a></u>	FTA procurement requirements for reviewing passenger vehicle procurements to ensure compliance with Buy America, Federal Motor Vehicle Safety Standards, and purchaser's specifications
49 CFR Part 665	<u><a href="#">Bus Testing</a></u>	FTA procurement requirement that FTA funds be used to procure only vehicle models that pass federally-required testing
49 CFR Part 673	<u><a href="#">Public Transportation Agency Safety Plans</a></u>	FTA requirements for states and transit agencies to establish safety plans for FTA grantees; not applicable to agencies that only receive Section 5310 and/or Section 5311
49 CFR Part 380	<u><a href="#">Special Training Requirements</a></u>	FMCSA training requirements for drivers applying for a Class A or B CDL (new or upgraded) or a passenger endorsement for the first time (see Subpart F, Entry-Level Driver Training Requirements On and After February 7, 2022)
49 CFR Part 382	<u><a href="#">Controlled Substances and Alcohol Use and Testing</a></u>	FMCSA drug and alcohol testing requirements (applies to employers of CDL drivers that don't receive Section 5307, 5311, or 5339 – these are instead subject to 49 CFR Part 655) See also 49 CFR Part 40

<b>Title/Part of CFR</b>	<b>Name</b>	<b>What it covers</b>
49 CFR Part 383	<u><a href="#">Commercial Driver's License Standards; Requirements and Penalties</a></u>	FMCSA requirements for drivers of commercial vehicles to have CDLs and medical certification; employer requirements to ensure
49 CFR Part 384	<u><a href="#">State Compliance with Commercial Driver's License Program</a></u>	FMCSA requirements for states to comply with 49 CFR Part 383
49 CFR Part 387	<u><a href="#">Minimum Levels of Financial Responsibility for Motor Carriers</a></u>	FMCSA requirements for insuring commercial vehicles that cross state lines
49 CFR Part 390	<u><a href="#">Federal Motor Carrier Safety Regulations; General</a></u>	FMCSA general requirements, definitions and applicability
49 CFR Part 391	<u><a href="#">Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors</a></u>	FMCSA qualifications for drivers of commercial vehicles and employer responsibilities
49 CFR Part 392	<u><a href="#">Driving of Commercial Motor Vehicles</a></u>	FMCSA requirements related to safe operations of commercial vehicles
49 CFR Part 393	<u><a href="#">Parts and Accessories Necessary for Safe Operation</a></u>	FMCSA requirements for vehicle safety equipment
49 CFR Part 395	<u><a href="#">Hours of Service of Drivers</a></u>	FMCSA requirements for maximum driving time and recordkeeping
49 CFR Part 396	<u><a href="#">Inspection, Repair, and Maintenance</a></u>	FMCSA requirements for vehicle inspections, repairs, and maintenance

Brief summaries of the requirements in the above CFRs can be found in the FTA Compliance Requirements section of the Toolkit, with additional details in several of the requirements found in other sections of the Toolkit.

# ADA (Americans with Disabilities Act)

## Introduction

The [Americans with Disabilities Act of 1990 \(ADA\)](#) is a civil rights law that prohibits discrimination against and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. As stated in Chapter 2 of the [FTA ADA circular](#), “as a comprehensive civil rights law, the ADA grants the same rights and responsibilities to individuals with disabilities as are available to all individuals. Fundamentally, the overarching requirement of the law is that entities cannot discriminate against individuals with disabilities.”

Transit managers should be aware that compliance with the ADA covers virtually every aspect of transit operations, including transit system employees, service provision, vehicle purchasing, transit facility design, and information about transit services. Daily operations are impacted by the need to deliver consistent, high-quality service to members of the riding public regardless of their disabilities or abilities.

The ADA regulations issued by the U.S. Department of Transportation (DOT) are in [49 CFR Parts 27, 37, 38, and 39](#) and are extensive and often complex. This ADA page in the Transit Manager’s Toolkit provides a very brief introduction to the major requirement areas new rural transit managers need to be aware of on the first day on the job. The National RTAP provides a separate [ADA Toolkit](#) containing more expansive information with which all rural transit managers should become familiar. Refer to FTA [Circular 4710.1, Americans with Disabilities Act: Guidance](#), for FTA guidance on the U.S. DOT ADA regulations, in-depth compliance information, and recommended practices.

This section of the Transit Manager’s Toolkit is organized in the following subsections:

- Overarching Requirements
  - Nondiscrimination
  - U.S. DOT Regulatory Definition of “Wheelchair”
  - Reasonable Modification of Policies, Practices, and Procedures
  - Complaint Process
- ADA Requirements for ALL Service Types
- Requirements for Specific Service Types
  - Fixed Route Bus Service with ADA Complementary Paratransit
  - Demand Responsive Service
  - Route Deviation Service
- Accessibility Specifications for Transportation Vehicles
- ADA Requirements for Transportation Facilities
- Additional Requirements
  - Passenger Assistance and Customer Service
  - Rider Information
  - Public Meetings and Outreach



- Other Considerations
  - Flag Stops
  - COVID-19
- Section Sources

This section introduces the ADA requirements for public transportation entities. Note that even if a public transportation provider is a private entity, these requirements may still apply. When a public entity enters into a contract or other arrangement or relationship (including, but not limited to, a grant, subgrant, or cooperative agreement) with a private entity to operate fixed route or demand responsive service, the public entity's ADA requirements also apply to the public transportation operated by a private entity, which "stands in the shoes" of the public entity (49 CFR Section 37.23). For more information on whether a private organization or contractor must follow the requirements for public entities, see Section 1.3.2 of [FTA Circular 4710.1](#).

Also note that these are highlighted aspects of the ADA regulations as they pertain to public transportation entities and not an exhaustive list of all compliance requirements. ADA regulations are also issued by [other federal agencies](#) such as the Departments of Justice (DOJ), Education (DOE), Health and Human Services (HHS), Labor (DOL), Interior (DOI), and Housing and Urban Development (HUD). If an organization provides services other than transportation and/or receives grant funding from federal agencies other than the FTA, it may have additional requirements that apply to these services or funds. Transit organizations are also subject to [employment-related ADA requirements](#).

The information presented in this section is based on the U.S. Department of Transportation (U.S. DOT) regulations in [49 CFR Part 37- Transportation Services for Individuals with Disabilities \(ADA\)](#).

First, several overarching requirements are briefly discussed. Next, service requirements that apply to all providers regardless of the type of service are introduced, followed by requirements that only apply to specific types of service, labeled accordingly. Then, this section touches upon ADA requirements for transportation facilities. Finally, this section touches upon ADA requirements for vehicles and transportation facilities, as well as communications-related requirements. More in-depth information can be found in the [ADA Toolkit](#).

## Overarching Requirements

### Nondiscrimination

The nondiscrimination requirements in 49 CFR Section 37.5 state that, "No entity shall discriminate against an individual with a disability in connection with the provision of transportation service." This is the overarching requirement that needs to be applied throughout transportation system and the entire organization.

Clear organizational and operating policies can help a transit agency clarify exactly how it will deliver public transit service in a nondiscriminatory manner. If the agency has not already done so, it is a good idea to develop a set of service policies so that passengers know exactly what they can expect



from the transit system. Even though the regulations do not require written policies detailing how a transit agency will comply with the ADA service provisions, the transit agency needs to be able to demonstrate that it has policies and procedures in place to enable it to meet the ADA requirements. These policies are applicable to ALL passengers regardless of ability. Well-articulated policies demonstrate that all passengers are being treated equitably. They should be clearly posted on the transit agency's website and available in accessible formats upon request.

Examples of policies that the U.S. DOT regulations explicitly cite as discriminatory include compelling an individual with a disability to use a separate transportation service than the general public service when they are capable of using the public service, imposing special charges, or requiring an individual with a disability to be accompanied by an attendant (49 CFR Section 37.5). For additional examples and guidance, see Chapter 2 of FTA Circular 4710.1.

### U.S. DOT Regulatory Definition of “Wheelchair”

When reviewing this section of the Toolkit, it is important that transit providers understand what mobility devices fall under the definition of “wheelchair” in the U.S. DOT regulations. As defined in 49 CFR Section 37.3, a wheelchair is “a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.” Three-wheeled mobility scooters fall under the U.S. DOT definition of wheelchair, and the transit systems must accommodate three-wheeled mobility scooters as wheelchairs. Additional information is found in the [Accommodating Riders Using Mobility Devices](#) section of the ADA Toolkit.

### Reasonable Modification of Policies, Practices, and Procedures

Public transportation entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary for an individual with a disability to use the service, subject to certain limitations, and need to have a process in place for considering modification requests (49 CFR Section 37.5). For examples and guidance, see Chapter 2 of FTA Circular 4710.1 as well as [Appendix E to 49 CFR Part 37](#). The process to request a reasonable modification (along with the ADA-related service policies themselves) should be clearly posted on the transit agency's website.

### Complaint Process

Every transportation provider is required to designate a responsible employee and adopt procedures for resolving ADA-related complaints. ADA complaint procedures, (and a complaint form if used) should be clearly posted on the transit provider's website. Complaint procedures must be accessible for people with disabilities, include due process, and document responses (49 CFR Section 37.17). For more information, see Chapter 2 of FTA Circular 4710.1 as well as the [General Requirements for All Service Types](#) section of the ADA Toolkit.

## **ADA Requirements for ALL Service Types**

The following requirements apply to all public transportation services, including fixed route, ADA complementary paratransit, route deviation, and demand responsive.

- **Maintenance of accessibility features:** A transit agency must ensure that all vehicles and related transit facilities are maintained in operative condition so that they are usable by individuals with disabilities [49 CFR Section 37.161(a)]. This includes keeping vehicle lifts/ramps in operative condition through a system of regular and frequent maintenance checks of lifts [49 CFR Section 37.163(b)], such as cycling the lift as part of each pre-trip inspection as well as conducting interval-based preventive maintenance. All accessibility features must be promptly repaired if they are damaged or out of order, and reasonable steps to accommodate individuals with disabilities who would otherwise use the feature must be taken until it has been repaired [49 CFR Section 37.161(b)].
- **Use of accessibility features:** Vehicle drivers and other personnel must make use of the accessibility-related equipment or features that are required under 49 CFR Part 38 [49 CFR Section 37.167(e)]. This includes using the wheelchair lift or ramp, securement devices, and audio equipment for certain fixed route announcement requirements on fixed route. Drivers must assist individuals with disabilities who need or request assistance with the use of securement systems, ramps and lifts. If this requires the vehicle drivers to leave their seats, they must do so [49 CFR Section 37.165(f)]. They must also permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle [Section 37.165(g)]. Drivers must provide individuals with disabilities adequate time to complete boarding or disembarking from the vehicle [49 CFR Section 37.167(i)]. Drivers cannot refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless:
  - the lift cannot be deployed,
  - the lift will be damaged if it is deployed, or
  - temporary conditions at the stop, not under the control of the transit driver, preclude the safe use of the stop by all passengers [49 CFR Section 37.167(g)].
- **Accommodating people who use wheelchairs and other mobility aids:** Although not a complete list, the following are some of the requirements to accommodate riders in wheelchairs and other mobility aids. Three or more wheeled scooters that are primarily designed for use by individuals with mobility impairments fall within the U.S. DOT definition of wheelchair. Accommodating mobility device users includes:
  - Accommodating riders who use wheelchairs if the lift and vehicle can physically accommodate them. 49 CFR Part 38 requires that vehicles accommodate occupied wheelchairs weighing a minimum 600 pounds and measuring 30 inches by 48 inches. However, many vehicles and lifts are manufactured to accommodate larger and heavier wheelchairs. A transit system is obligated to carry a wheelchair and occupant if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements. "Legitimate safety requirements" include such circumstances as a mobility device of such size that it would block an aisle or would interfere with the safe evacuation of passengers in an emergency (49 CFR Section 37.165 and Appendix D to Part 37 under Section 37.165).
  - Providing service to a wheelchair user even if their mobility device cannot be secured or restrained satisfactorily by the vehicle's securement system. However, an agency is not required to permit wheelchairs to ride in places other than designated securement locations (49 CFR Section 37.165), nor to transport an individual who refuses to allow their wheelchair to be secured if the agency's policy requires securement (FTA Circular 4710.1, section 2.4.3, page 2-14).

- Asking that individuals sitting in the priority seating area, or fold-down seats in the wheelchair securement area, relocate if an individual needs to use that priority seating because of a disability or needs to secure a wheelchair [49 CFR Section 37.167(j)].
  - For more information on accommodating riders who use mobility aids, see [FTA Circular 4710.1](#), Section 2.4 Lift/Ramp and Securement Use, as well as the [Accommodating Riders Using Mobility Devices](#) section of the ADA Toolkit.
- **Allowing service animals:** U.S. DOT defines a service animal as “any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing animal protection or rescue work, pulling a wheelchair, or fetching dropped items” (49 CFR Section 37.3). Transit agencies must allow service animals to accompany individuals with disabilities in vehicles and facilities [49 CFR Section 37.167(d)]. Staff may ask if an animal is a service animal or ask what tasks the animal has been trained to perform but cannot require special ID cards for the animal or ask about the person’s disability. However, a transit agency may refuse to transport a service animal that would “pose a direct threat to the health or safety of drivers or other riders, create a seriously disruptive atmosphere, or are otherwise not under the rider’s control” (FTA Circular 4710.1, Section 2.6, Pages 2-17). For more information on accommodating service animals, see FTA Circular 4710.1, Section 2.6 Service Animals, as well as the [Service Animals](#) section of the ADA Toolkit.
- **Allowing portable oxygen:** A transit agency cannot prohibit an individual with a disability from traveling with a respirator or portable oxygen supply (provided the devices are properly secured per [49 CFR Subtitle B, Chapter 1, Subchapter C. U.S. DOT Office of Pipeline Safety and Hazardous Materials](#)) [49 CFR Section 37.167(h)].
- **Training requirements:** Transit agencies must ensure that all personnel (including contractors) are trained to proficiency, as appropriate to their duties. Personnel must be able to operate vehicles and equipment safely and properly assist individuals with disabilities using the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities (49 CFR Section 37.173).
- **Information accessibility:** Service information (and other essential public information such as policies, public notices, application forms, and complaint procedures) must be available in accessible formats to individuals with disabilities [49 CFR Section 37.167(f)]. This means printed materials must be made available, upon request, in a format that is accessible to the person making the request, such as large print, braille, or electronic files that can be read by screen reading technology. As stated in [FTA Circular 4710.1](#), Section 2.8 Accessible Information, 2.8.1 Accessible Formats, the information needs to be made available in a format the person can use, and FTA encourages agencies to work with individuals who request information to determine the most appropriate alternative formats. Online information also needs to be accessible to people who use screen readers. Audio information needs to be available in visual formats for people with hearing disabilities. For more information, see Section 2.8 - Accessible Information of FTA Circular 4710.1 as well as the [Rider Information](#) section of the ADA Toolkit.

## Requirements for Specific Service Types

While many requirements apply to all agencies providing public transportation service, there are some requirements that are specific to different modes of service.

### Fixed Route Bus Service with ADA Complementary Paratransit

Fixed route service operates “along a prescribed route according to a fixed schedule” (49 CFR Section 37.3). If a rural public transit system includes fixed route service, the following non-exhaustive list introduces the requirements that apply to this service (in addition to the requirements that apply to all types of transit services.) For more information, refer to Chapters 6, 8, and 9 in FTA Circular 4710.1 as well as the [Fixed Route Bus Requirements](#) and [ADA Complementary Paratransit Requirements](#) sections of the ADA Toolkit.

- All new vehicles purchased for operation in fixed route service must be accessible to people with disabilities including those who use wheelchairs (49 CFR Section 37.71), i.e., meet the accessibility requirements detailed in 49 CFR Part 38 [49 CFR Section 37.7(a)].
- If a lift becomes inoperable, and there is a spare vehicle available, the vehicle with the inoperative lift must be taken out of service before the beginning of the vehicle’s next day of service and the lift must be repaired before the vehicle returns to service. If there is not a spare vehicle available, or if taking the vehicle out of service would reduce the availability of transportation service provided, a transit agency may keep the vehicle with the inoperative lift in service for no more than five days in a rural area or three days in areas with a population of over 50,000 [49 CFR Section 37.163(e)].
- Internal announcements must be made to inform riders of upcoming stops. At a minimum, these announcements must be made at transfer points with other fixed routes, at major intersections and destination points, at intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location, and at any requested stop [49 CFR Section 37.167(b)]. This obligation can be met by requiring bus drivers to announce stops or by using an automated stop announcement system onboard the vehicle. For more information, see Section 6.6 - Stop Announcements of FTA Circular 4701.1.
- If a system has stops served by more than one bus route, riders with a disability must be provided with the means of identifying which bus has arrived or to identify themselves as a person seeking a ride on a particular route [49 CFR Section 37.167(c)]. External route identification announcements can be automated or spoken by the driver. For more information, see Section 6.7 - Route Identification of FTA Circular 4701.1.
- An agency is required to provide ADA complementary paratransit services for those who are unable to use accessible fixed route services as detailed under [49 CFR Part 37, Subpart F](#). (This requirement does not apply to commuter or intercity bus services.) ADA complementary paratransit is origin to destination service that is comparable to the fixed route service in terms of geographic coverage, days and hours of service, and fares. Trip requests must be accepted up until close of business on the preceding day, for any trip purpose, without capacity constraints for eligible individuals (49 CFR Section 37.131). U.S. DOT regulations limit eligibility to individuals with disabilities who are unable to use the fixed route service for all or some of their trips. This includes the inability to access vehicles, transit stops, or facilities, or to independently navigate through the system (49 CFR Section

37.123). The ADA complementary paratransit requirements are extensive and complex. For a more expansive introduction, consult the [ADA Complementary Paratransit Requirements](#) section of the National RTAP ADA Toolkit, and refer to Chapters 8 and 9 in FTA Circular 4710.1 for in-depth guidance.

### [Demand Responsive Service](#)

According to U.S. DOT ADA regulations, a “demand responsive system” is any system of transporting individuals which is not a fixed route system (49 CFR Section 37.3). This type of service is also commonly referred to as “demand response,” but for this section of the Toolkit, the U.S. DOT/FTA term is used.

General public demand responsive service is found in many rural and tribal areas. As stated in Chapter 7 of FTA Circular 4710.1, “demand responsive systems encompass a wide variety of service types, including traditional dial-a-ride service, taxi subsidy service, vanpool service, and route deviation service.” Requirements for route deviation service are introduced in the next section.

A demand responsive system must operate accessible vehicles. All vehicles acquired for use in providing demand response service must be accessible to and usable by individuals with disabilities, including wheelchair users see 49 CFR Part 38. Inaccessible vehicles may only be acquired for demand-responsive service if the service, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs. The service provided to individuals with disabilities must be equivalent to the service provided to other individuals with respect to the following service characteristics [Section 37.77(c)]:

- Response time
- Fares
- Geographic service area
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservation capability
- Any constraints on capacity or service availability

For more information, refer to Chapter 7 in FTA Circular 4710.1 as well as the [Demand Response Service Requirements](#) section of the ADA Toolkit.

### [Route Deviation Service](#)

Route deviation service, also referred to as deviated fixed-route or flexible route service, is often operated in rural areas. For the purpose of ADA requirements, this type of service can be hard to categorize. Accurately categorizing a system is important because it will determine the requirements that systems will be required to follow. ADA regulations categorize transit systems as either fixed route or demand responsive. While some systems are clearly one or the other, systems that provide deviated route service can vary depending upon the specific service characteristics.

In order to be considered demand responsive, a route deviation system must deviate in response to a request from any passenger, and this must be clearly advertised to the public.

Some rural transit agencies operate route deviation service that does not deviate for all riders. A route deviation service that does not deviate for all riders is not demand-responsive service within the context of the U.S. DOT ADA regulations. Unless the route deviates for any passenger, it is not demand responsive and therefore subject to the requirements for a fixed route system, including the provision of ADA complementary paratransit service.

Another approach to route deviation service taken by some rural transit systems is to provide “commingled” fixed route and ADA complementary paratransit service. This type of service operates on a fixed route basis for members of the general public and provides ADA complementary paratransit through route deviation (deviating only for those individuals who are eligible for ADA complementary paratransit). It is challenging to fully meet all of the requirements for ADA complementary paratransit in 49 CFR Part 37 Subpart F through this approach, including the ADA paratransit service criteria, with an eligibility determination (and appeal) process for those who would like to use the service.

For more information, see the [Route Deviation Service Requirements](#) section of the ADA Toolkit. To read about the distinction between route deviation service that is considered to be demand responsive as compared to commingled route deviation service blends fixed route with ADA complementary paratransit, see Section 7.5.4 (pages 7-10 to 7-12) of FTA Circular 4710.1. National RTAP’s [Moving from Demand Response to a Deviated Fixed-Route Best Practices Spotlight](#) article is a helpful resource for transit agencies that are considering route deviation service.

## Accessibility Specifications for Transportation Vehicles

Generally, all vehicles acquired for public transit operations must be accessible to riders who use wheelchairs. Inaccessible vehicles may only be acquired for demand response services if the system, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs or other mobility aids, according to specific regulatory standards which are listed above under Demand Responsive Service.

When procuring new passenger vehicles that are required to be accessible, the vehicles must be manufactured to comply with U.S. DOT ADA regulations. Minimum vehicle accessibility specifications for buses and vans are defined in [49 CFR Part 38, Accessibility Specifications for Transportation Vehicles](#), Subpart B, with specifications for other types of vehicles (such as trains, over-the-road buses, and trams) found in other subparts. Vehicle accessibility requirements include:

- mobility aid accessibility and securement systems
- specifications for doors, steps, and thresholds
- signage at priority seating and securement areas
- specifications for interior handrails and stanchions
- requirements for lighting
- specifications for fare boxes and exterior destination and route signs on vehicles that have these elements.



Vehicles longer than 22 feet have additional requirements, including specifications for public address systems and stop request controls. For more information, see Chapter 4 of FTA Circular 4710.1 as well as the [Vehicle and Facility Accessibility](#) section of the ADA Toolkit.

## ADA Requirements for Transportation Facilities

If a public entity constructs new facilities to be used for providing designated public transportation services, they must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs and other mobility aids (49 CFR Section 37.41). If a public entity alters an existing facility or part of an existing facility used for providing designated public transportation services, and that alteration affects or could affect the usability of the facility, alterations must be made in a way that is readily accessible to and usable by individuals with disabilities (Section 37.43). This applies to improvements made at bus stops, such as installing shelters or constructing sidewalks. For more information, see Chapter 3 of FTA Circular 4710.1 as well as the [Vehicle and Facility Accessibility](#) section of the ADA Toolkit. For guidance on bus stop accessibility, see the [Toolkit for the Assessment of Bus Stop Accessibility and Safety](#) developed by Easter Seals Project ACTION.

## Additional Requirements

In addition to ensuring that services, vehicles, and facilities are accessible for people with disabilities, transit agencies need to communicate with riders and the public in ways that are accessible, understandable, and respectful.

### Passenger Assistance and Customer Service

As noted under ADA Requirements for ALL Service Types, transit agency personnel must be trained to proficiency to operate vehicles and equipment safely and properly assist individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities. Respectful and courteous assistance includes communicating with individuals with different kinds of disabilities, including vision, hearing, speech, and intellectual disabilities. Refer to the [Passenger Assistance and Customer Service section of the ADA Toolkit](#) for information on communicating with customers with different types of disabilities.

### Rider Information

As noted earlier under ADA Requirements for ALL Service Types, service information must be made available to people with disabilities, including those with vision and hearing disabilities. Section 37.167(f) of the U.S. DOT regulations requires that transportation agencies provide adequate communications, through accessible formats and technology, to enable users to obtain information and schedule service. Accessible formats and technology include braille, large print, audio, electronic files, and web pages usable with text-to-speech technology (also known as screen reader technology), and TDD/TTY telephone communications. The type of format needed will vary by individual, and upon request must be provided in a format that the requestor is able to use (Section 37.125 in Appendix D to Part 37). For more information, refer to Chapter 2, Section 2.8 of FTA Circular



4710.1, Americans with Disabilities Act (ADA): Guidance, as well as the [Rider Information section of the ADA Toolkit](#).

### Public Meetings and Outreach

As described in the [Planning and Evaluation section](#) of the Toolkit, transit agencies have public participation requirements. When conducting public meetings and community outreach, transit agencies need to make sure people with disabilities are able to attend and participate. This includes not only holding meetings in an accessible facility, but also providing information in accessible formats and ensuring accessible two-way communication (see the [Rider Information section of the ADA Toolkit](#) for additional information on accessible formats and communication methods). There are also specific requirements for transit agencies that provide ADA complementary paratransit service to create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services. Even if a transit agency does not provide ADA complementary paratransit, it is important to engage people with disabilities on an ongoing basis (e.g., through a citizen advisory committee) and especially when planning any changes to policies or services that impact service accessibility for persons with disabilities. For more information, refer to the [Public Meetings and Outreach section of the ADA Toolkit](#).

## Other Considerations

### Flag Stops

Some rural transit systems allow riders to request “flag stops” instead of, or in addition to, fixed stops. Flag stops can present significant challenges to riders with disabilities. For a discussion on ADA considerations regarding flag stops, see the [Fixed Route Bus Service Requirements section](#) of the ADA Toolkit under Accessibility of Bus Stops and Surrounding Pedestrian Environment. The [Planning and Evaluation section](#) of this Toolkit provides additional information about flag stops.

### COVID-19

For rural transit agencies providing service to riders with disabilities, the Coronavirus Disease 2019 (COVID-19) pandemic raised many questions about how to provide U.S. DOT ADA-compliant service while protecting the health and safety of drivers and passengers. FTA answered many of these questions on their [Frequently Asked Questions from FTA Grantees Regarding Coronavirus Disease 2019 \(COVID-19\) web page](#), under the Civil Rights category. The [New Developments section](#) of the ADA Toolkit summarizes answers to COVID-19 ADA-related questions.

## Section Sources

- [Easter Seals Project ACTION, Toolkit for the Assessment of Bus Stop Accessibility and Safety](#)

Compliance > ADA (Americans with Disabilities Act)

- [FTA Circular 4710.1, Americans with Disabilities Act: Guidance \(11-4-15\)](#)
- [National RTAP, ADA Toolkit](#)
- [U.S. Department of Transportation, 49 CFR Part 37, Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [U.S. Department of Transportation, 49 CFR Part 38, Americans with Disabilities Act \(ADA\) Accessibility Specifications for Transportation Vehicles](#)

# Grant Compliance Requirements

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## Introduction

The **Section 5311 program (Formula Grants for Rural Areas)** provides federal funding to states to support public transportation in rural areas with populations of less than 50,000. Funds from the Federal Transit Administration (FTA) are awarded to states, as well as American Indian tribes. States

in turn award funds for local projects to “subrecipients,” which can include local governments, tribes, transit authorities, and private nonprofit organizations that provide rural public transportation.

Subrecipients of federal funding must agree to certain terms, conditions and grant requirements that are tied to FTA grants such as Section 5311 funding. This section begins by explaining the role of FTA and the state in Section 5311 program administration, and it summarizes each requirement with which subrecipients are expected to comply.

Section 5311 is the focus of this section of the Transit Manager’s Toolkit because Section 5311 is the federal grant program that specifically supports rural public transportation (as well as National RTAP and State RTAPs). In addition to Section 5311, rural transit systems may receive other FTA grant funding that is administered through the state, such as Section 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities Program) or Section 5339 (Bus and Bus Facilities Program). Rural transit systems that operate services into an urbanized area (population 50,000 or more) may also receive Section 5307 (Urbanized Area Formula Program). Tribal transit systems may receive Section 5311(c) funding through a state and funding from the Section 5311(c) Tribal Transit Program directly from FTA. Each program is subject to a common set of federal grant management requirements, as well as requirements that are unique to the Section 5311, 5310, and 5307 programs.

This section of the Toolkit begins with a summary of the role of FTA in funding rural transit, followed by a discussion of the role of the state in administering the Section 5311 program. The FTA grant compliance requirements common to most FTA grants are then presented, with an emphasis on how these apply to Section 5311 program. Next, requirements that are unique to Section 5311 subrecipients are introduced, along with requirements specific to the Section 5310 program that may support some rural transit systems. The section concludes with a summary of what a rural transit system can expect as part of a Section 5311 compliance review conducted by their state DOT. (Note that the additional requirements specific to Section 5307 are not covered in this Toolkit.)

Sources of information in this section include the following FTA documents:

- Circulars C 5010.1E, 9040.1G, and 9070.1G (see the [FTA Circulars section](#) of the Toolkit)
- [FY23 Comprehensive Review Contractor’s Manual](#), which FTA contractor reviewers use to ensure direct recipients (such as states) manage their FTA grants in compliance with federal requirements (including ensuring that local subrecipients comply with these requirements)
- [Master Agreement for FTA Grants dated February 7, 2022](#) - The Master Agreement is the official FTA document containing FTA and other cross-cutting federal requirements applicable to the FTA recipient (i.e., the state for Section 5311) and its grant agreement. The Master Agreement for each federal fiscal year is effective the first day of the fiscal year (October) and is incorporated by reference as part of the grant agreement. The FTA recipient is responsible for ensuring that its subrecipients comply with requirements in the Master Agreement.
- [FY2022 Certifications and Assurances](#) - Certifications and assurances are a consolidated group of federal requirements the applicant must agree to comply with before FTA may fund its project. Subrecipients must submit signed certifications and assurances with each

FTA grant application to the state. Each state submits its own certifications and assurances for each grant with FTA, essentially providing the subrecipients' documents to the FTA on their behalf. In doing so, both the subrecipient and the state are agreeing to comply with FTA's terms. The required certifications and assurances are published each fiscal year in the Federal Register and are updated in the Transit Award Management System (TrAMS) system (which the state uses to apply for and report on FTA grants), and the Federal Register notice details which certifications and assurances apply to all grantees and which are specific to the type of award or grant section. Most of the requirements for a Section 5311 subrecipient are summarized below. Subrecipients should check each year's list of certifications and assurances for any changes that might be made, available here: [FTA Certifications & Assurances web page](#).

NOTE: The requirements introduced on this page are based on the federal requirements and guidance issued under the FAST Act. At publication time, new federal requirements or guidance have not been issued for grants authorized under the [Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act \(IIJA\)](#), which was signed into law on November 15, 2021. We strongly advise transit managers to refer to each grant agreement they have with the state for the requirements that apply to that grant and consult with the state program manager for the most current requirements within the state. Contact [info@nationalrtap.org](mailto:info@nationalrtap.org) for any questions.

## FTA Role in Section 5311 Program Administration

At its highest level, the Section 5311 program is administered by the U.S. Department of Transportation's (U.S. DOT) FTA. FTA headquarters staff address program-level concerns about the administration of the program as explained in the 9040.1G Circular. For example, FTA:

1. provides overall policy and program guidance for the Section 5311 program;
2. apportions funds annually to the states;
3. develops and implements financial management procedures;
4. initiates and manages program support activities; and
5. conducts national program reviews and evaluations.

FTA regional offices address the day-to-day concerns of the administration of the program. According to Circular 9040.1G, FTA regional offices are responsible for the following:

1. reviewing and approving state grant applications;
2. obligating funds; managing grants; overseeing the state's implementation of the annual program including revisions to the program of projects;
3. receiving state certifications;
4. reviewing and approving State Management Plans (SMPs);
5. providing technical assistance, advice and guidance to the states as needed; and
6. performing state management reviews every three years, or as circumstances warrant.

Contact information is available for FTA regional offices on the [FTA website](#).

To read more, see page II-4 of [Circular 9040.1G](#).

As a Section 5311 subrecipient, unless a transit agency is also a Section 5307 (urban) grantee or Tribal Transit Program direct recipient, the transit manager will most likely interact with the state-administered Section 5311 program office rather than the FTA regional office.

## State Role in Section 5311 Program Administration

Section 5311 grants are awarded by states, as sub-grants of the state's grant from FTA. FTA gives the states freedom to design and manage 5311 programs (and other FTA programs) that address their specific public transportation needs. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR part 1201 allows states to use their own, rather than federal, laws and procedures for financial management systems, equipment, and procurement. (See "Basic FTA Grant Management Requirements" below for additional information.) State laws and procedures can be passed down to subrecipients that are public agencies and to private providers of public transportation services that enter into third-party contracts with a state or subrecipient. Subrecipients should be aware that a state policy, law, or procedure may sometimes supersede a published federal policy, law, or procedure. To find this information, consult the contract or grant agreement with the state agency that administers the Section 5311 program. The contract/grant agreement will give detailed instructions on the regulations with which the transit agency will be expected to comply. Federal regulations will be introduced later in this section of the Toolkit.

Each state's governor has designated a state agency (typically the state's Department of Transportation or DOT) to administer the Section 5311 program, and that state agency is responsible for the following tasks found in Circular 9040.1G:

1. document the state's procedures in a State Management Plan (SMP);
2. notify eligible local entities of the availability of the program;
3. plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;
4. solicit applications;
5. develop project selection criteria;
6. review and select projects for approval;
7. forward an annual program of projects (POP) and grant application to FTA;
8. certify eligibility of applicants and project activities;
9. ensure compliance with federal requirements by all subrecipients;
10. monitor local project activity;
11. oversee project audit and closeout; and
12. file a National Transit Database (NTD) report each year for each subrecipient.

To read more about the state's role in 5311 program administration, see page II-3 of [Circular 9040.1G](#). It should be noted that the above list from the 2014 circular is not an exhaustive list of state DOT responsibilities, which also include management information system (MIS) reporting, development of transit asset management (TAM) group plans for Tier II transit agencies, and more.

## State Management Plan

A State Management Plan (SMP) can be a good source of information on how a state administers its Section 5311 program. The SMP is a document that describes the state's policies and procedures in administering the Section 5311 program, including the state's objectives, policies, procedures, and administrative requirements. All states are required to have an approved SMP for the Section 5311 program on file with FTA, and to provide an opportunity for review by stakeholders (such as subrecipients) when it develops a new SMP or significantly revises an existing SMP. The Section 5310 and 5339 programs also require SMPs. Some states choose to combine two or more of these FTA programs into a single SMP.

Other state-specific sources of information, which vary from state to state, can include the Section 5311 grant application package, local grants management handbooks or manuals, sample policies and templates, and the checklist used by the state to ensure compliance by subrecipients.

## Basic FTA Grant Requirements

### Background

Part of the U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” [2 CFR Part 1201](#) adopts the basic federal grant management requirements for state and local governments under the Office of Management and Budget’s (OMB) 2 CFR Part 200. Commonly referred to as the “Super Circular,” [2 CFR Part 200](#), “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” took effect December 26, 2014. 2 CFR Part 1201 superseded and repealed the U.S. DOT “Common Grant” rules under the former:

- 49 CFR Part 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” and
- 49 CFR Part 19, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.”

States and subrecipients of FTA grants are subject to the provisions of 2 CFR Part 1201 and 2 CFR Part 200, which are summarized in this portion of the Toolkit.

A state enters into a written agreement with a subrecipient, stating the terms and conditions of assistance for the project, and this agreement also states which federal and/or state requirements with which the subrecipient must comply. The state is responsible for assuring the federal government that its subrecipients are in compliance with the federal requirements that are explained below. In this section of the Toolkit, the federal requirements are introduced and generally grouped by FTA compliance areas in the [FY23 Comprehensive Review Contractor’s Manual](#). (These are the areas for which FTA conducts oversight of states and which states are required to ensure subrecipient compliance.)



Please note that this section is merely an introduction to each requirement. Some of these requirements are expanded upon in other sections of this Toolkit, in which case a reference is made to the appropriate section. For more information, or to view the source of all information and quotes in the text, refer to page numbers in the circulars cited under each requirement. It is important to note that as of the latest revision of this Toolkit section in 2024, many FTA circulars have not yet been updated since the passage of the FAST Act in December 2015. In some cases, they have not been updated since the Super Circular superseded and repealed the Common Grant rules (December 26, 2014), and circulars may contain outdated language.

### **System for Award Management (SAM) Requirements**

An organization applying for funding from the federal government must register on the U.S. Government's [SAM website \(SAM.gov\)](https://sam.gov) and keep its registration current until it submits its final financial report for the award agreement from FTA. The recipient must review and update its information in [SAM](#) at least annually after the initial registration, and more frequently if required by changes in its information or another provision of a federal or federally assisted agreement, law, regulation, or regulatory guidance. See page V-10 of [FTA Circular 9040.1G](#). There is no charge to get a Unique Entity ID, register an entity, and maintain the entity registration. [SAM](#) technical assistance includes an [Entity Registration Checklist](#) and [Get Started with Registration and the Unique Entity ID](#).

As a general rule, the best source of guidance on the requirements that apply to a specific FTA grant(s) is the state program that awarded the grant.

### **Legal Matters**

#### **Debarment and Suspension**

As stated on page V-8 of Circular 9040.1G, federal grant funds cannot be provided to anyone who has been “debarred, suspended, determined ineligible or voluntarily excluded from participation in federally-assisted transactions.” Before awarding a contract or grant subagreement of \$25,000 or more, the subrecipient must ensure that they are not entering into an agreement with someone who has been excluded or disqualified. (See also Procurement 101, “Awarding to a Qualified and Responsible Contractor.”) More information can be found on page V-8 of Circular 9040.1G, [2 CFR Part 180, Subpart C](#), and 2 CFR Part 1200.

#### **Lobbying Restrictions**

Recipients and subrecipients are prohibited from using federal funds to lobby for federal funds. As stated on page XI-12 of Circular 9040.1G, “federal financial assistance may not be used to influence any Member of Congress or an officer or employee of any agency in connection with the making of any Federal contract, grant or cooperative agreement.” Included in the prohibition is indirect lobbying, “such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation.” General advocacy for transit is not prohibited, such as “providing information to legislators about the services a recipient provides in the community.” Nonfederal (local) funds may be used to lobby for transit purposes if this information is reported quarterly through OMB Standard Form LLL.

If the subrecipient or any of its contractors receive more than \$100,000 of FTA funding, a certification must be signed saying the subrecipient (and applicable contractors) will not participate in federally-funded lobbying activities and disclose the use of non-federal funds for the activities listed above. For more information about lobbying restrictions, see FTA Circular 9040.1G page XI-12, FTA FY23 Comprehensive Review Contractor's Manual, and/or [49 CFR Part 20](#).

## Financial Management and Capacity

### **Financial Management**

As stated in Circular 5010.1E, pages VI-4 to VI-5, the financial management systems of each subrecipient must meet standards for financial reporting, accounting records, internal control, budget control, allowable cost, source documentation, and cash management. Financial reporting must provide for "accurate, current, and complete disclosure of the financial results of federally assisted activities... made in accordance with financial reporting requirements." Accounting records must "adequately identify the source and application of funds provided for federally assisted activities" and "contain information pertaining to the Award or subawards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income." Effective control and accountability must be maintained; recipients and subrecipients must adequately safeguard the grant funds, property, and other assets and ensure they are used only for the authorized purposes. Actual expenditures must be compared with the grant award budget and financial information must be related to performance or productivity data. Costs allowable under the grant are subject to applicable OMB principles, as detailed in the Super Circular, specifically [2 CFR Section 200.403 - Factors Affecting Allowability of Costs](#). First and foremost, the cost must "be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles" (Section 200.403 (a)).

As stated in Circular 5010.1E, "accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contracts, and subrecipient documents." Subrecipient financial reports are necessary for states to meet their financial reporting and grant cash draw-down requirements—necessary to reimburse their subrecipients. As required in [2 CFR Section 200.334](#), "financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report." As a subrecipient, upon close-out of the sub-grant with the state, the responsible person should check with the state as to when this three-year period begins, since the sub-grant is likely one of several sub-grants within the state's grant and may be closed out long before the state submits its final expenditure report on the grant to the FTA.

More information on financial management requirements for recipients and subrecipients of federal grants can be found in FTA Circular 5010.1E pages VI-4 to VI-5 and [2 CFR Part 200 Subpart D](#), including [Section 200.331](#). More information can also be found in the [Budgeting and Finance 101 section](#) of the Toolkit.

### **Indirect Costs**

To charge indirect costs to a federal grant award, a subrecipient must meet requirements for indirect costs rate as detailed in [2 CFR Section 200.414](#). The subrecipient must either have a cost allocation

plan (CAP) or indirect cost rate proposal (ICRP) that has been approved by the “cognizant agency” (which is generally the federal agency that provides the highest portion of federal grants, which may or may not be FTA—see [2 CFR Part 200](#) for the full definition). If the subrecipient has never had an approved indirect cost rate, a de minimis rate of 10 percent may be charged. Cost allocation concepts are introduced under [Budgeting and Finance 101](#) in this Toolkit. For more information on the indirect cost rate requirement, see FTA Circular 5010.1E pages VI-9 to VI-11 and 2 CFR Section 200.414.

## Audit

Subrecipients that spend \$750,000 or more in a year in federal assistance from all sources must have a federally-compliant audit conducted in accordance with 2 CFR Part 200 Subpart F, submit documentation required (by the state for their subrecipients) including reporting any audit findings related to the FTA sub-grant, and resolve identified issues. For more information, see [2 CFR Part 200 Subpart F](#), [Section 200.334](#), and pages VI-14 to VI-15 of Circular 5010.1E.

## Technical Capacity

### Reporting Requirements

Each State DOT determines the reporting requirements for its subrecipients. At a minimum, the state will need to collect subrecipient information needed for the reports that the state is required to submit to FTA:

- **Annual Program of Projects Status Report**—The state must submit to FTA a program status report for each active grant, and this may include notes about Section 5311 subrecipients.
- **Milestone Activity Reports**—The state must enter any revised milestone dates in the annual report. These are based on activity line items (ALIs) for which milestones were required at the time of grant application (for example, for vehicle procurements, construction projects, and program reserve).
- **Financial Status Report**—The state must electronically submit an annual financial status report for each active grant. A grant is considered “active” when subrecipients sign their agreements with the state.
- **National Transit Database (NTD) Reports**—All recipients, subrecipients and beneficiaries of FTA’s Section 5311 program grants are required to submit data to the NTD. For subrecipients that benefit from the Section 5311 grant program, states will report on their behalf, and the state determines how subrecipients will submit the required data. The [NTD section of the FTA website](#) provides details on what information is collected. Each year, the NTD publishes a series of [reporting manuals](#). Section 5311 subrecipients are considered “reduced reporters,” and for FY2021 data, states will use the 2020 NTD Reduced Reporting Policy Manual for their Section 5311 subrecipients. Section 5310 subrecipients are only required to complete the transit asset management reporting requirements (see the [Transit Asset Management section](#) of the Toolkit). For more information on NTD reporting requirements, see page III-11 to III-12 of Circular 5010.1E, [49 CFR Part 630](#), and the [NTD section of the FTA web site](#).

- Disadvantaged Business Enterprise (DBE) Reports—States are required to report progress on their DBE goals (see the [Civil Rights section](#) of the Toolkit), and include FTA-funded subrecipient procurements within their state-level DBE reports.

## Closeout

FTA requires that grantees (states) close out projects on a timely basis, generally 90 days after the end of the “period of performance” of the grant. To do this, states must close out sub-grants with subrecipients on a timely basis. As stated in Circular 9040.1G (page V-13), “FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the state should request that the funds be deobligated and the project closed out.” Subrecipients need to be aware that they have a limited amount of time to spend their grant awards, after which the funds may be deobligated and then used to fund a different grant. According to the FTA FY2022 Comprehensive Review Contractor’s Guide (page 3-17), for the Section 5311 program, the period of performance is limited to the year of federal apportionment plus two years (three years total).

For information on closeout requirements for FTA recipients, see pages III-19 to III-20 of Circular 5010.1E and [2 CFR Section 200.344](#).

## Satisfactory Continuing Control

Recipients and subrecipients must ensure that FTA-funded property (including equipment and real property) will remain available to be used for its originally authorized purpose throughout the property’s useful life or until disposition (i.e., the property is sold or otherwise disposed of, as discussed later in this section under Disposition). When acquiring, building, or improving capital equipment or facilities with FTA funds, a recipient or subrecipient must have a system that can “assure the satisfactory continuing control of that capital and facilities.” Subrecipients of the funds must maintain this responsibility unless control and responsibility are transferred to another subrecipient (as authorized by a designated state agency), even if operated by a contractor. This includes:

- maintaining inventory records on the status of property
- conducting a physical inventory of property and equipment with the results reconciled at least once every two years
- submitting required reports
- using property solely for its originally authorized purpose (potentially allowing real property to be used in part under an FTA-approved incidental use arrangement)
- maintaining bus fleets in accordance with FTA requirements for spare ratios and contingency fleets
- disposing of FTA-funded property in accordance with 2 CFR 200 and FTA requirements,
- only using FTA capital assistance to lease of any transit facilities or equipment if a cost-effectiveness determination was conducted with certification provided to FTA

Vehicles, equipment, and facilities must also be maintained in a state of good repair. This requirement is discussed later in this section under Transit Asset Management (TAM).

For more information about the requirements for satisfactory continuing control, see Circular 9040.1G pages V-1 to V-3, Circular 5010.1E pages IV-13 to IV-33, FTA FY22 Comprehensive Review Contractor's Guide Section 7, and [2 CFR Part 200, Subpart D Property Standards](#).

## Property and Equipment Management

### **Disposition**

The goal of FTA-funded property is to achieve minimum useful life standards before disposal. Circular 9040.1G (page V-1) states that “states may use, manage, and dispose of equipment acquired under a Section 5311 grant according to state law and procedures.” Subrecipients must consult the grant agreement or contract to find out whether they will be following state or federal procedures. The following are the federal regulations regarding equipment management. Under federal regulations, states can transfer Section 5311-funded facilities and equipment to another entity that provides public transportation as long as that new entity complies with state and federal 5311 requirements in their use of the facilities and equipment. For all vehicles purchased with 5311 funds, the states establish and implement their own requirements. This includes the following list from Circular 9040.1G:

1. establish their own minimum useful life standards for vehicles;
2. use their own procedures for determining fair market value; and
3. develop their own policies and procedures for maintenance and replacement of vehicles.

Subrecipients must follow any established state laws and procedures for disposing of equipment and real property. As stated in Circular 5010.1E, page IV-21, “FTA retains a federal interest in any federally assisted property financed with FTA assistance until, and to the extent that, FTA relinquishes its federal interest in that federally assisted property. This applies to real property, equipment, and supplies.” FTA retains interest in any asset that is valued at \$5,000 or more. If a transit agency disposes of any FTA-funded property with a market value exceeds \$5,000, the agency may retain the federal share of the first \$5,000 and the non-federal share of the proceeds but is required to return to FTA the federal share of the remaining proceeds (i.e., above the first \$5,000) from the disposition of equipment. If a transit agency disposes of FTA-funded property with a unit market value of \$5,000 or less, FTA does not require reimbursement.

### **Maintenance and Warranty**

As stated in Circular 5010.1E, page IV-34, “recipients must maintain federally assisted property in good operating order” and “must have a written vehicle maintenance plan and a facility/equipment maintenance plan. These plans should describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals.” Recipients must also maintain maintenance records, pursue warranty claims, and maintain a log of warranty claims.

### **Vehicle Spare Ratio**

As stated in Circular 5010.1E, page IV-28, “the number of spare buses in the active fleet for recipients operating 50 or more fixed-route revenue vehicles should not exceed 20 percent of the

number of vehicles operated in maximum fixed-route service. FTA does not set a specific spare ratio for smaller operators but expects the number of spare buses to be reasonable, taking into account the number of vehicles and variety of vehicle types and sizes.” The spare ratio is the total number of spare vehicles available for fixed-route service divided by the total number of fixed-route vehicles required for peak service, typically expressed as a percentage.

### Transit Asset Management (TAM)

FTA grantees are required to collect and use asset inventory and condition data, set “state of good repair” performance targets, develop strategies to prioritize investments, and prepare a plan to meet those targets. “State of good repair” is defined in the implementing regulations ([49 CFR Part 625](#)) as “the condition in which a capital asset is able to operate at a full level of performance.” “Capital assets” include revenue vehicles, other equipment valued at over \$50,000 (such as maintenance or administrative vehicles), and facilities. Annual reports must be submitted on the status of each category of capital asset into the NTD. The State DOT is tasked with developing a group plan in which its Section 5311 and 5310 subrecipients can participate and submits annual reports on their behalf. See the [Transit Asset Management section](#) of the Toolkit for more information.

### Procurement

Subrecipients’ procurement policies and procedures must comply with FTA requirements, which are described in the [Procurement 101](#) and [Procurement-Beyond 101](#) sections of the Toolkit. National RTAP’s [How to Buy a Vehicle: A Primer for Rural, Tribal and Small Urban Transit Operators training module](#) and [ProcurementPRO technology tool](#) provide additional helpful tools.

A state may require that subrecipients also comply with state procurement requirements, especially if the state thresholds are more stringent than the federal requirements. To the extent permitted by federal statutes and regulations, the state can use the same policies and procedures for procurements funded by both federal and non-federal sources. A state may also set a threshold for micro-purchases and/or small purchases that is lower than the federal threshold for itself and subrecipients.

### **Buy America**

Under this requirement, explained on pages V-6 to V-7 of Circular 9040.1G, all steel, iron and manufactured products used in federally-funded public transportation projects must be produced in the United States. This applies to all Section 5311 recipients and subrecipients. Buy America requirements apply to any purchase that exceeds \$150,000. See the [Procurement 101 section](#) of the Toolkit for more information.

### **Capital Leases**

If a grantee finds that it is more cost effective to lease capital assets rather than purchase or construct them, capital funds may be used for this purpose. The subrecipient should consult with their state about this topic as the state may have a policy in its State Management Plan about leasing versus buying capital assets. For more information on this FTA requirements related to capital leases, see pages IV-30 to IV-33 of Circular 5010.1E.



## Bus Testing

Buses and vans acquired with FTA funds must be tested for weight rating, durability, performance, compliance with manufacturer's specifications, reliability, safety, and structural integrity in accordance with the requirements in 49 CFR part 665, and grantees must obtain a copy of the resulting test report before FTA funds can be released. This testing is sometimes referred to as "Altoona testing," because the testing site has historically been located in Altoona, Pennsylvania.

FTA's website currently addresses bus testing requirements through a [page of frequently asked questions](#). For more information, until the Section 5311 circular has been updated to reflect current requirements, consult the regulatory language in [49 CFR Part 665](#).

## Pre-award and Post-delivery Reviews

As indicated on pages V-5 to V-6 of Circular 9040.1G, FTA requires grantees that are purchasing more than 20 passenger buses or modified vans for serving rural and small urbanized areas to conduct reviews of vendor compliance with Buy America requirements, the grantee's bid specifications, and Federal Motor Vehicle Safety Standards (FMVSS). These reviews include pre-award and post-delivery audits. If 20 or fewer vehicles are procured to serve a rural area (or urbanized area with a population less than 200,000), the procurement is exempt from both pre-award and post-delivery reviews. There is also no review requirement when procuring unmodified vans, regardless of the quantity that is purchased. More information about this requirement is found on the FTA [Buy America Pre-Award and Post-Delivery Review Requirements web page](#). Guidance on conducting pre-award and post-delivery audits is provided in FTA's [Conducting Pre-Award and Post-Delivery Audits for Rolling Stock Procurements Best Practices Handbook](#).

## Civil Rights Requirements

As stated on pages 50-51 of the [Master Agreement dated February 7, 2022](#), *"The Recipient agrees that it must comply with applicable federal civil rights laws, regulations, and requirements, and follow applicable federal guidance, except as the Federal Government determines otherwise in writing. Therefore, unless a Recipient or a federal program, including the Indian Tribe Recipient or the Tribal Transit Program, is specifically exempted from a civil rights statute, FTA requires compliance with each civil rights statute, including compliance with equity in service requirements."* By signing the Master Agreement, the grantee agrees that it will *"prohibit discrimination based on race, color, religion, national origin, sex (including sexual orientation and gender identity), disability, or age."* The civil rights requirements for FTA grantees are introduced in two sections of the Toolkit: [Civil Rights](#) and [ADA \(Americans with Disabilities Act\)](#), as indicated in each of the following categories of requirements.

## Title VI

Title VI of the Civil Rights Act of 1964 states that "no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance" [[see 42 USC Section 2000\(d\)](#)]. All organizations receiving FTA funding are subject to Title VI and DOT's implementing regulations [[49 CFR Part 21](#)]. There are specific Title VI requirements related to overall policy, handling of complaints, service delivery, planning, public



outreach, providing information for people with limited English proficiency, and location selection for facilities. For more information, see the [Civil Rights section](#) of the Toolkit as well as [FTA Circular 4702.1B](#).

## Environmental Justice

As stated in [FTA Circular 4703.1](#), Environmental Justice Policy Guidance for FTA Recipients, [Executive Order 12898](#), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires federal agencies to “address disproportionately high and adverse human health or environmental effects of ... programs, policies and activities on minority populations and/or low income populations.” The circular notes the following three guiding principles of environmental justice for FTA:

- To avoid, minimize, and mitigate disproportionately high and adverse effects
- To ensure the full and fair participation by all potentially affected communities
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations

The circular provides recommendations for how to fully engage environmental justice populations in the transportation decision-making process (as part of public involvement efforts, involving a demographic analysis), determine adverse effects of a public transportation project, policy, or activity on environmental justice populations, and how to avoid, minimize, or mitigate these effects. FTA recommends in the circular that environmental justice principles be included as part of statewide, metropolitan, and local long- and short-range planning process, as well as local planning activities and service delivery of local transit providers.

U.S. DOT requires consideration of environmental justice issues during preparation of an Environmental Impact Statement (EIS). An EIS is developed as part of a project subject to National Environmental Policy Act of 1969 (NEPA) review process. For rural transit agencies, the NEPA review process is most likely to be required when planning for a project involving new construction, major rehabilitation, or renovation of a facility. Other types of FTA-funded rural transit projects are generally considered “categorical exclusions” under the NEPA requirements.

A State DOT may also require that principles of environmental justice be considered by its subrecipients when planning transit service changes or new services, potentially in conjunction with the Title VI analysis that is required for some transit agencies. Transit managers should refer to the transit planning requirements of their State DOT before planning major service changes or new services. For more information, see the [Civil Rights section](#) of the Toolkit as well as FTA Circular 4703.1.

## Equal Employment Opportunity (EEO)

Equal Employment Opportunity (EEO) refers to statutes and regulations that prohibit employment discrimination and provide employees and job applicants with protections and remedies against employment discrimination. FTA grantees are prohibited from discriminating against a person because of race, color, religion, national origin, sex, disability, or age (49 U.S.C. Section 5332(b)). To ensure non-discrimination in employment, FTA requires that grant applicants, recipients, subrecipients, and contractors that employ 50 or more transit-related employees and 1) request or

receive capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or 2) request or receive planning assistance in excess of \$250,000 in the previous federal fiscal year to prepare and maintain an EEO Program. Those organizations that do not meet these thresholds must still have an EEO complaint process and post EEO notices visible to employees, applicants for employment and union members. For more information, see the [Civil Rights section](#) of the Toolkit as well as [FTA Circular 4704.1A](#).

## **Disadvantaged Business Enterprise (DBE)**

The U.S. DOT DBE requirements are intended to create a level playing field for DBEs in competing for federally-funded contracts. A DBE is a for-profit small business owned and controlled by a socially and economically disadvantaged individual. FTA grantees that receive FTA planning, capital or operating assistance and award prime contracts exceeding \$250,000 in FTA funds in a federal fiscal year (excluding vehicle purchases) must develop a DBE program. Subrecipients participate in the State DOT's DBE program and report to the state on DBE contracting activity. Also, FTA-funded vehicle procurements must require transit vehicle manufacturer bidders to certify that they have complied with FTA DBE program requirements and be listed on FTA's [Eligible Transit Vehicle Manufacturers \(TVMs\) List](#). For more information, see the [Civil Rights section](#) of the Toolkit as well as [49 CFR Part 26](#) and [FTA's TVM web page](#).

## **Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act of 1990 (ADA) is a civil rights law that protects the rights of individuals with disabilities to equal opportunity and access to employment, public services, and public accommodations and services operated by private entities. The ADA regulations that focus on FTA grantees and transportation providers are found in 49 CFR Parts 27, 37, 38, and 39 (each of which can be linked to from the FTA [ADA Regulations web page](#)). For more information, see the [ADA section](#) of the Toolkit, the standalone [ADA Toolkit](#), and [FTA Circular 4710.1](#).

## **Private Sector Protections**

### **Charter Service**

The FTA Charter Service Rule, [49 CFR Part 604](#), protects private charter operators from unauthorized competition from FTA recipients. The rule defined “charter services,” specified exceptions when charter services may be provided, established a registry and notification system for private charter operators, and established a process for private charter operators to file complaints against the rule. For more information about charter service restrictions, see the [FTA Charter Bus Service Regulations webpage](#). Note that the 9040.1G circular does not include complete information about the Charter Service Rule. Refer directly to the 49 CFR Part 604 regulations or the FTA Charter Bus Service Regulations webpage listed above for more information. Additionally, see the [Charter Service section](#) of the Toolkit.

### **School Transportation**

As detailed in [49 CFR Part 605](#), FTA grantees are prohibited from using FTA funds (or FTA-funded vehicles) to provide service that is exclusively for school students and school personnel. A transit agency can, however, modify regular service to accommodate school students as well as the

general public. As stated on page XI-13 of Circular 9040.1G, for this regulation, Head Start is considered a social service, not a school program. National RTAP provides two technical briefs with more information: [Rural Transit and School Bus Coordination](#) and [Head Start Program Transportation in Rural Areas](#).

### Employee Protections

Requirements relating to employee protections are listed on pages 80 to 82 of the Master Agreement dated February 7, 2022. These include requirements under the:

- [Fair Labor Standards Act](#)
- [Contract Work Hours and Safety Standards Act](#)
- [Davis-Bacon Act](#)
- [Copeland “Anti-Kickback” Act](#)
- [U.S. Department of Labor regulations under these and other laws](#)

Under 49 U.S.C. Section 5333(b) of the Federal Transit Laws, when FTA funds are used to “acquire, improve, or operate” a public transportation system, the funds come with an obligation to preserve “the rights and benefits of employees under existing collective bargaining agreements, the continuation of collective bargaining rights, the protection of individual employees against a worsening of their positions in relation to their employment, assurances of employment to employees of acquired transit systems, priority of reemployment, and paid training or retraining programs.” The Section 5311 program involves a Section 5333(b) Special Warranty established at the federal level that protects existing transit employees in the service area of the rural transit system. FTA does not generally apply the conditions of 49 U.S.C. Section 5333(b) to Section 5310 subrecipients. More information is provided in the [Human Resources section](#) of the Toolkit, with details found on the U.S. DOL [Special Warranty web page](#).

### Drug-Free Workplace

Under the Drug-Free Workplace Act of 1988, federal grant recipients are required to maintain a drug-free workplace for all award-related employees, report any convictions occurring in the workplace, and have an ongoing drug-free awareness program. These provisions, detailed in [49 CFR Part 32](#), only apply to FTA’s direct grantees (for example, states and Tribes receiving Tribal Transit Program funding); they do not apply to subrecipients (although some State DOTs extend drug-free workplace requirements to their subrecipients). For more information, see pages XI-6 to XI-7 of FTA Circular 9040.1G.

### Drug and Alcohol Testing

FTA drug and alcohol regulations ([49 CFR Part 655](#)) require Sections 5307, 5309 and 5311 recipients or subrecipients to establish a drug and alcohol program and to conduct drug and alcohol testing of safety-sensitive employees. The drug and alcohol testing procedures must comply with DOT regulations in [49 CFR Part 40](#). Page XI-6 of FTA Circular 9040.1G introduces these requirements. See the [Drug and Alcohol Programs section](#) of the Toolkit for more information.

Note: Although Section 5310 subrecipients are not subject to the FTA drug and alcohol requirements under Part 655, if they employ Commercial Driver's License (CDL) drivers, the U.S. DOT requirements under [49 CFR Part 382](#) may apply. For more information on 49 CFR Part 382 requirements for employers, see the [Overview of Drug and Alcohol Rules for Employers web page](#) on the Federal Motor Carrier Safety Administration web site.

## Planning

### **Project Inclusion in STIP/TIP**

As noted on page IV-1 of FTA Circular 9040.1G, in order to receive an FTA grant for a project, the project must be a product of the metropolitan planning process and/or the statewide planning process. The State DOT prepares and updates the Statewide Transportation Improvement Program (STIP) which incorporates Section 5311 subrecipient projects. The STIP is a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and metropolitan area Transportation Improvement Programs (TIPs). For projects outside metropolitan planning boundaries (which is typically the case for Section 5311 projects), they are only required to be in the STIP.

Projects within metropolitan planning boundaries must be included in the metropolitan planning organization's (MPO) TIP. (Subrecipients that serve metropolitan areas should consult regional, county, or metropolitan transportation planning agencies to find out how to ensure their projects are included in the TIP.)

For more information about Metropolitan, Statewide & Non-Metropolitan Planning requirements, see pages IV-1 to IV-2 of [FTA Circular 9040.1G](#) as well as the [section of the FTA website on this topic](#).

### **Public Hearing Requirements**

As stated in the FTA Title VI circular (FTA C 4702.1B, [Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#)), all recipients of federal funding are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b), which requires an opportunity for a public hearing on a proposed program of projects included in an FTA grant application. As part of the Section 5311 subrecipient grant application process, State DOTs typically require a public participation process that includes a public hearing (or opportunity for one upon request) about the proposed grant application. For more information, see the [Planning and Evaluation section](#) of the Toolkit.

### **Intelligent Transportation Systems (ITS) – National ITS Architecture**

As stated on page IV-53 of FTA Circular 5010.1E, FTA recipients that have transportation projects that include ITS must be participants in a regional or statewide ITS Architecture process and their ITS projects must be included in the locally approved Regional ITS Architecture. For more information, see the FTA web page on its [National ITS Architecture Consistency Policy for Transit Projects](#).

## Private Sector Participation

As part of the federal requirements for public involvement in the transportation planning process, private providers must be afforded an opportunity for consultation when developing transportation plans and programs (in both urban and rural areas), as noted on page XI-10 of [FTA Circular 9040.1G](#). As part of the Section 5311 subrecipient grant application process, State DOTs typically require notice to the private sector with an opportunity to formally comment on the proposed grant application.

## Environmental Protections

The National Environmental Policy Act (NEPA) was signed into law on January 1, 1970, and its purpose is to ensure that environmental issues are considered alongside social, economic, and other competing concerns that arise when planning a project. As stated on page 50 of FTA Circular 4703.1, many transit projects are considered “categorical exclusions” that do not have a significant environmental effect. Most Section 5311 projects are categorical exclusions, and the State DOT should screen potential projects to determine which projects clearly meet the Federal Highway Administration (FHWA) / FTA criteria for categorical exclusions. For more information, see the [Environmental Programs section](#) of the FTA web site and the [National Environmental Policy Act website](#).

## Clean Air Act (CAA)

[Clean Air Act \(CAA\)](#) requirements apply only in areas (generally urbanized areas) that have violated or continue to violate National Ambient Air Quality Standards (NAAQS), which are generally a result of transportation-related pollutants. As noted on page XI-5 of [FTA Circular 9040.1G](#), the conformity process is the main requirement with which FTA-funded projects must comply, and these requirements can be found in Environmental Protection Agency (EPA) regulation 40 CFR Part 93. Clean Air Act requirements are not typically relevant to Section 5311 projects.

## Safety

In the Master Agreement dated February 7, 2022, Sections 32, 33 and 34 (pages 89 to 91) list specific safety requirements for FTA grantees.

## Public Transportation Agency Safety Plan

FTA grantees must comply with applicable federal laws, regulations, and requirements and follow applicable guidance that implement the Public Transportation Safety Program provisions of 49 U.S.C. Section 5329. On July 19, 2018, FTA published the [Public Transportation Agency Safety Plan \(PTASP\) Final Rule, 49 CFR Part 673](#). This regulation requires Section 5307-funded urban transit systems to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS).

Transit agencies that receive Section 5310 and/or 5311 but not Section 5307 (Urbanized Area Formula Grants) are not required at this time to develop an FTA compliant safety plan; however, the safety plan requirements for Section 5307 systems should be considered as best practices for

5310 and/or 5311 funded agencies. For more information, see the [Safety, Security and Emergency Management section](#) of the Toolkit and the [PTASP section of the FTA website](#).

## Motor Carrier Safety

FTA grantees must comply with the following Federal Motor Carrier Safety Administration (FMCSA) requirements:

- Minimum insurance requirements: FTA Section 5311, 5310, and 5307 grantees that cross state lines must generally obtain the highest amount of insurance required by any state in which the public transportation provider operates.
- Federal Motor Carrier Safety Regulations: FTA grantees must comply with [FMCSA regulations](#) within 49 CFR Parts 390 to 397. Some of these requirements are described in the [Driver Recruitment, Training, and Retention section](#) of the Toolkit.
- Commercial driver's license (CDL) requirements (49 CFR Part 383): FTA grantees that employ drivers of vehicles designed to seat 16 or more passengers including the driver or with a gross vehicle weight rating (GVWR) exceeding 26,000 pounds required to ensure these drivers have valid CDLs. Mechanics who drive these vehicles must also have a CDL.
- Section 5310 subrecipients that employ CDL drivers must also comply with the FMCSA drug and alcohol testing requirements under [49 CFR Part 382](#). (Section 5311 subrecipients are subject to the more rigorous FTA drug and alcohol testing requirements under [49 CFR Part 655](#).)

FMCSA requires Entry Level Driver Training (ELDT) for drivers seeking a new or upgraded CDL or Passenger endorsement. More information can be found in National RTAP's [Entry-Level Driver Training Requirements technical brief](#).

## Safe Operation of Motor Vehicles

FTA grantees agree to adopt and promote on-the-job seat belt use policies and programs and include a "seat belt use" provision in each third-party agreement related to the grant. Grantees also agree to adopt and enforce workplace safety policies related to distracted driving including a ban on text messaging while driving. For more information, see Section 34 (pages 90-91) of the Master Agreement dated February 7, 2022.

## [Construction Projects](#)

### Real Property Acquisition

Real property acquisition standards can be found in the most current [FTA Circular 5010.1E, Award Management Requirements](#) and in Chapter X, Other Provisions. Subrecipients may use their state's staff appraisers to prepare required independent appraisals.

### Joint Development

On January 30, 2024, FTA issued new [Circular 7050.1C](#) to address joint development projects using FTA funds or FTA-funded property. It provides guidance to recipients on how to use FTA funds or FTA-funded real property for joint development – the coordinated development of transit facilities



with non-transit commercial and residential projects. This proposed guidance contains a change to fee collection for zero emission vehicle charging equipment. It will supersede Circular 7050.1B, once finalized.

## **Construction Management and Oversight**

The state has responsibility for Section 5311-funded construction management and oversight, and FTA does not approve subrecipients' design plans for construction projects.

FTA-funded construction projects must comply with the prevailing wage requirements of the Davis-Bacon Act. They must also comply with the Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act, and the following the US DOL regulations: Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act) (29 CFR Part 5), Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States (29 CFR Part 3), Recording and Reporting Occupational Injuries and Illnesses (29 CFR Part 1904), Occupational Safety and Health Standards (29 CFR Part 1910), and Safety and Health Regulations for Construction (29 CFR Part 1926).

## **Requirements Specific to Section 5311**

### *Use of 5311 Funds for Public Transportation Projects*

Section 5311 funds support public transportation projects (services which are open to the public on a regular and continuing basis) in rural areas. As stated on page III-6 of FTA Circular 9040.1G, Section 5311 service may be designed to maximize use by members of the public who are transportation disadvantaged, including seniors, people with disabilities, and low-income individuals. Page 21-1 of the FTA [\*\*FY 2023 Comprehensive Review Contractor's Manual\*\*](#) states that coordinated human service transportation that primarily serves seniors and persons with disabilities, but that is not restricted from carrying other members of the public, is considered open to the general public if it is promoted as public transportation service.

Although there are no federal requirements specifying how a public transportation service is to be promoted, many states require that their subrecipients educate the public about their services. National RTAP's [\*\*Marketing Toolkit\*\*](#) is a great resource for developing a marketing plan and public education materials for rural public transit. National RTAP's [\*\*Website Builder technology tool\*\*](#) makes it easy for rural transit agencies to develop and maintain their websites.

### *Meal Delivery and Incidental Service*

As stated on page III-6 FTA Circular 9040.1G, a rural transit provider may use a Section 5311 vehicle for non-passenger transportation on an occasional or regular basis, such as package delivery. This is referred to as "incidental use" which must not result in a reduction of service quality or availability of public transportation service. Section 5311 transit providers may also coordinate and assist in providing meal delivery service for homebound people on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of



service to transit passengers. As stated on page III-6 FTA Circular 9040.1G, FTA expects that the nutrition program will pay the operating costs attributable to meal delivery, and Section 5311 capital assistance may not be used to purchase vehicles or equipment used solely for meal delivery.

## Requirements Specific to Section 5310

### Use of 5310 Funds for Public Transportation Projects

Section 5310 funds support the provision of transportation services to meet the specific needs of seniors and individuals with disabilities. As stated on page III-9 of [FTA Circular 9070.1G](#), Section 5310 projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although they may be used by the general public.

### Coordination and Vehicle Use

Section 5310 subrecipients are encouraged, to the extent feasible, to provide service to seniors and people with disabilities not affiliated with their agency, and on an incidental basis to the general public, if such service does not interfere with transportation services for seniors and people with disabilities (page VI-4 of FTA Circular 9070.1G).

FTA encourages maximum use of Section 5310-funded vehicles. Page VI-4 of FTA Circular 9070.1G states that the subrecipient “must, when practicable, make the vehicle itself available to provide transportation service to other seniors and people with disabilities at times the agency is not using the vehicle for grant-related purposes. The recipient shall use the vehicle in the project or program for which it was acquired as long as needed, even if the project does not continue to receive federal funding.” The circular also states, “During the period the vehicle is used to serve the project or program needs for which it was acquired, the recipient or subrecipient shall make it available for use on other projects or programs, as long as such other use does not interfere with the service for which the vehicle was originally acquired. First preference for such other use will be given to other projects or programs sponsored by FTA, and second preference will be given to projects or programs sponsored by other federal agencies. Finally, vehicles may be used by non-federally funded providers, first to meet the needs of seniors and people with disabilities, and then to serve the transportation needs of the general public on an incidental basis.”

Page VI-4 of FTA Circular 9070.1G also states that subrecipients “may coordinate and assist in providing meal delivery services for homebound people on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers.” However, FTA funding will not fund vehicles and equipment needed solely for meal delivery.

During the COVID-19 pandemic, transit agencies were encouraged to make incidental use of transit assets (vehicles and facilities) to provide essential services such as meal delivery or grocery delivery, so long as it did not interfere with transit services. After January 20, 2022, these services were no longer an eligible use of formula funds. However, agencies with obligated or unobligated CARES Act, CRRSSA, and ARP funds may continue to use those funds to pay for such expenses beyond January 20, 2022.

### Coordinated Planning Requirement

Section 5310 projects must be included in a locally developed, coordinated public transit-human services transportation plan. More information about this requirement can be found in the Planning and Evaluation section of the Toolkit, as well as in Chapter V of FTA Circular 9070.1G.

## Ensuring Compliance

### State Review of Subrecipient Compliance

States are required to ensure that their subrecipients comply with all the federal requirements that apply to the FTA grant. Each State DOT determines its own oversight requirements for Section 5311 and 5310 subrecipients. Many states conduct periodic (for example, every 3 years) comprehensive compliance reviews of their subrecipients using a detailed checklist of all FTA and state requirements for subrecipients. Although each state's process is different, subrecipients can expect the compliance review process to include:

- A review of the subrecipient's written policies and procedures. This is sometimes called the "desk review" portion of the compliance review. The state may require that these be submitted in advance of a site visit. Submitting all requested items by the state's deadline will help minimize the amount of time involved with the on-site portion of the review.
- A site review that involves interviews with key members of a transit agency staff and sometimes governing board members, spot inspections of vehicles and vehicle maintenance records, spot inspections of procurement files, and a tour of the facility during which the reviewer will check to verify that required notices and certain policies are posted. The state will typically schedule this in advance and may send the detailed questionnaire that the site reviewer will be using to help the organization prepare for the interviews. The transit manager should also gather questions in advance on any compliance requirements which challenge the organization and ask for the state for technical assistance for coming into compliance. Rural transit systems can expect a site visit to take as long as two full days to complete, particularly if an organization is a new grantee or is experiencing challenges with compliance.
- Identification of any deficiency findings identified during the "desk review" and site visit, along with a timeline in which to correct each deficiency.
- Follow-up communications with the state demonstrating that each deficiency has been corrected. This is an important step, since future funding may be contingent upon satisfactorily achieving full compliance with FTA requirements (as well as any state-specific requirements that come with the grant).

State DOTs can provide information on the state's compliance review process for subrecipients.

### FTA State Management Reviews

As stated earlier in this section, FTA has little involvement in the day-to-day Section 5311 program activities and is not regularly involved in the review of individual applications from subrecipients. To

ensure that Section 5311 program funds are being used appropriately, FTA employs contractors to conduct State Management Reviews every three years (or as necessary). According to Circular 9040.1G, the review includes the following:

- inspection of documentation on file at the regional office
- visit to the state offices to examine the procedures the state uses in administering the program
- local subrecipient site visits

If a state undergoes an FTA State Management Review, subrecipients could be randomly selected for a site visit to evaluate the state's effectiveness in meeting federal oversight requirements and its own State Management Plan (SMP). According to Circular 9040.1G, FTA also conducts more specific compliance reviews of recipients and subrecipients in particular areas, for example financial management, procurement, drug and alcohol testing compliance, and the various aspects of civil rights compliance, usually in response to a risk assessment or other indication of a possible problem. This is typically done through questionnaires and supporting documents providing the details of required programs, and this is coordinated through the state.

FTA publishes and annually updates a Comprehensive Review Contractor's Manual which is used by FTA contractors to conduct State Management Reviews (as well as Triennial Reviews of urban transit systems). This manual is an excellent source of information related to compliance with FTA requirements for recipients and subrecipients. At the time this Toolkit was published, the [FY2023 Comprehensive Review Contractor's Manual](#) is the most recent edition.

## Section Sources

- [2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards \(OMB "Super Circular"\)](#)
- [2 CFR Part 1201, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#)
- [49 CFR Part 20, New Restrictions on Lobbying](#)
- [49 CFR Part 604, Charter Service](#)
- [49 CFR Part 605, School Bus Operations](#)
- [49 CFR Part 625, Transit Asset Management](#)
- [49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations](#)
- [49 CFR Part 665, Bus Testing](#)
- [U.S. Department of Labor \(DOL\) / Office of Labor-Management Standards \(OLMS\) Special Warranty Arrangement web page](#)
- [EPA General Conformity web page](#)
- [FMCSA Federal Motor Carrier Safety Regulations web page](#)
- [FTA Certifications & Assurances web page](#)
- [FTA Charter Bus Service web page](#)
- [FTA Environmental Programs web page](#)

- [FTA Federal Mask Requirement for Transit web page](#)
- [FTA National ITS Architecture Consistency Policy for Transit Projects web page](#)
- [FTA Pre-Award and Post-Delivery Review Requirements web page](#)
- [FTA Private Sector Participation web page](#)
- [FTA Public Transportation Agency Safety Plan \(PTASP\) Final Rule web page](#)
- [FTA Regional Offices web page](#)
- [FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients \(2012\)](#)
- [FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients \(2012\)](#)
- [FTA Circular 4704.1A, Equal Employment Opportunity \(EEO\) Act: Guidance \(2016\)](#)
- [FTA Circular 4710.1, Americans with Disabilities Act \(ADA\): Guidance \(2015\)](#)
- [FTA Circular 5010.1E, Award Management Requirements \(2018\)](#)
- [FTA Circular 7050.1C, Joint Development Guidance for Federal Transit Administration Recipients \(2024\)](#)
- [FTA Circular 9040.1G, Formula Grants for Rural Areas: Program Guidance and Application Instructions \(2014\)](#)
- [FTA Circular 9070.1G, Enhanced Mobility of Seniors and Individuals with Disabilities: Program Guidance and Application Instructions \(2014\)](#)
- [FTA Frequently Asked Questions from FTA Grantees Regarding Coronavirus Disease 2019 \(COVID-19\)](#)
- [FTA FY2022 Certifications and Assurances](#)
- [FTA FY2023 Comprehensive Review Contractor's Manual](#)
- [FTA Master Agreement for FTA Grants \(February 7, 2022\)](#)
- [National Environmental Policy Act \(NEPA\) web site](#)
- [National RTAP Entry-Level Driver Training Requirements technical brief](#)
- [National RTAP Head Start Program Transportation in Rural Areas technical brief](#)
- [National RTAP Rural Transit and School Bus Coordination technical brief](#)
- [System for Award Management \(SAM\)](#)

# Drug and Alcohol Programs

## Introduction

This section of the Transit Manager's Toolkit summarizes the requirements for public transit systems to have a Federal Transit Administration (FTA)-compliant drug and alcohol testing program. In accordance with FTA drug and alcohol regulations [49 CFR Part 655](#), recipients or subrecipients of Sections 5307, 5309 or 5311 federal funding must test all safety-sensitive employees regardless of the size of the system or the number of employees. The drug and alcohol testing procedures must comply with U.S. Department of Transportation (U. S. DOT) regulations in [49 CFR Part 40](#). The FTA regulations in Part 655 detail specific requirements for the transit agency's drug and alcohol testing program.

The sources of information in this section include FTA's [2009 Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit](#) and [2019 Implementation Guidelines for Drug and Alcohol Regulations in Public Transportation](#), guidance and technical assistance published on the FTA web site, and the current regulatory text in 49 CFR Parts 40 and 655. Transit managers need to be aware that changes are periodically made to the U.S. DOT regulations under Parts 40 and 655. To keep abreast of such changes, periodically checking the [FTA Drug & Alcohol Program web page](#) and subscribing to FTA's [Drug & Alcohol Regulation Updates newsletters](#) is strongly recommended.

This section of the Toolkit is organized in the following subsections:

- Program Requirements Overview
- Drug and Alcohol Policy Statement
- Training and Education
- Referral to a Rehabilitation and Treatment Program
- Qualifications of Testing Facilities and Service Agent Personnel
- Recordkeeping and Reporting
- Employer Responsibility to Check Previous Drug and Alcohol Testing Records
- Compliance as Condition of FTA Funding
- Testing for Marijuana in States Where It Has Been Legalized
- Fitness for Duty Considerations
- Policy on Prescription and Over-the-Counter Medications
- Staffing Levels to Accommodate Drug and Alcohol Testing Requirements
- Section Sources

## Program Requirements Overview

FTA regulations require that impacted transit systems develop a drug and alcohol testing program with the following elements:

- Formally-adopted drug and alcohol policy statement
- Training and education program
- Drug and alcohol testing procedures
- Procedures for referring employees who test positively to Substance Abuse Professionals

The regulations also establish:

- Qualifications of testing facilities and service agent personnel
- Recordkeeping and reporting requirements
- A requirement to check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties
- Compliance as a condition for FTA funding

Requirements for each of these elements are summarized in following sections.

Following the requirements, this section also introduces consideration of a policy on prescription and over-the-counter medications.

National RTAP's [Substance Abuse Awareness Training, Testing, and Compliance Technical Brief](#), updated in 2021, is a helpful resource with information about the requirements, including frequently asked questions and links to a host of federal regulations and resources.

## Drug and Alcohol Policy Statement

FTA regulations under Part 655 require that the local governing board of the employer or operator adopt an anti-drug and alcohol misuse policy statement. The statement, which must be made available to each safety-sensitive employee, must contain each of the elements described in the following list. The FTA website has a [policy builder tool](#) that can help transit managers create or update their organization's policy statement.

- The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs. FTA's [2009 Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit](#) recommends that each transit employer designate a Drug and Alcohol Program Manager (DAPM), and it is best if the person chosen already performs administrative duties such as human resources, personnel or risk management. The DAPM will be the primary contact for any issues or questions related to drug and alcohol policies, and the DAPM is responsible for record keeping, the testing process, preparation of the annual Management Information System (MIS) report and serving as the Designated Employee Representative (DER) and liaison with the drug and alcohol testing service agents.



- The categories of employees that are subject to testing. The policy must include a list of the actual positions/categories covered at the organization. Part 655 requires that all individuals who perform or will perform a safety-sensitive function be tested. To determine who is a safety-sensitive employee, the manager should consider the full list of tasks an employee performs each day and not rely solely on job titles. As defined in Part 655, the following are “safety-sensitive” functions:
  - Operating a revenue service vehicle, including when not in revenue service.
  - Operating a nonrevenue service vehicle that requires a driver to hold a Commercial Driver’s License (CDL).
  - Controlling dispatch or movement of a revenue service vehicle. Note: whether dispatchers could impact public safety should be determined by each transit system based on the tasks they perform.
  - Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service. (However, if maintenance services are contracted and the transit agency receives Section 5311 or is in an area of less than 200,000 in population, the contracted maintenance employees are not subject to this requirement.)
  - Carrying a firearm for security purposes.
  - See Chapter 2, Section 3 of FTA’s [2009 Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit](#) for guidance on what are (and aren’t) safety-sensitive functions.
  - See [U.S. DOT Office of Drug & Alcohol Policy & Compliance](#), Resources for Key Persons. This site contains additional guidance on drug and alcohol testing regulations, that including an [“Am I Covered?”](#) decision tree for employees and employers.
- A specific description of what is considered prohibited behavior and conduct:
  - The consumption of the following drugs is prohibited at all times: marijuana, cocaine, amphetamines, opioids, and phencyclidine (PCP).
  - The consumption of alcohol is prohibited while on duty or on call to perform safety-sensitive functions or within four hours prior to perform safety-sensitive functions. If an employee is involved in an accident that requires post-accident alcohol testing (described later in this section), they are also prohibited from consuming alcohol for eight hours following the accident or until the test is completed. An employee with a blood alcohol concentration of 0.04 or more is prohibited from performing a safety-sensitive function. An employee with blood alcohol concentration of 0.02 to 0.039 must also be removed from the safety-sensitive duty until they test below 0.02.
- The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse. Five kinds of tests are required by Part 655:
  - **Pre-employment** (drug test only) – All applicants or employees are required to submit to a drug test and produce a verified negative result before being placed in a safety-sensitive position. This keeps those with a history of high-risk behavior (such as drug use) out of a transit system. Alcohol testing is not required at this point; however, employers may choose to also perform this test.
  - **Reasonable suspicion** – If safety-sensitive employees have exhibited signs of drug use or alcohol misuse through appearance, behavior, speech, or body odor, they may be subjected to both a drug and alcohol test. Any person who is requesting the reasonable suspicion test must be trained in the facts, circumstances, physical

- evidence, physical signs and symptoms, and behavior that are associated with use, and they must also be trained in how to approach an employee for testing. See the bullet on supervisor training in the training and education program section above.
- **Post-accident** – This type of testing must occur after the operation of a revenue service vehicle is associated with the loss of life. It must also be conducted following all other nonfatal accidents unless the operator’s performance can be completely discounted as a contributing factor. In order for an incident to be considered an accident under this category, any of the following must take place:
    - an individual dies
    - an injured individual receives medical treatment away from the scene of the accident
    - a public transit bus, electric bus, van, or automobile incurs disabling damage and must be towed away from the scene by another vehicle
    - a public transit rail car, trolley car, trolley bus, or vessel is removed from service
    - Post-accident tests should be administered as soon after the accident as possible, and no later than 8 hours after for alcohol or 32 hours after for drugs.
  - **Random** – This is required of all safety-sensitive employees, and it acts as a strong deterrent against employees beginning or continuing prohibited drug use and alcohol misuse. Random tests must be spread reasonably throughout the calendar year and conducted at all times of day when safety-sensitive functions are performed, and employees notified of selection for random drug or random alcohol testing must proceed to the test site immediately. The system by which employees are randomly selected should be scientific and there should be no inherent or perceived bias in the process. Recommended methods include the use of a random-number table or a computer-based random-number generator (each number matched to an employee’s identification number). Methods to avoid include picking numbers from a hat or other manual techniques. The annual testing rate is determined by FTA based on positive test rates during the two preceding years. For example, during calendar year 2023, the number of random drug tests conducted per year must equal at least 50%, and for alcohol at least 10%, of the total number of employees in the test pool. These testing rates could change, and transit organizations need to follow whatever rates are published by FTA. Annual testing rates are published in the Federal Register and announced in FTA’s [Drug and Alcohol Regulation Updates newsletter](#). Due to the sensitive nature of random testing, it is important to assure the selected employee that she/he was not singled out for a particular reason. Many very small rural systems enroll in a drug testing consortium. This enlarges the pool and reduces the likelihood that the same employee will be picked over and over again.
  - **Return-to-duty** – For transit systems that have a “second chance” policy rather than a “zero tolerance” policy (see note below), before an employee can return to work after a positive test or refusal to test, the employee must be evaluated by a Substance Abuse Professional (SAP) and pass a return-to-duty test. Before the test is administered, the SAP must determine that the employee has followed all recommended rehabilitation steps. While the employee may have only tested positive for drugs or alcohol, they must pass both a drug and alcohol test before returning to work. Note that FTA does not require that an employer allow employees who test

- positive to return to work (“second chance” policy). Many transit agencies have a “zero tolerance” policy under which testing positive results in termination.
- **Follow-up** – For transit systems that have a “second chance” policy, once an employee is permitted to return to duty, the employee will be subject to unannounced follow-up testing for at least 12 months (but no more than 60 months). A minimum of six tests should be conducted within the first 12-month period. Employees who are subject to follow-up testing should also continue to be in the random testing pool, and also submit to tests as called upon in that process.
  - The procedures that will be used to test for prohibited drugs and alcohol. The procedures should protect both the employee and the integrity of the testing process. They should also safeguard the validity of the test results and ensure they are attributed to the correct employee. The testing procedures must comply with DOT regulations in Part 40. Part 40 requires testing for the following drugs only:
    - Marijuana metabolites
    - Cocaine metabolites
    - Amphetamines
    - Opioids
    - Phencyclidine (PCP)

Note that later in this section of the Toolkit there is information about testing for marijuana in states where it has been legalized and for fitness-for-duty considerations related to prescription drugs.

- The requirement that all safety-sensitive employees will be tested for prohibited drugs and alcohol in accordance with Part 655.
- A description of the types of behavior that constitute a refusal to test, stating that a refusal to test constitutes a violation of the employer’s policy.
- A description of the consequences of testing positively or refusing to test. Testing positively for prohibited drugs or a blood alcohol concentration of 0.04 or more requires immediate removal from the safety-sensitive function and referral to a substance abuse professional. (If an organization has a “zero tolerance” policy, the employee would also be terminated.) A description of the consequences for an alcohol concentration of 0.02 or greater, but less than 0.04, is also required (removal from the safety-sensitive duty until testing below 0.02).
- If an organization imposes any additional anti-drug use or alcohol elements that are not required by FTA regulations, employees must be informed that these additional elements are not required by 49 CFR Part 655. As an example, the FTA manual notes that organizations may test non-safety-sensitive employees under their own authority, although these employees must be in a separate testing pool from safety-sensitive employees. And if an agency wants to test for other types of drugs than the five required by DOT/FTA, this may only be done by collecting a separate urine or oral fluid specimen (at the time of this writing, oral fluid collection has been approved by U.S. DOT as a collection method, but at least two laboratories need to be approved by the U.S. Department of Health and Human Services (DHHS) before oral fluid testing can begin) in addition to the FTA specimen, and the agency must notify the employee that this specimen is being tested under the organization’s authority.

The FTA website provides a [checklist of items that must be included in the policy](#) and a [template for creating a policy](#). Links to these and other tools can be found on the FTA [Drug and Alcohol Tools and Resources web page](#).

Each aspect of the policy statement should be clearly defined and must be shared in writing with employees and management staff. The agency should obtain signed acknowledgement of receipt of the policy from each employee.

## Training and Education

FTA regulations in Part 655 require specific training for safety-sensitive employees and their supervisors. While the regulations do not require refresher training for safety-sensitive employees, it is recommended that training programs go beyond the required elements. Transit organizations are also required to keep detailed records of their employee and supervisor training for 2 years. This includes copies of attendance rosters, dates and times of trainings, and certifications of training compliance.

- Safety-sensitive employee training – This includes both general education and training components.
  1. Each employer must display and distribute information about the effects of drugs and alcohol, and a community hotline phone number (if available in the community) for any employee that may be having difficulties with substance abuse. Information for distribution can be obtained from an agency's Employee Assistance Program (EAP - if the organization currently has one), and/or their health insurance carrier or local government mental health agencies.
  2. Employers must also provide each safety-sensitive employee with a written notice of the organization's drug and alcohol policies and testing procedures.
  3. Employers must provide a 60-minute training for safety-sensitive employees on the effects, signs and symptoms of drug use and alcohol misuse. While it is required to provide one hour of training, it is suggested that employers take 2-3 hours to cover the necessary material with their safety-sensitive employees.
    - National RTAP offers a free [Substance Abuse Awareness eLearning course](#) that fulfills the required 60 minutes of training. To access the course, register on the [National RTAP eLearning](#) system. Email [elarning@nationalrtap.org](mailto:elarning@nationalrtap.org) with any questions.
    - Another option for the 60-minutes of training is FTA's [Drug Awareness Video](#), which was updated on January 28, 2022.
    - National RTAP also offers a printable [2 the Point - Drugs and Alcohol](#) training card for use in driver training. This resource is also available through the [National RTAP eLearning](#) system.
- Supervisor/company officer training – Training must be given to supervisors and others who are authorized to determine when it is appropriate to administer reasonable suspicion drug and/or alcohol tests. Because only one supervisor's/officer's opinion is necessary to require a reasonable suspicion test, proper training is important. Supervisors and others in this position are required to complete 120 minutes of training: 60 minutes on the physical, behavioral and performance indicators of probable drug use, and 60 minutes on the physical,

behavioral and performance indicators of probable alcohol misuse. As with employee training, it is recommended that employers exceed the required amount of training time. Reasonable Suspicion Training for Supervisors training is available through the [National RTAP eLearning](#) system.

## Referral to a Rehabilitation and Treatment Program

An employer must advise employees who are found abusing substances about resources available to evaluate and resolve problems associated with drug use or alcohol misuse, even when a company policy allows for the termination of employment. If an employee is permitted to return to work (under a “second chance” policy), it is the substance abuse professional’s (SAP) responsibility to ensure that the employee is not a threat to public safety. Because of this there are many regulations as to the SAP requirements, qualifications, roles, responsibilities, and procedures. Employers can also implement Employee Assistance Programs (EAP) as a way to address substance abuse issues before they become a problem in the workplace. While FTA does not require employers to provide or pay for rehabilitation or treatment programs, they are often an integral part of substance abuse programs.

## Qualifications of Testing Facilities and Service Agent Personnel

U.S. DOT regulations in Part 40 establish qualifications for laboratories and personnel involved in conducting tests and reviewing results. Only testing laboratories that have been certified by the U.S. Department of Health and Human Services (DHHS) under the National Laboratory Certification Program (NLCP) are qualified to conduct U.S. DOT drug testing (49 CFR Part 40, Subpart F). Individuals who collect urine or oral fluid specimens (at the time of this writing, oral fluid collection has been approved by U.S. DOT as a collection method, but at least two laboratories need to be approved by the U.S. Department of Health and Human Services (DHHS) before oral fluid testing can begin) must meet training requirements detailed under 49 CFR Part 40, Subpart C, and those who conduct alcohol tests must be certified technicians as detailed in Subpart J. Only a licensed physician can serve as the Medical Review Officer (MRO) who reviews and verifies test results. Minimum qualifications for SAPs are stated in 49 CFR Part 40, Subpart O. Transit agencies are responsible for verifying that the testing laboratory and personnel engaged in testing meet the U.S. DOT qualifications.

## Recordkeeping and Reporting

Employers subject to Part 655 must submit reports to FTA’s [Drug and Alcohol Management Information System \(MIS\)](#) reporting system. Proper U.S. DOT forms must be used, the forms must be completed correctly, the records must be stored in a secure location with limited access, and the records must be maintained for the required amount of time. Both U.S. DOT and FTA have requirements for employers and service agents on what documentation should be kept and for how long.

The following records must be kept:

- Test results
- Testing processes
- Return-to-duty process (for transit agencies with a “second chance” policy)
- Employee training
- Annual reports to FTA regarding testing program activities and results. To learn more about reporting and to download the necessary forms, see the [Drug and Alcohol MIS Reporting page](#) on the FTA website.

The retention period begins on the record creation date, and there are requirements specific to each type of document. For a checklist of retention periods, see [49 CFR Part 655, Section 655.71](#).

Note that employers that conduct tests under their own authority (i.e., that are beyond the testing required by U.S. DOT/FTA rules) must not use U.S. DOT forms for these tests.

## Employer Responsibility to Check Previous Drug and Alcohol Testing Records

Part 40 requires each employer to check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties. This applies only to employees who would begin performing safety-sensitive duties for the organization for the first time, including new hires as well as employees seeking to transfer into a safety-sensitive position. The employer must obtain written consent from the employee to request their drug and alcohol testing records from U.S. DOT-regulated employers who employed them within the previous two years. For details about this requirement, see 49 CFR Section 40.25.

## Compliance as Condition of FTA Funding

FTA recipients and subrecipients must annually certify compliance with Part 655. Rural transit systems do not certify directly through FTA, but rather through their state. The state should ask for certification of compliance either through an annual grant submission or through a separate letter. A [compliance self-assessment checklist](#) can be downloaded from the [Drug and Alcohol Tools and Resources page](#) on the FTA web site.

If a transit agency fails to implement or properly administer the required program components, it can lose FTA funding.

## Testing for Marijuana in States Where It Has Been Legalized

Although some states have passed legislation to permit legal use of medical and/or recreational marijuana, leaf-based marijuana remains a federally-banned and tested substance for safety-sensitive



employees. Safety-sensitive employees must be tested for marijuana use under FTA regulations regardless of local or state ordinances/laws allowing such use. Use of "medical marijuana" does not constitute a valid medical explanation under federal law and will be considered a positive drug test result.

The U.S. DOT issued a [notice on recreational marijuana](#) as well as a [notice on medical marijuana](#) reaffirming the prohibition of use of marijuana by safety-sensitive transportation employees.

## Fitness for Duty Considerations

Whether or not a drug is legal or illegal, if its use impairs the ability to be fit for duty and to safely perform the functions of a job, an employee whose performance is impaired is a safety risk. The Federal Motor Carrier Safety Administration (FMCSA) regulations include requirements related to fitness for duty requirements for commercial vehicle drivers in [49 CFR Part 392](#). Section 392.3, Ill or Fatigued Operator, prohibits operation of a commercial motor vehicle “while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle.” Section 392.4, Drugs and Other Substances, prohibits being on duty and possessing, being under the influence of, or using not only the substances tested under 49 CFR Part 40, but also “any other substance, to a degree which renders the driver incapable of safely operating a motor vehicle.” An exception is allowed for “possession or use of a substance administered to a driver by or under the instructions of a licensed medical practitioner...who has advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle.”

As noted in Chapter 2 of FTA’s Best Practices Manual: FTA Drug and Alcohol Testing Program, some employers include optional provisions (which must be clearly identified as not being part of the U.S. DOT/FTA testing requirements) prohibiting and testing for other substances beyond those required by U.S. DOT/FTA and requiring a second urine or oral fluid specimen (at the time of this writing, oral fluid collection has been approved by U.S. DOT as a collection method, but at least two laboratories need to be approved by the U.S. Department of Health and Human Services (DHHS) before oral fluid testing can begin) for the additional tests. One example in this manual “reserves the right’ to test, under its own authority, for any drugs that an employee is reasonably suspected of abusing.”

As a best practice, transit agencies are encouraged to establish and follow policies for fitness for duty and medical qualification. Indiana RTAP has developed a [sample medical qualification policy](#) which can be downloaded from the Indiana RTAP web site.

## Policy on Prescription and Over-the-Counter Medications

Although the FTA regulations do not require a policy on prescription and over-the-counter medications, as a best practice, transit agencies are encouraged to address these legal medications which can impair an individual’s ability to perform safety-sensitive functions. For more information, see [FTA Implementation Guidelines for Drug and Alcohol Regulations in Mass](#)

[Transit \(February 2019\)](#) and [FTA's Prescription and Over-the-Counter Medications Tool Kit](#) (February 2012).

The Prescription and Over-the-Counter Medications Tool Kit and as well as other [FTA tools and best practice resources](#) can be downloaded from the FTA web site.

In addition to the sample medical qualification policy mentioned above, Indiana RTAP has also developed a [sample prescription and over-the-counter medications policy](#) which also can be downloaded.

## Staffing Levels to Accommodate Drug and Alcohol Testing Requirements

The need to remove drivers from service for random testing should be factored into staffing levels needed to maintain operations. Having additional back-up drivers on call can be invaluable in the event an employee tests positively, is removed from service for reasonable suspicion testing, or is otherwise unfit for duty.

## Section Sources

- [49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs](#)
- [49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations](#)
- [DeCoste, Lori, Implementation Guidelines for Drug and Alcohol Regulations in Public Transportation, prepared by Volpe National Transportation Systems Center for FTA \(2019\)](#)
- [FTA Drug and Alcohol MIS Reporting web page](#)
- [FTA Drug and Alcohol web page](#)
- [U.S. DOT Office of Drug & Alcohol Policy & Compliance web page, employer web page, and employee web page](#)
- [U.S. DOT, What Employers Need To Know About DOT Drug and Alcohol Testing \(2015\)](#)
- [Gaumer, Robert L., Best Practices Manual: FTA Drug and Alcohol Testing Program - Revised October 2009, prepared by EG&G Technical Services for FTA](#)
- [National RTAP Substance Abuse Awareness Training, Testing, and Compliance technical brief](#)
- [National RTAP Substance Abuse Awareness eLearning course](#)
- [National RTAP, U.S. DOT Drug & Alcohol Regulation Update \(49 CFR Part 40\) - Oral Fluid Drug Testing & More Webinar \(2023\)](#)
- [Sarles, Robbie L., FTA, Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit, authored prepared by RLS and Associates for FTA \(2009\)](#)
- [Volpe National Transportation Systems Center, Prescription and Over-the-Counter Medications Tool Kit, prepared for FTA \(2012\)](#)

# Civil Rights

## Introduction

U.S. Department of Transportation (U.S. DOT) / Federal Transit Administration (FTA) civil rights regulations address non-discrimination in planning and service provision (Title VI), contracting/procurement (Disadvantaged Business Enterprise - DBE), planning (particularly for but not limited to construction projects) and public involvement (Environmental Justice), and employment (Equal Employment Opportunity - EEO). Managers of rural public transit systems must be aware of (and comply with) the following civil rights requirements as they design their programs, hire employees, contract out work, provide services, and develop facilities.

Additionally, the Americans with Disabilities Act (ADA), which prohibits discrimination against people with disabilities, is also considered a civil rights law. The ADA requirements for public transit systems are introduced in the [ADA section](#) of the Toolkit.

This section of the Transit Manager's Toolkit is organized in the following subsections:

- Title VI
  - Language Assistance for Persons with Limited English Proficiency (LEP)
  - Additional Requirements for Transit Agencies with Fixed Route Services
  - Title VI Equity Analysis When Selecting Location of Some New Facilities
- Disadvantaged Business Enterprise (DBE)
  - DBE Program Elements
  - DBE Certifications for Transit Vehicle Manufacturers
- Environmental Justice
- Equal Employment Opportunity (EEO)
  - EEO Program Requirements
  - Requirements for Other FTA Recipients and Subrecipients
- Section Sources

## Title VI

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” ([see 42 U.S. Code Section 2000d](#)). All organizations receiving FTA funding are subject to Title VI and the U.S. DOT's implementing regulations ([49 CFR Part 21](#)). This applies to both recipients and subrecipients, with the basic requirements applying to all FTA grantees. Additional requirements are triggered by operation of fixed route services, and other requirements are triggered by peak fixed route fleet size and population served. Contractors and subcontractors do not have to

prepare or submit their own separate Title VI programs, but they are responsible for being aware of and complying with the Title VI program of the recipient with whom they are contracting.

The following are general Title VI requirements for all FTA recipients and subrecipients, as detailed in [\*\*FTA Circular 4702.1B\*\*](#):

- Submission of an annual Title VI certification and assurance to FTA (subrecipients submit to the state or other primary recipient passing through FTA funds)
- Development of Title VI complaint procedures, including a copy of the complaint form in addition to procedures for submitting, investigating, and tracking such complaints
- Tracking of Title VI investigations, complaints, and lawsuits
- Development and implementation of a public participation plan that includes an outreach plan to engage minority and limited English proficient populations
- Provision of meaningful access to individuals with Limited English Proficiency (LEP) (described below)
- Notice to the public of protections offered under Title VI. The language in the Title VI notice should strictly reference the Title VI-protected populations (nondiscrimination on the basis of race, color or national origin). Nondiscrimination against other populations could be addressed through additional sentences in the notice that reference the applicable federal law or executive order.
- Efforts to encourage minority representation on transit-related non-elected planning and advisory bodies (see the [\*\*Mission and Leadership section\*\*](#) of the Toolkit for more information)
- Submission of a Title VI program to FTA (subrecipients submit to the state or other primary recipient) every three years, including:
  - Title VI notice and instructions on how to file a discrimination complaint
  - List of any Title VI investigations, complaints, or lawsuits
  - Public participation plan along with a summary of public outreach and involvement activities, and a description of steps to ensure that minority and low-income people have meaningful access to activities
  - Plan for providing language assistance to people with LEP
  - Procedures for tracking and investigating Title VI complaints
  - If the recipient or subrecipient has any transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, a table depicting the racial breakdown of the membership of the group and a description of efforts made to encourage the participation of minorities.
  - If the recipient/subrecipient has constructed a facility that requires a Title VI equity analysis (introduced below). (If there have been none, the plan could affirmatively state that the recipient/subrecipients has not sited any new transit facilities since the last Title VI Program submission.)
  - If the recipient/subrecipient operates fixed route service, system-wide services, and policies (introduced below).

For more information on Title VI Programs, and to view sample checklists, templates, standards, etc., see the [\*\*Title VI Requirements and Guidelines for Federal Transit Administration Recipients circular, FTA C 4702.1B\*\*](#) (effective October 1, 2012).

As of the time this update was published, FTA is in the process of updating its Title VI circular. [Public input on potential changes was solicited through January 3, 2022.](#) Rural transit managers can check for the release of the updated circular on the [FTA Title VI web page.](#)

### [Language Assistance for Persons with Limited English Proficiency \(LEP\)](#)

Limited English Proficiency (LEP) persons are persons for whom English is not their primary (first) language. They are also limited in their ability to speak, understand, read, or write English. Transit agencies that receive FTA funding are required to take reasonable steps to ensure meaningful access to information, services, and the benefits of their programs for LEP persons. This can include, but is not limited to, translating service information into commonly spoken languages, or using images to convey information instead of words. The LEP requirements were established under [Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.](#)

To ensure meaningful access to programs and services by LEP persons, FTA recipients are required to develop and carry out a language assistance plan. A language assistance plan provides for assistance based on a person's inability to speak, read, write, or understand English, to avoid a type of national origin discrimination. An agency's language assistance plan identifies the actions the transit agency will take to ensure such discrimination does not take place.

As part of this plan, recipients/subrecipients are required to conduct a "Four Factor Analysis" to determine the specific language services that are appropriate to provide:

- Factor 1: Determining the Number and Proportion of LEP Persons Served or Encountered in the Service Area
- Factor 2: Determine the Frequency with Which LEP Individuals Come into Contact with NRCS Programs, Activities, and Services
- Factor 3: Determine the Importance to LEP Persons of the Program Activities and Services
- Factor 4: Determine the Resources Available to the Recipient and Costs to Provide LEP Assistance

This analysis takes into account the size of the LEP populations in the service area, communication needs to provide meaningful access to important programs and services, and the resources available/costs to provide language assistance services. Additionally, recipients/subrecipients must describe how they monitor, evaluate, and update the language access plan. Lastly, the plan must address how employees are trained to provide timely and reasonable language assistance to LEP populations. This should include examples of the training the agency has conducted, including dates and topics discussed.

For more information on requirements and links to additional resources about LEP programs, see U.S. DOT's [About Limited English Proficiency \(LEP\) web page](#) and [Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient \(LEP\) Persons.](#) The U.S. Department of Justice (DOJ) provides information and resources through its [LEP website,](#) including videos on creating language access policies, plans and procedures and providing meaningful access to LEP individuals.

### *Additional Requirements for Transit Agencies with Fixed Route Services*

All transit agencies that operate fixed route services, regardless of size or rural service area, must set system-wide standards and policies for each type of fixed route service they operate. The purpose of this requirement is to ensure that service and amenities are distributed fairly across the transit system and operations practices do not result in discrimination on the basis of race, color, or national origin. Fixed route modes for the purpose of this requirement include local bus, express bus, commuter bus, bus rapid transit, light rail, subway, commuter rail, and passenger ferry.

As detailed in FTA Circular 4702.1B, Chapter VI, system-wide standards are quantitative, and must include, for each mode:

- Vehicle load – typically expressed as the ratio of passengers to the total number of seats on a vehicle – indicates what would be an acceptable level of crowding on a vehicle. For example, a transit agency’s maximum vehicle load might be 100%, which would mean its standard is to have no standees on a fixed route. If a transit agency experiences heavy ridership on a regular basis, its maximum vehicle load might allow for standees. For example, if a vehicle seating capacity is 25, and it can comfortably accommodate 5 standees, or 60 passengers total, the ratio would be 30 divided by 25, or 120%.
- Vehicle headway – typically expressed as the amount of time between two vehicles traveling in the same direction on a given route – indicates service frequency. For example, a transit agency might set a standard of 60-minute headways, meaning each fixed route would operate on an hourly basis. In very rural or remote areas, the headway standard might be much less frequent, such as every 90 minutes or every 2 hours.
- On-time performance – indicates number of vehicle runs completed as scheduled – must define what is considered to be “on time.” For example, a transit agency might define “on time” as departing each designated time point along the route no earlier than the published time point and no later than 5 minutes after the published time point. Then it might set its standard as having 95% of its vehicle runs operated within this 5-minute window of flexibility.
- Service availability – a general measure of the distribution of routes within a transit provider’s service area, such as the percentage of all residents in the service area are within walking distance to a route, or the maximum distance between stops. For example, a transit agency might set a standard of placing bus stops along its fixed routes as no further apart than every quarter mile in more densely populated areas, and every mile in more sparsely populated areas.

Appendix G to FTA Circular 4702.1B, as well as pages VI-5 to VI-6 of the circular, provides additional examples of fixed route service standards.

System-wide policies for fixed route mode must include

- Distribution of transit amenities – including items of comfort, convenience, and safety that are available to the general riding public, such as benches, shelters, signage, and trash receptacles. Fixed route transit providers need to set a policy to ensure equitable distribution of transit amenities across the system. For example, a transit agency might establish a policy to place amenities based on proximity to places such as affordable housing, social services,



employment training centers, hospitals, and other locations, as well as distributing equitably across the fixed route system.

- Vehicle assignment – how vehicles are assigned to routes, which could include such factors as age or capacity of vehicles. For example, a transit agency might establish a policy to rotate vehicles assigned to fixed routes to ensure that newer vehicles are not always assigned to the same routes.

Appendix H of FTA Circular 4702.1B, as well as page VI-6 of the circular, provides additional examples of fixed route policies.

Transit agencies that serve large, urbanized areas in addition to rural areas, and operate 50 or more vehicles in peak fixed route service, have more extensive requirements, such as conducting equity analyses for major service and fare changes and collecting, reporting, and monitoring data, that are detailed in FTA 4702.1B, Chapter IV.

## **Title VI Equity Analysis When Selecting Location of Some New Facilities**

A recipient/subrecipient that is planning to construct a new vehicle storage facility, maintenance facility, or operations center is required to conduct a Title VI equity analysis during the planning stage with regard to the location of the facility. This requirement is intended to prevent potential discrimination in determining the preferred site for a new facility's location. This requirement does not apply to bus shelters, which are considered transit amenities, or transit stations which are subject to National Environmental Policy Act (NEPA) requirements under the project development. For more information, see FTA Circular 4702.1B, pages III-11 to III-12.

## **Disadvantaged Business Enterprise (DBE)**

The U.S. DOT DBE requirements are intended to create a level playing field for DBEs in competing for federally funded contracts. A DBE is a for-profit small business owned and controlled by a socially and economically disadvantaged individual. An FTA recipient must develop a DBE program if it receives FTA planning, capital and/or operating assistance and will award prime contracts (excluding vehicle purchases) exceeding \$250,000 in FTA funds in a federal fiscal year. Subrecipients participate in the State DOT's DBE program and report to the state on DBE contracting activity. Also, FTA-funded vehicle procurements must require transit vehicle manufacturer bidders to certify that they have complied with FTA DBE program requirements.

### **DBE Program Elements**

The following are the required elements of a DBE program document, as presented by the FTA in a training webinar for Region VI entitled U.S. DOT's Disadvantaged Enterprise (DBE) Program: The Basics, supplemented with requirements detailed in [49 CFR Part 26](#):

- Policy statement – this is a written statement of commitment to the DBE program, and it should be signed by the highest officer in the organization and circulated throughout the organization and to the business communities that perform U.S. DOT-assisted work for the organization.

- Standard contract assurances – a nondiscrimination clause should be included in every contract signed with a contractor and every contract that contractors sign with subcontractors (when drafting, use exact language from 49 CFR Part 26.13 (b)).
- DBE liaison officer (DBELO) – this is the individual responsible for the implementation of the DBE program. The DBE program must name the person or position that serves as the DBELO. The DBELO duties should be included on the position’s job description. Importantly, DBELO needs to have a direct line to the executive director or chief executive officer on the transit agency’s organizational chart.
- DBE goals and goal-setting methodology – the organization must set an overall goal for DBE participation in U.S. DOT-assisted contracts, with transit-specific overall three-year agency goals, which must be submitted to FTA annually and updated at least every three years. A DBE goal should be based on ready, able, and willing DBE firms relative to all firms available to perform on all contracts. Goal-setting methodology requirements are detailed in 49 CFR Section 26.45. The State DOT includes its subrecipient procurements in the state’s DBE goal, and the subrecipient needs to comply with the state’s DBE program requirements, which may require more frequent goal-setting.
- Prompt payment and retainage provisions –the organization must establish a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made to the prime contractor. The organization must also ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Methods to comply with this requirement are detailed in 49 CFR Section 26.29.
- Good faith efforts criteria – the transit agency must make good faith efforts to meet the organization’s DBE goals through methods detailed in 49 CFR Section 26.51. The good faith efforts must be documented. Examples of documentation include published legal notices and review of state’s DBE directory of firms certified through the state’s Unified Certification Program (UCP).
- Monitoring and enforcement mechanism – to ensure that DBEs are performing the contracted work, including written certification that the manager has reviewed contracting records and monitored work sites for this purpose. (See 49 CFR Section 26.37 for detailed requirements.)
- Small business provision (new rule) – the organization needs to foster small business participation in its contracts, taking all reasonable steps to eliminate obstacles to small business participation, as detailed in 49 CFR Section 26.39.

The Unified Certification Program (UCP) is the state-level entity responsible for certifying eligible firms as DBEs. To be counted toward meeting the agency’s DBE goal, a firm must be certified as a DBE by the state’s UCP at the time of the execution of the contract.

FTA and U.S. DOT requirements and guidance on DBE can be found on several pages of the FTA website, include the [DBE Overview web page](#), [DBE Regulations](#), [DBE Guidance](#), and [DBE training materials](#).

The [Southern Nevada Transit Coalition provided a sample transit agency DBE program plan](#).

## DBE Certifications for Transit Vehicle Manufacturers

To be eligible to bid or propose on FTA-assisted transit vehicle procurements, each transit vehicle manufacturer must certify that it has complied with FTA DBE program requirements. Generally, a transit vehicle manufacturer must be listed on FTA's [Eligible Transit Vehicle Manufacturers \(TVMs\) List](#) at the time of solicitation. Vehicle contract awards may only be counted toward achievement of the organization's DBE goal if this is approved by FTA.

Effective November 2014, FTA recipients must submit to the FTA, within 30 days of making an award, the name of the successful bidder and the total dollar value of the contract. This is done online using the FTA's [Transit Vehicle Award Reporting Form](#), which is used to report the required information on transit vehicle procurement awards via the [TVM web page](#). If a State DOT has a statewide vehicle contract, they may do the reporting for vehicles ordered off the state contract; the transit manager should check with the State DOT.

## Environmental Justice

[Executive Order 12898](#), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires federal agencies to address "disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and/or low-income populations." Environmental justice is an important planning consideration for rural transit providers when they are planning for a project involving new construction, major rehabilitation, or renovation of a facility. [FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients](#) contains information to assist State DOTs, metropolitan planning organizations (MPOs) and transit providers in (1) engaging minority and/or low-income populations ("EJ populations") during the transportation decision-making process; (2) determining the impact of projects, policies and activities on EJ populations, and assessing whether those impacts are disproportionately high and have adverse human health or environmental effects; and (3) avoiding, minimizing, or mitigating these negative effects. The circular provides recommendations, clarification, and guidance.

The following are the three fundamental environmental justice principles as defined in the FTA circular:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

FTA regulations state that Title VI and environmental justice apply to all U.S. DOT programs, policies, and activities, including, but not limited to contracting, system planning, project development, implementation, operation, monitoring, and maintenance.

The circular provides recommendations for how to fully engage environmental justice populations in the transportation decision-making process (as part of public involvement efforts, involving a demographic analysis), determine adverse effects of a public transportation project, policy, or activity on environmental justice populations, and how to avoid, minimize, or mitigate these effects. FTA recommends in the circular that environmental justice principles be included as part of statewide, metropolitan, and local long- and short-range planning process, as well as local planning activities and service delivery of local transit providers.

The U.S. DOT requires consideration of environmental justice issues during preparation of an Environmental Impact Statement (EIS). An EIS is developed as part of a project subject to National Environmental Policy Act of 1969 (NEPA) review process. For rural transit agencies, the NEPA review process is most likely to be required when planning for a project involving new construction, major rehabilitation, or renovation of a facility, because other types of FTA-funded rural transit projects are generally considered “categorical exclusions” under the NEPA requirements. An environmental justice analysis includes:

- Demographic analysis to determine the EJ populations that could be affected by the proposed project
- Determining the adverse effects of the proposed project on the surrounding community, and whether or not these adverse effects would be disproportionately high on human health or the environment for EJ populations compared to other community members (and likewise if non-EJ populations would experience the potential benefits of the project significantly more than the EJ populations)
- Public engagement in the planning process, involving substantial outreach, ensuring that EJ populations and other community members have an opportunity to express their concerns about the proposed project

Rural transit agencies that plan to undertake new construction and major rehabilitation or renovation projects should consult with their State DOT regarding environmental justice requirements associated with the project.

A State DOT may also require that principles of environmental justice be considered by their subrecipients when planning transit service changes or new services, potentially in conjunction with the Title VI analysis that is required for some transit agencies. Transit managers should refer to their State DOT’s requirements before planning major service changes or new services. For more information, see [FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients](#).

## Equal Employment Opportunity (EEO)

Equal Employment Opportunity (EEO) refers to statutes and regulations that prohibit employment discrimination and provide employees and job applicants protections and remedies against employment discrimination. These protections and remedies were established under a [series of Federal laws](#) that are enforced by the U.S. Equal Employment Opportunity Commission. These laws prohibit discrimination against a job applicant or an employee on the basis of race, color, religion, sex, pregnancy, gender identity, sexual orientation, national origin, age (40 or older),

disability, or genetic information. It is also against the law to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. EEOC regulations are detailed in [29 CFR Parts 1600-1699](#).

As stated in [FTA Circular 4704.1A](#), EEO Guidance, “Under Federal Transit Laws, FTA is responsible for ensuring that its recipients do not engage in employment discrimination:

A person may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, religion, national origin, sex, disability, or age. (49 U.S.C. Section 5332(b))”

To ensure non-discrimination in employment, FTA requires that FTA applicants, recipients, subrecipients, and contractors that employ 50 or more transit-related employees, and either: 1) request or receive capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or 2) request or receive planning assistance in excess of \$250,000 in the previous Federal fiscal year to prepare and maintain an EEO Program.

### [EEO Program Requirements](#)

FTA applicants, recipients, subrecipients, and contractors that meet the dollar thresholds and have 100 or more transit-related employees must submit a full EEO program to FTA every four years. Such organizations that employ between 50-99 transit-related employees and meet the dollar thresholds have reduced requirements. The smaller organizations must develop an abbreviated EEO Program that is only required to be submitted to FTA if requested by FTA. The abbreviated EEO Program includes the following elements:

- Statement of policy – FTA requires a signed and dated EEO policy statement issued by the agency’s Chief Operating Officer (CEO) / General Manager (GM) covering all employment and personnel practices, including recruitment, hiring, promotions, terminations, transfers, layoffs, classification, compensation, training, benefits, and other terms and conditions of employment.
- Dissemination, both internally and externally – FTA requires agencies to publicize and disseminate their EEO policy statement by posting it in conspicuous locations so that employees, applicants, and potential applicants are aware of the agency’s commitment to EEO. Agencies are required to disseminate their EEO policy internally and externally. As a recommended practice, the transit agency should include a statement about its EEO policy on all employment advertisements, position descriptions, and job application forms.
- Designation of personnel responsible for carrying out the EEO Program, including the designation of an EEO Officer – FTA requires agencies to designate an executive as EEO Officer who will report to and is directly responsible to the agency’s CEO/GM. FTA requires agencies and their senior managers to give the EEO Officer support and assign sufficient staff to successfully carry out the EEO Program, as appropriate. The EEO Officer’s contact information must be published in all internal and external communications regarding the agency’s EEO Program.
- Assessment of the agency’s employment practices – FTA requires agencies to document their employment practices with sufficient detail to identify trends and any practices that may

operate as employment barriers, identify all problem areas, and propose a program of corrective actions as part of their EEO Program.

Organizations that employ 100 or transit-related employees must also include the following elements in their EEO programs:

- Utilization analysis – identifying job categories that have an underutilization or concentration of minorities and women in relation to their availability in the relevant labor market (showing where problems may exist in the agency).
- Goals and timetables – setting numerical goals to correct employment practices that contributed to any identified underutilization or concentration for the next four-year period.
- Monitoring and reporting – establishing an internal monitoring and reporting system to assess the results of action plans taken since the last program submission, evaluate the EEO Program at least semiannually and to take any necessary corrective action regarding the development and execution of programs, goals, and timetables, and produce documentation that supports actions to implement the plan for minority and female job applicants or employees and informs management of the program's effectiveness.

For more information, refer to [FTA Circular 4704.1A](#).

### [Requirements for Other FTA Recipients and Subrecipients](#)

Organizations that do not meet the FTA EEO Program thresholds (i.e., those that employ fewer than 50 transit-related employees and neither 1) request or receive capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, nor 2) request or receive planning assistance in excess of \$250,000 in the previous Federal fiscal year) are not required to submit an EEO Program to FTA. However, they are still required to comply with all applicable EEO statutes and regulations. This includes having a process for accepting, investigating, and resolving EEO complaints including directing individual complaints to the EEOC (required under [29 CFR part 1691](#)). Employers must post EEO notices visible to employees, applicants for employment and union members (29 CFR Section 1601.30).

As a best practice, FTA recipients and subrecipients that do not meet the thresholds triggering an FTA EEO Program should nonetheless adopt an EEO statement of policy, disseminate the policy internally and externally, and designate an EEO officer. Some State DOTs require these for their FTA subrecipients.

For more information on each of these Civil Rights topics, see the FTA [Civil Rights/ADA web page](#).

## Section Sources

- [49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs](#)
- [Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#)



- [Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency](#)
- [FTA Circular 4702.1B, October 1, 2012, Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#)
- [FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients](#)
- [FTA Circular 4704.1A, Equal Employment Opportunity \(EEO\) Requirements and Guidelines for Federal Transit Administration Recipients](#)
- [FTA Civil Rights / ADA section of FTA web site](#)
- [FTA Disadvantaged Business Enterprise web page](#)
- [FTA FY23 Comprehensive Review Contractor's Manual](#)
- [FTA Title VI of the Civil Rights Act of 1964 web page](#)
- [FTA Transit Vehicle Manufacturers \(TVMs\) web page](#)
- [National RTAP Essential Spanish for Rural Transit training module](#)
- [National RTAP Understanding DOT'S Disadvantaged Business Enterprise \(DBE\) Program technical brief](#)
- [Southern Nevada Transit Coalition. Sample Transit Agency DBE Program Plan](#)
- [U.S. DOJ Limited English Proficiency \(LEP\) website](#)
- [U.S. DOT About Limited English Proficiency \(LEP\) web page](#)
- [U.S. DOT LEP Guidance web page](#)
- [U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient \(LEP\) Persons](#)
- [U.S. Equal Employment Opportunity Commission web site](#)

# Procurement 101

## Introduction

As a subrecipient of federal funds, each time an organization makes a purchase or awards a contract using federal funds, how to go about deciding to which vendor to use is subject to federal procurement requirements (as well as any state or local requirements that apply to the organization). This is true for anything the agency purchases or contracts for with Federal Transit Administration (FTA) funding: vehicles and equipment, outsourced maintenance and repairs, materials and supplies, computer technology, professional services, construction, etc.

Each FTA subrecipient is required to have its own written procurement procedures and to follow them. Subrecipient procurement policies and procedures are expected to comply with FTA requirements, as well as any requirements from State DOTs. The federal requirements ensure that an agency uses federal funding to obtain the best and most appropriate product or service at the best price. The requirements are also designed to ensure that all vendors capable of providing a good or service are given an opportunity to compete for a contract. In addition, an agency needs to maintain written standards of conduct governing employees engaged in the awarding and administering third-party contracts, to prevent personal conflicts of interest or the acceptance of gifts or favors.

This Procurement 101 section of the Toolkit offers an introduction to the FTA requirements and the general steps to take before making a purchase or awarding a contract. The [Procurement – Beyond 101 section](#) of the Toolkit provides information a transit manager will likely need to know within the first few months, as well as links to additional trainings and resources. Transit managers are encouraged to review Procurement 101 in its entirety first, to gain an overall understanding of the federal procurement requirements and where the supplemental information in Procurement - Beyond 101 fits in.

Keep in mind this not a comprehensive guide to procurement, and transit managers should consult the outside documents provided for further guidance. FTA procurement requirements and guidelines are lengthy and complex, and new managers may find it easier to get an overview first, and then delve deeper when it comes time to make a purchase.

Much of the information here comes from FTA [Circular 4220.1F, “Third Party Contracting Guidance”](#) (revised 2013), FTA’s [“Best Practices Procurement Manual”](#) (revised 2016), and [2 CFR Part 200](#), “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (sometimes referred to as the “Super Circular”). In 2014, 2 CFR Part 200 consolidated eight circulars into uniform regulations located in Title 2 of the Code of Federal Regulations. It applies to all federal grants and cooperative agreements awarded for fiscal years beginning on or after its effective date of December 26, 2014. Per the FTA’s [FY 2023 Comprehensive Review Contractor’s Manual](#), the requirements in 2 CFR Part 200 should be the point of reference over Circular 4220.1F where there is conflicting information between the two.

This section of the Transit Manager’s Toolkit is organized in the following subsections:

- General Information and Key Terms

- Procurement Process Steps
  - Steps 1 & 2 - Establish Need for Procurement and Evaluate Options
  - Step 3 - Select Procurement Method
    - Independent Cost Estimate (ICE)
    - Federal Procurement Methods
    - Micro-Purchases
    - Small Purchases
    - Large Purchases
  - Step 4 - Develop Final Solicitation
    - For Micro-Purchases and Small Purchases
    - For Large Purchases: Drafting an IFB/RFP
    - Federal Clauses and Certifications
    - Buy America Requirements
    - Disadvantaged Business Enterprise (DBE) Requirements
    - Preparing Vehicle Specifications
    - Protest Procedures
  - Step 5 - Execute Solicitation
    - Micro-Purchases and Small Purchases
    - Large Purchases
    - Awarding to a Qualified and Responsible Contractor
  - Step 6 - Contract Administration
- Procurement Contract Files
- Section Sources

## General Information and Key Terms

In reviewing the requirements and recommended practices on this page, keep in mind the following:

In general, the dollar amount of a purchase or contract impacts how much effort must be put into finding and evaluating the potential choices. As an introduction, the following three ranges are specified by the FTA. These dollar ranges/thresholds and the requirements they invoke, as well as what is meant by a formal competitive solicitation, will be discussed under “Procurement Process Steps.”

- \$10,000 or less is considered a “micro-purchase,” which involves the fewest federal requirements.
- Over \$10,000 up to \$250,000 is considered a “small purchase,” which triggers additional requirements, including comparing costs from multiple vendors.
- Over \$250,000 is considered a larger purchase, which triggers the need for a formal competitive solicitation and other additional requirements.

The Federal Acquisition Regulations (FAR) ([48 CFR Subpart 2.1](#)) define the micro-purchase threshold and the Simplified Acquisition Threshold. Purchases valued above the Simplified Acquisition Threshold (currently \$250,000) are subject to the requirements for larger purchases.

As noted previously, 2 CFR Part 200 should be the point of reference over Circular 4220.1F where there is conflicting information between the two.

When in doubt, the subrecipient should check with the State DOT as to the thresholds that apply to their specific grants. If the State DOT is uncertain, the FTA Regional Office would be the point of reference for the federal thresholds. There must be a cost or price analysis, to ensure a fair and reasonable price is obtained.

The type of goods or services being procured also impacts when certain federal requirements are triggered. For example, buying a vehicle entails special requirements, while construction contracts have different requirements. For specifics, refer to Appendix D of [FTA Circular 4220.1F](#).

State DOTs may have additional requirements or lower dollar thresholds for when requirements are triggered, and new transit managers are advised to ask their state representatives about state requirements before purchasing or procuring anything that might make use of federal or state transit funds. If a transit program is part of a local government, it will also need to follow applicable local requirements.

Ensuring that written procurement procedures comply with applicable federal, state, and local levels of requirements, following organizational policies and procedures, and maintaining well-organized documentation of each procurement will help avoid potential issues in the event a procurement system comes under scrutiny. FTA places emphasis on oversight of grantees' procurement practices and requires states to ensure that their subrecipients are following the FTA rules.

Here are a few key procurement terms a transit manager will need to know:

- A *solicitation* is a purchasing entity's request for offers, including a telephone request for price quotations, an invitation for bids, or a request for proposals.
- An *offer* is a promise to provide goods or services according to specified terms and conditions in exchange for material compensation.
- *Acceptance* is agreement to the terms of an offer. In most jurisdictions, 'award' by a public agency can constitute acceptance and may create an enforceable contract.

## Procurement Process Steps

While there are many ways a manager can procure goods and services, there are general steps to be considered before beginning the procurement process. Transit agencies should include such steps within written procurement procedures. According to the [APTA Standards Development Program](#), there are six major steps in a typical procurement process:

1. Identify and explore the need
2. Evaluate options and establish need for procurement
3. Select procurement method
4. Develop final solicitation
5. Execute solicitation
6. Contract administration

The sections below highlight some key issues to be aware of before starting a procurement process using federal funds.

### *Steps 1 & 2 - Establish Need for Procurement and Evaluate Options*

The first two steps in the [APTA Standards Development Program's The Process of Transit Procurement](#) involve 1) determining what good or service a transit agency needs in order to achieve a goal, and 2) whether that good or service needs to be procured or obtained in some other way (for example, by relying on in-house staff to conduct market research rather than contracting with a consultant).

The following sections assume that the transit manager has already completed these two steps (see the APTA Standards Development Program's document for more detail) and knows that the particular good or service needs to be procured. For the most common types of procurements of rural transit operations, these steps can be relatively straightforward. For more complex projects, more study is needed to determine whether and why the agency needs special technology, a new facility, etc. This need analysis may even be necessary to justify grant funding.

### *Step 3 - Select Procurement Method*

If it is determined that a procurement is necessary, the next step is to decide which procurement method is appropriate. Factors to be considered in this decision include:

- Type of project (for example, vehicles, professional services, architectural engineering, etc.)
- Estimated cost (based on an independent cost estimate, discussed next in this section)
- Federal and state requirements

This section of the Toolkit provides general information about how each of these factors dictates which method used for a procurement and what each method involves. Please note that this is not a comprehensive guide to procurement. For further guidance, consult the [Procurement – Beyond 101 section](#) of the Toolkit and the documents referenced in this section.

Since procurement method options depend in large part on the dollar value of the eventual contract, an important step—and one required by FTA—is to conduct an Independent Cost Estimate (ICE) for the good or service the system will be buying. Once a realistic estimated budget has been established, select the most appropriate procurement method.

### **Independent Cost Estimate (ICE)**

Conducting an ICE to establish a reasonable price range for the goods or services being procured should be done regardless of the size of the procurement. As introduced earlier, FTA requires a price or cost analysis with every procurement action. The ICE serves as the first price/cost analysis required in every procurement process. Read more about price or cost analysis on the [Procurement – Beyond 101 section](#) of the Toolkit.

After bids or proposals are received (which happens in step 5, Execute Solicitations), the ICE can be used as the basis for the cost or price analysis that is required for all procurements. It is important

for the integrity of the ICE that it be prepared before receiving bids or proposals. More about cost and price analysis can also be found in Section 4, Evaluation of Proposals and Contract Award, in [FTA's Best Practices Procurement & Lessons Learned Manual](#) and in [FTA Circular 4220.1F](#).

To develop an ICE, use information such as current market prices for commercial items, estimates based on previous, similar purchases or projects, informal cost estimates from manufacturers for the type and number of items being procured, or prices received by other transit agencies for goods or services comparable to the project.

More information about conducting an ICE can be found on the [Independent Cost Estimate page](#) on the FTA website and in Section 4.6, Cost and Price Analysis, of FTA's Best Practices Procurement & Lessons Learned Manual. An example of a form used to document an ICE can be found in Appendix B, page B-49 of FTA's Best Practices Procurement & Lessons Learned Manual.

## **Federal Procurement Methods**

This section describes the federal procurement methods which are related to the dollar amount of the procurement: micro-purchases, small purchases, and large purchases. Please note that states may have a lower threshold for each category, and if this is the case, use the state thresholds. States may also have different names for these methods, or additional methods. It should also be noted that grantees should not split a larger purchase into two or more smaller purchases to avoid the competitive proposal process.

### **Micro-Purchases**

Currently under the Federal Acquisition Regulations (FAR) ([48 CFR Subpart 2.1](#)), a purchase of \$10,000 or less is considered a micro-purchase and does not require obtaining competitive quotations, if it is determined that the price to be paid is fair and reasonable. It should be noted that construction contracts exceeding \$2,000 do trigger the requirements of the Davis-Bacon Act and the Copeland "Anti-Kickback" Act, both of which protect construction employees.

While a competitive process is not required, it is a good practice to informally compare prices from different vendors to ensure the price that was quoted is in fact fair and reasonable. For more information on micro-purchasing, see the FTA [Circular 4220.1F](#).

### **Small Purchases**

As described in Section 3.4.2 of the Best Practices Procurement and Lessons Learned Manual, small purchase procedures are used for the acquisition of services, supplies or other property that cost less than the federal simplified acquisition threshold. Under the Federal Acquisition Regulations (FAR) ([48 CFR Subpart 2.1](#)), this threshold is currently set at \$250,000.

Note that subrecipients must follow thresholds established by the State DOT, which may be lower than the federal thresholds. Small purchases do not require a full competitive proposal process, but subrecipients do have to get solicitations and quotations from at least two sources. This can be done either in writing or orally. For more information about small purchases, please see the [Best Practices Procurement Manual](#), Section 3.4, "Procurement Methods" and [Circular 4220.1F](#).



## Large Purchases

Any purchase that is above the small purchase threshold is considered a large purchase and must have a competitive procurement, most commonly either through a sealed bid (also referred to as “invitation for bid method” or “formal competition”) or competitive proposal (also referred to as “request for proposals method” or “competitive negotiation”) process.

- **Sealed Bids** - According to FTA [Circular 4220.1F](#), the sealed bid process is one in which “bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price.” An example of this is the purchase of diesel fuel.
- **Competitive Proposals** - According to FTA Circular 4220.1F, the competitive proposal process should be used when “the nature of the procurement does not lend itself to sealed bidding and the recipient expects that more than one source will be willing and able to submit an offer or proposal.” Examples of this would be contracting for professional services such as consulting, operations management, or purchasing dispatching software.

Other special types of procurements may be used depending on what is being procured and the specific circumstances. While there is no overarching federal requirement that dictates that a particular method must be used when purchasing a particular good or service, some states may have a law with this requirement.

More information about competitive procurement methods can be found in the [Procurement - Beyond 101 section](#) of the Toolkit, in FTA Circular 4220.1F (page 88/VI-9), and the [Best Practices Procurement Manual](#), Section 3, “Types of Contracts.”

Whichever method is used, in some circumstances it may be appropriate to share in a competitive procurement effort with another organization, through a collaborative process known as a joint procurement, or by purchasing through another organization’s FTA-compliance contract through an approach referred to as “piggybacking.” Refer to the [Procurement - Beyond 101 section](#) of the Toolkit for more information on joint procurements and piggybacking.

### Step 4 - Develop Final Solicitation

## For Micro-Purchases and Small Purchases

As noted above, purchases below the micro-purchase threshold have relatively few federal requirements (although states may have their own set of requirements for projects of this size). There are no federally-required solicitation documents for micro-purchases.

For small purchases, it is a good practice (though not federally required) to prepare a written request for quotations that details the specifications for what is needed—with such variables as quantity, size, function, when needed, etc.—so that a manager can share consistent information with all of vendors from whom they solicit quotes.

Small purchases require certain contract clauses, with additional clauses triggered when contracts exceed \$10,000, \$25,000, and \$100,000. Also, construction contracts exceeding \$2,000 must require contractors to comply with the Davis-Bacon Act and the Copeland “Anti-Kickback” Act, both of which protect the wages of construction employees. The appropriate FTA contract clauses for the specific procurement must be included with the purchase request or request for quotes. The FTA clauses may impact a vendor’s price, willingness, or eligibility to provide the goods or services being procured. The clauses that apply to various types and sizes of contracts are specified in Appendix D to [FTA Circular 4220.1F](#).

More discussion of federally required contract clauses is found later in this section of the Toolkit. Federally required clauses are available through National RTAP’s [ProcurementPRO](#) technology tool. To access ProcurementPRO, either create a new National RTAP in the Cloud account or log into an existing account.

Again, states may have a lower small purchase threshold, and if an ICE exceeds the state-imposed threshold, plan on conducting a competitive procurement.

### **For Large Purchases: Drafting an IFB/RFP**

If a purchase will exceed the federal (or state) small purchase threshold, a formal solicitation package is required. This will usually be an invitation for bids (IFB) for the “sealed bid” method, or request for proposals (RFP) for the “competitive proposal” method. More information about these types of solicitations can be found in the Developing Competitive Solicitations part of the [Procurement – Beyond 101 section](#) of this Toolkit.

### **Federal Clauses and Certifications**

When procuring goods with federal funds, ensure that all federal clauses and certifications are included in the contract (as these requirements are passed down to the contractor), and the clauses and certifications that must be included will depend on the particular procurement project. National RTAP’s [ProcurementPRO technology tool](#) uses the project information provided to determine, and list, the required federal clauses and certifications that must be included in the procurement document.

Appendix D to [FTA Circular 4220.1F](#) specifies the clauses that apply to various types and sizes of contracts. The FTA [Best Practices Procurement and Lessons Learned Manual](#) also has a list of federal clauses and certifications in Appendix A.

### **Buy America Requirements**

Under FTA’s [Buy America requirements](#) (contained in [49 CFR Part 661](#) and [49 CFR Part 663](#)), all procurements costing more than \$150,000 of iron, steel and manufactured products used in FTA-funded projects must be made in the United States, using at least the minimum required percentage of domestic content, and the manager is responsible for ensuring that all of the materials the contractor or bidder uses are in compliance with this requirement. While it is possible under the law to apply for and receive waivers for this requirement, it is rare that they will be granted.

On December 20, 2019, the National Defense Authorization Act for Fiscal Year 2020 added new limits to the use of FTA funds (as well as local funds under some circumstances) to purchases from certain transit vehicle manufacturers. This restriction was phased in through December 20, 2021. FTA published guidance on these restrictions, which are under 49 U.S.C. Section 5323(u), in the form of [Frequently Asked Questions Regarding Section 7613 of the National Defense Authorization Act for Fiscal Year 2020](#).

For more information, see FTA's [Buy America web page](#) and the [Buy America Handbook](#), which lays out the necessary steps to meet pre-award and post-delivery audit requirements. For more information about FTA's policy on Buy America waivers, see this [policy letter](#) on the FTA website as well as the "Buy America" page.

## **Disadvantaged Business Enterprise (DBE) Requirements**

FTA has a national goal of ensuring 10 percent of all contracts go to DBE contractors, and each time a grantee enters into a contract with a DBE contractor it is counted toward this goal. State DOTs may have DBE program goals that are higher than the FTA goal. To read more about DBE requirements, see the [Civil Rights section](#) of the Toolkit.

## **Preparing Vehicle Specifications**

Many states procure vehicles for their subrecipients by entering into a contract with a vehicle manufacturer and placing orders based on the needs of all of the agencies in the state. However, if a transit agency is conducting its own procurement, there are some considerations to keep in mind. When considering what type of vehicle is needed, the transit manager should ensure that it can cover both current and projected needs. There are many questions to ask to fully understand what is needed in a vehicle, and National RTAP's [How to Buy a Vehicle: A Primer for Rural, Tribal and Small Urban Transit Operators](#) presents some of these questions in its first chapter. Such questions include what size vehicle is needed in terms of numbers of riders and efficiency for the routes it will serve? Are there specific environmental characteristics that will impact the type of vehicle needed? What is the capability of maintenance staff and are there particular warranty concerns? Lastly, consider the budget for this purchase.

After establishing baseline requirements for the vehicle, research what the various manufacturers offer (state vehicle procurement programs may have helpful information and negotiated prices). If an independent procurement process is conducted, list the specifications for the vehicle and include a description of how the vehicle will be used. Based on this written list and description, the next step should be to review any state or federal regulations that would apply. Requirements that should be considered include Buy America, DBE, pre- and post-award audits, and ADA. It is important to do this to avoid procuring a vehicle that will raise issues down the road. For more information about preparing vehicle specifications, please see National RTAP's [How to Buy a Vehicle](#) training module.

## **Protest Procedures**

According to Chapter VII of FTA [Circular 4220.1F](#), there must be written protest procedures for both the sealed bid and competitive proposal methods (not needed for small purchases), and a protester must go through these procedures before they can appeal the organization's decision to

FTA or the State DOT. More information on what should be included in written protest procedures can be found on the [Procurement – Beyond 101 section](#) of the Toolkit.

## **Step 5 - Execute Solicitation**

### **Micro-Purchases and Small Purchases**

For micro-purchases, FTA requires only that subrecipients need to determine that the price to be paid is fair and reasonable (based upon an ICE), and to the process of how this determination was made was documented. This could be accomplished by simply researching prices published through vendor websites, or by calling a couple of vendors and asking for prices or verbal quotes. Whichever approach is taken, it is a good idea to keep written notes or screen printouts in procurement files. Because FTA [Circular 4220.1F](#) indicates that micro-purchases should be equitably distributed among local suppliers, a good practice is to work with different vendors on a rotating basis.

For small purchases, FTA requires subrecipients to obtain price or rate quotations from “an adequate number of qualified sources” (at least two, according to the [Best Practices Procurement and Lessons Learned Manual](#)). This can be accomplished in writing or orally; just be sure to maintain some form of written documentation in procurement files. States may have additional requirements.

### **Large Purchases**

Large purchases (competitive solicitations) require a formal process that includes advertising the solicitation well in advance of the bid or proposal due date (allowing sufficient time for responses), typically allowing questions to be submitted. Sealed bids must be publicly opened at the time and place prescribed in the invitation for bids and are awarded to the lowest qualified bidder. Competitive proposals typically must be submitted by a specific date and time and are evaluated based on the factors specified in the solicitation document (technical factors in addition to price).

Further important information on executing large purchase solicitations can be found on the [Procurement – Beyond 101 section](#) of the Toolkit.

### **Awarding to a Qualified and Responsible Contractor**

Before awarding a contract, ensure that intended contractor has not been disqualified to conduct federal-funded projects. As detailed in [Circular 4220.1F](#), FTA requires that ‘FTA-assisted contract awards be made only to “responsible” contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract. Responsibility is a procurement issue that is determined by the recipient after receiving bids or proposals and before making contract award.’ Ability and willingness will generally be demonstrated by information submitted as part of the bid or proposal. Integrity is harder to verify, but two important activities are checking references and checking to make sure the organization and its principals have not been excluded from work under federally-funded contracts.

Contracts valued over \$25,000 specifically require a contract clause (“suspension and debarment”) certifying that the contractor and its principals have not been excluded or disqualified from participating in federally-funded contracts. Regardless of the size of the purchase, for the agency’s

own protection, it is a good practice to check for potential exclusions on the U.S. Government's [System for Award Management \(SAM\) website \(SAM.gov\)](#), as well as on states' list of contractors who have been barred from doing business with a public organization in the state.

## Step 6 - Contract Administration

### **Procurement Contract Files**

As detailed in 2 CFR Part 200, Section 200.333, non-federal entities must retain records (including procurement records) pertinent to a federal award, and these files must be kept for three years after the date of submission of the final expenditure report. FTA's [Contract Files web page](#) states that the minimum information that must be kept in the project file includes: "the rationale for the method of procurement; selection of contract type; reasons for contractor selection or rejection; and the basis for the contract price." On this same web page, FTA also gives a detailed list of specific items that should be kept in the contract file:

- A signed copy of the complete contract
- All signed amendments including rationale for the contract change and justification for the resulting cost/price or delivery date change
- All correspondence with the contractor
- Approvals or disapprovals of contract deliveries
- Requests for waivers or deviations and the associated responses
- Documentation regarding settlement of claims and disputes
- Documentation regarding stop work or suspension of work orders
- Contract closeout documentation
- Written record of procurement history

For more information about the procurement contract file, see Sections 4.7, Documentation of Procurement Actions and Section 5 Contract Administration, of the [Best Practices Procurement and Lessons Learned Manual](#).

## **Section Sources**

- [APTA Standard Bus Procurement Guidelines \(2013\)](#)
- [APTA Standards Development Program, Recommended Practice, The Process of Transit Procurement \(2013\)](#)
- [APTA Transit Procurement: A Guide for Transit Board Members \(2010\)](#)
- [Federal Acquisition Regulations System \(FAR\) \(48 CFR Part 2, Subpart 2.1\)](#)
- [FTA Best Practices Procurement and Lessons Learned Manual \(2016\)](#)
- [FTA Buy America Handbook \(2017\)](#)
- [FTA Buy America web page](#)
- [FTA Circular 4220.1F, Third Party Contracting Guidance \(2013\)](#)
- [FTA Circular 9040.1G, Formula Grants for Rural Areas: Program Guidance and Application Instructions \(2014\)](#)

- [FTA Contract Files web page](#)
- [FTA Existing Recipients web page](#)
- [FTA Frequently Asked Questions Regarding Section 7613 of the National Defense Authorization Act for Fiscal Year 2020](#)
- [FTA FY 2023 Comprehensive Review Contractor's Manual](#)
- [FTA Guide for Procurement System Reviews \(2013\)](#)
- [National RTAP ProcurementPRO technology tool](#)
- [OMB, Guidance for Grants and Agreements, 2 CFR Parts 25, 170, 183, and 200, Federal Register, August 13, 2020](#)
- [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards \(2 CFR Part 200, "Super Circular"\)](#)
- [U.S. DOT, FTA Master Agreement](#)

A variety of additional resources, including trainings and templates, can be found on National RTAP's [Procurement topic guide](#)



# Procurement – Beyond 101

## Introduction

This section of the Transit Manager’s Toolkit provides supplemental information about Federal Transit Administration (FTA) procurement requirements that rural transit managers will need to know sooner or later. Review the [Procurement 101 section](#) of the Toolkit before delving into this section, which builds on the procurement information transit managers need on “day one.”

This section is organized in the following subsections:

- Price and Cost Analysis
- Large Purchase Methods
  - Sealed Bids
  - Competitive Proposals
  - Architectural and Engineering (A&E) Services Procurements
  - Sole Source (Noncompetitive) Procurements
- Joint Procurements and Piggybacking
- Developing Competitive Solicitations
- Protest Procedures
- Executing Competitive Solicitations
  - Advertising Solicitations
  - Allowing Questions
  - Evaluating Proposals
- Section Sources

The primary sources of information for this section were the FTA [Best Practices Procurement and Lessons Learned Manual](#) and FTA Circular 4220.1F, [Third Party Contracting Guidance](#).

## Price and Cost Analysis

FTA requires a cost or price analysis for every procurement decision to ensure subrecipients are getting a fair and reasonable price. Two examples of forms used to document a cost or price analysis can be found in Appendix B, of the FTA [Best Practices Procurement and Lessons Learned Manual](#), pages B-51 to B-53. FTA has also prepared a [Pricing Guide for FTA Grantees](#). (Note that as of April 8, 2022, this guide does not reflect current federal micro-purchase and small purchase thresholds.)

The [Independent Cost Estimate \(ICE\)](#) required at the beginning of the procurement process is the first such analysis, necessary for deciding what type of procurement method to use. An example of a form used to document an ICE can be found in Appendix B, page B-49 of FTA's [Best Practices Procurement and Lessons Learned Manual](#). Subrecipients will also need to conduct a cost or price analysis when reviewing offers (including contract options), and before deciding whether to execute options down the road, or to pursue a new procurement.

The ICE provides an important foundation for each of the decisions a manager may face. Once an understanding is reached about what the good or service should cost, use this information to analyze the price quotes in the bids or proposals received. How does the proposer or bidder's price quote compare to the expected price range (the price range determined through the ICE)? If it is much higher than the expected price range, there is a risk of overpaying for the goods or services by choosing that contractor. However, if the quote is significantly lower than the expected price range, carefully review the bid or proposal to ensure it contains all the project elements requested. The range determined in the ICE provides a baseline of comparison to conduct a price/cost analysis, review bids or proposals and review contract options.

Cost analysis is the appropriate approach in several circumstances:

- when proposers have been asked to submit the elements of their proposed cost, as is typical when professional consulting or architectural and engineering (A&E) services are being procured. Examples of proposed cost elements include:
  - labor
  - overhead
  - direct expenses
  - profit
- when price competition is insufficient to determine the reasonableness of a proposed cost
- for sole source procurements

To conduct a cost analysis, look at each cost element and how it was developed to determine if it is reasonable. In such cases, the ICE will need to be broken down into cost elements as well, to evaluate the proposer's price.

Price analysis may be used under other circumstances. Price analysis considers the total proposed price without examining separate cost elements. As explained in Section 4.6, "Cost and Price Analysis," of the [Best Practices Procurement and Lessons Learned Manual](#), the techniques for price analysis include:

- adequate price competition
- prices set by law or regulation
- established catalog and market prices
- comparison to previous purchases
- comparison to a valid recipient independent estimate
- value analysis

More information about cost and price analysis and the different techniques can also be found in Section 4.6 of the Best Practices Procurement and Lessons Learned Manual and in [FTA Circular 4220.1F](#).

## Large Purchase Methods

For purchases valued over \$250,000, a competitive procurement must be conducted, most commonly either through a sealed bid (also referred to as “invitation for bid method” or “formal competition”) or competitive proposal (also referred to as “request for proposals method” or “competitive negotiation”) process. These two processes are appropriate for different types of projects. If a transit agency is developing a new facility or making improvements to an existing facility, a third method specifically for procuring architectural and engineering services should be used. And under certain circumstances, it may be appropriate to conduct a non-competitive “sole source” procurement. While there is no overarching federal requirement that dictates that a particular method must be used when purchasing a particular good or service, some states may have a law with this requirement.

Sealed bids, competitive proposals, architectural and engineering, and sole source procurements are described below, with more information found in Section 3, "Types of Contracts" and Section 4, “Evaluation of Proposals and Contract Award” of the [Best Practices Procurement and Lessons Learned Manual](#), [FTA Circular 4220.1F](#), and [APTA’s Standard Bus Procurement Guidelines](#).

### Sealed Bids

According to [FTA Circular 4220.1F](#), the sealed bid process is one in which “bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price.” An example of this is the purchase of diesel fuel. See FTA Circular 4220.1F (page 88/VI-9) and the [Best Practices Procurement and Lessons Learned Manual](#) (Sections 3.4 and 4.2) for more information about sealed bids.

FTA Circular 4220.1F states that this is the most appropriate method of procurement under the following conditions:

- The description of what you are purchasing is complete, realistic, and precise.
- There are at least two responsible bidders who are willing and able to compete for the business.
- Generally speaking, the procurement lends itself to a firm fixed price contract. In this type of contract, the final price is established in the contract, and, except for allowable adjustments or incentives, does not change regardless of what the contractor spends to deliver the good or service.
- A successful bidder can be selected based on price and price-related factors.
- There will be no need for discussions with bidders after their proposals are submitted as the decision will be made on price.

If the sealed bid process is used for a procurement, the agency must advertise an invitation for bids (IFB) that includes a detailed description of the property or goods desired, and an adequate amount of time must be provided for bidders to prepare their responses before the bid opening date. Bids must be opened and recorded at the time they are advertised on the IFB; bids should not be opened before this point. Ensure that bids are received from at least two sources, and a firm fixed price contract is awarded in writing to the successful bidder.

## Competitive Proposals

According to [FTA Circular 4220.1F](#), the competitive proposal process should be used when “the nature of the procurement does not lend itself to sealed bidding and the recipient expects that more than one source will be willing and able to submit an offer or proposal.” Examples of this would be contracting for professional services, such as consulting or operations management, or purchasing dispatching software. This includes the following circumstances:

- The services or goods needed are described using “performance or functional specifications,” and price is not the only deciding factor. There may also be detailed technical specifications or the need for discussions.
- The agency does not know how many potential bidders there are, and is not allowed, by law, to enter into a contract if there is only one bidder.
- The agency will not base its decision on price alone.
- The agency expects that there will be discussions with bidders after they have submitted their proposals.

If a competitive proposal process is appropriate for a purchase, the request for proposals (RFP) must be publicly advertised with an adequate amount of time provided for proposers to prepare their responses before the proposal submission deadline. The RFP advertisement must include the evaluation factors (and their relative importance) used to evaluate the proposals received. Before the evaluation process begins, ensure there are an adequate number of proposals, and a system in place to evaluate the proposals. The successful proposal should be the most advantageous to the program when price and other factors are considered.

More information about Competitive Proposals can be found in the [Best Practices Procurement and Lessons Learned Manual](#) Sections 3.4-3.7 and 4.3.

## Architectural and Engineering (A&E) Services Procurements

According to [FTA Circular 4220.1F](#), A&E services include “program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services.” Use the qualifications-based method of procurement when these types of services are directly connected with the “construction, alteration or repair of real property.” This means that the contract must be awarded to the most qualified proposer, and cost of the proposals can only be considered after the most qualified proposer(s) have been identified. If an agency is not able to come to agreement with the most qualified proposer on a reasonable price for the service or good, at that point it can move on to the next most qualified proposer. This process continues until the agency has found a proposer that can provide the product or service at a reasonable price.

## Sole Source Noncompetitive Procurements

If supplies or services that are only available from only one source are required, and a proposal is solicited from this single source, this is considered a “sole source” (noncompetitive) procurement, which FTA allows only in very limited circumstances. Amendments to existing contracts that were not in the original scope are also considered sole source procurements. Because there are very

specific requirements for sole source procurements and very few instances that qualify, this procurement method is not recommended. A discussion of the rules, as well as best practices, can be found in Section 3.4.10 of the [Best Practices Procurement and Lessons Learned Manual](#).

## Joint Procurements and Piggybacking

Whichever competitive procurement method is used, in some circumstances it may be appropriate to share in a procurement effort with another organization.

In certain cases, more than one agency will simultaneously go through the procurement process and collaboratively produce a solicitation that addresses the needs of all the agencies involved. These are joint procurements, and a great deal of advance planning is needed to do this successfully.

Section 3019 of the Fixing America's Surface Transportation (FAST) Act expanded joint procurement opportunities by

- Allowing states and transit agencies to participate in cooperative interstate procurements of capital assets (rolling stock and related equipment). Subrecipients should contact the State DOT for information about cooperative interstate procurements in which they may be able to participate.
- Establishing a Joint Procurement Clearinghouse through which procurement partners can be identified. The clearinghouse can be accessed FTA's Transit Award Management System (TrAMS). Section 5311 subrecipients do not have access to TrAMS, and should contact the State DOT for more information on participating in the FTA [Joint Procurement Clearinghouse](#).

There are instances when an agency unintentionally acquires more than is needed through a contract. In those cases, if the original contract includes an "assignability" clause, it is permissible for another agency to take on the contract rights for the additional goods or services after ensuring the price is fair and it can abide by the original terms of the contract. This is called piggybacking, and it is defined in FTA Circular 4220.1F as "an assignment of existing contracts rights to purchase supplies, equipment, or services."

FTA gives specific cases in which piggybacking is acceptable, and they are listed on the [Piggybacking Frequently Asked Questions \(FAQ\) web page](#) of the FTA website. Purchasing vehicles through another FTA grantee's contract is one of the more frequent uses of the piggybacking. While this is a legal option, due to the complexity and specific requirements of the process, including ensuring that the original procurement meets all FTA requirements, the FTA discourages this as a common practice.

To read more about joint procurements and piggybacking, see FTA's [Piggybacking FAQ web page](#); the [Piggybacking Worksheet](#) and Section 3.3, Rolling Stock Contracts of the [Best Practices Procurement and Lessons Learned Manual](#); and the Administrator's Policy Letter, [Clarification on Joint Procurements and Piggybacking](#).

## Developing Competitive Solicitations

When drafting an invitation for bids (IFB) or request for proposals (RFP), it is important to be clear about what is needed from the procurement and how the respondent should present his/her offer. Bids or proposals that are submitted in response to a clear and simple IFB or RFP are more likely to accurately address the needs of an agency and present competitive options.

According to FTA's [Best Practices Procurement and Lessons Learned Manual](#), the following elements should be included in every IFB or RFP:

- A form which acts as the solicitation document (this is signed by the bidder and if his/her offer is accepted it serves as a binding contract).
- A description of the various representations and certifications that are required to be made by the bidder or offeror in conjunction with the procurement at the time of bid or proposal submission. The bidder/offeror signs these representations and certifications (which may indicate such things as what type of business the offeror is, their DBE status, their agreeing to comply with FTA requirements, etc.).
- Solicitation instructions and conditions. This should include:
  - Any requirements related to preparing the submission (Addressing such items as: When is the deadline for submission? Where should it be delivered? How many copies? Is there a page limit? What items must be included and is there a required sequence that must be followed?)
  - Instructions relating to acknowledging amendments to the solicitation
  - Rules related to late submissions, modifications or withdrawals of offers, etc.
- Special contract requirements or provisions (as opposed to general provisions) relating to this particular solicitation and contract that are not addressed elsewhere in the solicitation. Examples of special contract requirements include bonding, insurance requirements, special permits or licenses required, liquidated damages, etc.
- Special provisions required by FTA which must be included in the solicitation and the contract. FTA-required contract clauses vary by contract type. See the [Procurement 101 section](#) of the Toolkit for more on Federal Clauses and Certifications.
- The contractual requirements of an organization's DBE program, if applicable. DBE requirements are discussed in the [Civil Rights section](#) of the Toolkit.
- General provisions (often called "boilerplate") which are typically part of every contract an organization awards, such as termination for default and convenience, excusable delay, variation in quantity, disputes, governing law, payment terms, etc.
- Specifications, statement of work, or scope of work describing what is being purchased.

For more detail about any of these components, see Section 3, "Types of Contracts" and Section 4, "Evaluation of Proposals and Contract Award" of FTA's Best Practices Procurement and Lessons Learned Manual. Links to sample RFPs and IFBs are provided in National RTAP's [Procurement topic guide](#).



There are several things to avoid in developing specifications (because they limit competition):

- Overly restrictive description – FTA encourages specifications to be functional rather than a detailed description of all features, to avoid exclusionary or unreasonably restrictive specifications. For guidance on developing appropriate specifications, see Section 3.5.2, Develop contract terms and conditions, including technical requirements in the [Best Practices Procurement and Lessons Learned Manual](#).
- Requiring a specific brand name product – this is usually problematic as an overly restrictive description and could potentially result in a sole source procurement. Instead, specifying “brand name or equal” can be an effective alternative. See Section 2.5.1 Brand Names in the [Best Practices Procurement and Lessons Learned Manual](#) for more information.
- Geographic preference – Prior to the [Bipartisan Infrastructure Law](#), enacted as the Infrastructure Investment and Jobs Act on November 15, 2021, unless architectural and engineering (A&E) services were being procured, geographic preferences were prohibited by FTA (even if imposed by state or local laws). A&E contracts were the exception, because knowledge of local conditions and building codes are important for a contractor’s qualifications. For further information, see [Best Practices Procurement and Lessons Learned Manual](#) Section 2.5.2 Geographic Restrictions. On May 21, 2021, FTA announced an initiative to permit FTA recipients and subrecipients to utilize geographic, economic, or other hiring preferences on FTA-funded construction projects. The [Bipartisan Infrastructure Law](#), enacted as the Infrastructure Investment and Jobs Act on November 15, 2021, includes Section 25019, Local Hiring Preference for Construction Jobs. This section allows FTA recipients and to implement a local or other geographical or economic hiring preference for construction labor, so long as it does not unduly limit competition. More information on Section 25019 can be found in the [February 10, 2022 Federal Register Notice](#) that rescinded the 2021 pilot program.

## Protest Procedures

According to [FTA Circular 4220.1F](#), written protest procedures for both the sealed bid and competitive proposal methods must be in place, and a protester must go through these procedures before he/she can appeal a decision to FTA. The [Best Practices Procurement and Lessons Learned Manual](#), Section 4.9, details the type of information that is typically included in written protest procedures.

- Difference in procedures for pre-bid, pre-award, and post award protests
- Specific deadlines (in working days) for filing a protest, filing a request for reconsideration and for an agency’s response to a protest
- Specific contents of a protest (name of protester, solicitation/contract number or description, statement of grounds for protest)
- Location where protests are to be filed
- Statement that an agency will respond, in detail, to each substantive issue raised in the protest
- Identification of the responsible official who has the authority to make the final determination

- Statement that the agency's determination will be final
- Allowance for request reconsideration (if data becomes available that was not previously known, or there has been an error of law or regulation)

## Executing Competitive Solicitations

### Advertising Solicitations

In order to promote full and open competition for a procurement, requests for bids or proposals must be advertised with adequate time provided to develop a bid or proposal before the submission deadline, and any information that is included in the solicitation, such as dates and requirements, must remain consistent throughout the procurement process. Note that states might have additional laws about how solicitations must be advertised, and if so, those requirements must also be followed.

Examples of ways to advertise solicitations include:

- Posting it on the homepage of the agency website
- Posting to the local newspaper classified section
- Sharing with the trade association specific to the type of good or service that is being procured
- Inquiring with State DOTs to obtain a list of DBE contractors
- Posting in industry newsletters and websites such as [APTA's Passenger Transport](#), [CTAA's online classifieds](#), and [Transit Talent's procurement web page](#)
- Talking to peers about who they have worked with in the past

Most importantly, when considering where to advertise a solicitation, keep in mind the target audience and the places it might look for business opportunities.

### Allowing Questions

If there may be aspects of the project that might raise questions or warrant verbal explanations, it is a good idea to schedule a pre-bid or pre-proposal conference or meeting (which can be conducted in person or by conference call). The information about the meeting should be included in the solicitation, and it is a good practice to encourage interested bidders to submit questions before the meeting. This will provide time to prepare answers and ensure the proper staff members are included. Based on the questions and answers discussed, the solicitation may be amended. The names of participants and a record of the meeting should be shared with all prospective bidders, not just those who attended.

Regardless of whether or not a pre-bid/pre-proposal conference is hosted, questions can be submitted in writing. The transit agency should respond to the questions in writing and share with all potential offerors (such as by posting the questions and responses to the agency's website as an addendum to the IFB/RFP or emailing to organizations that downloaded or requested the solicitation). Specify a date by which questions must be submitted that provides enough time to answer and share with potential offerors in time to adjust their bid or proposal if appropriate.

For more information about the pre-bid or pre-proposal conference, or how to add an amendment to the solicitation, see the [Best Practices Procurement and Lessons Learned Manual](#), Section 3.5 "Common Elements of the Solicitation Process."

### Evaluating Proposals

According to [FTA Circular 4220.1F](#), only factors that were stated in the solicitation documents can be used when evaluating competitive proposals. These factors cannot be changed after the agency has started accepting bids or proposals without re-opening the solicitation. Also ensure that evaluators have appropriate knowledge of and experience with the items or services involved in the procurement.

During the review, look for the bidder or proposal that provides the best value. According to FTA, "best value requires tradeoffs between price and non-price factors to select the best overall value to the recipient." For more information about determining best value, please see Section 4.3, Competitive Proposals Evaluation Process, of FTA's [Best Practices Procurement and Lessons Learned Manual](#). To rank the proposals, there are many systems that can be used in a document or spreadsheet: colors, numbers, adjectives, etc. Regardless of how rankings are expressed, ensure that reviewers make note of the strengths, weaknesses, deficiencies, and risks of each proposal. Section 4.3.4 of the [Best Practices Procurement and Lessons Learned Manual](#) recommends following evaluation criteria, (follow the link above for detailed information about each one):

- Past performance
- Technical criteria
- Key personnel
- Cost/price
- Relative importance of price and non-price factors

It is important to remember that the proposal with the highest technical ranking or lowest price ranking might not necessarily be the best fit for the agency's needs. All factors should be taken into consideration in order to make the best decision for the organization.

### Section Sources

- [APTA Standards Development Program, Recommended Practice, The Process of Transit Procurement \(2013\)](#)
- [Bipartisan Infrastructure Law enacted as H.R.3684 - Infrastructure Investment and Jobs Act, November 15, 2021](#)
- [Federal Acquisition Regulations System \(FAR\) \(48 CFR Part 2, Subpart 2.1\)](#)
- [FTA Best Practices Procurement and Lessons Learned Manual \(2016\)](#)
- [FTA Circular 4220.1F, Third Party Contracting Guidance \(2013\)](#)
- [FTA FAST Act web page](#)
- [FTA Joint Procurement Clearinghouse](#)
- [FTA Piggybacking FAQ web page](#)

- [FTA, Rescission: Equitable Economic Recovery and Workforce Development Through Construction Hiring Pilot Program, Federal Register, February 10, 2022](#)
- [National RTAP ProcurementPRO technology tool](#)
- [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards \(2 CFR Part 200, “Super Circular”\)](#)

A variety of additional resources, including trainings and templates, can be found on National RTAP’s [Procurement topic guide](#).

# Transit Asset Management

## Introduction

This section of the Transit Manager's Toolkit is intended to help new rural transit managers understand the federal requirements for transit asset management. MAP-21 established, and the FAST Act and the Bipartisan Infrastructure Law reaffirmed, a requirement for U.S. DOT to develop rules and create a national system to monitor and manage public transportation assets to improve safety and increase reliability and performance. In July 2016, the FTA issued its [final rule on Transit Asset Management \(TAM\), 49 CFR Part 625](#), and related changes to National Transit Database, 49 CFR Part 630. These regulations require FTA grantees to collect and use asset inventory and condition data, set state of good repair (SGR) performance targets, develop strategies to prioritize investments, and prepare a plan to meet those targets. The rule went into effect on October 1, 2016. [The Bipartisan Infrastructure Law continues without change the TAM program requirements](#). They apply to all FTA recipients and subrecipients who own, operate, or manage public transportation assets used to provide public transportation. This includes subrecipients of Section 5310 and 5311.

This section of the Toolkit includes the following subsections:

- TAM Planning Requirements
  - TAM Plan Elements
  - Condition Assessment
- Setting Performance Targets
- Section Sources

TAM is defined in the regulation as “the strategic and systematic approach 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.”

“Capital assets” include vehicles, other equipment, and facilities. “State of good repair” is defined as “the condition in which a capital asset is able to operate at a full level of performance.”

The regulations require the capital assets of each FTA grantee are included in a TAM plan that identifies the overall condition of each category of capital asset and prioritizes financial investments to improve asset conditions. Annual reports must be submitted on the status of each category of capital asset into the National Transit Database (NTD).

In addition to fulfilling a federal requirement, TAM planning can be a helpful tool for rural transit managers in helping them anticipate potential safety concerns (related to vehicles/equipment that can no longer be maintained in a state of good repair), plan for vehicle replacements and facility refurbishments, and plan for the costs and funding to replace and refurbish vehicles and facilities.

FTA has published many TAM-related resources for its recipients and subrecipients. Resources that are most relevant for rural transit agencies are referenced in this section of the Toolkit. A full [list of the FTA TAM resources can be found on the FTA website](#).

## TAM Planning Requirements

The FTA TAM planning requirements categorize Section 5311 subrecipients and tribal transportation providers as “Tier II” providers. (“Tier I” providers include rail transit as well as FTA grantees that own, operate, or manages either 101 or more vehicles in revenue service during peak regular service across all fixed route modes or in any one non-fixed route mode.)

State DOTs are responsible for developing and updating a group TAM plan for their Tier II subrecipients. Tier II providers that are subrecipients can opt out of the group plan and develop their own TAM plans if they prefer.

The regulations required the first TAM plans to be submitted to FTA by Oct. 1, 2018. TAM plans must be updated at least every four years, so Section 5311 subrecipients can anticipate that State DOTs (as group plan sponsors) will request updated information for the 2022 plan (if not earlier). If an organization did not participate in a sponsored group Tier II plan, but instead developed its own TAM plan, the agency will need to prepare to update this plan within four years of the first plan submission (e.g., by Oct. 1, 2022).

In February 2022, FTA released a [Group Plan Sponsor Workbook](#). This workbook provides a consolidated list of activities, considerations, suggestions, and best practices related to group TAM plans to assist group plan sponsors (such as State DOTs) in developing group plans.

### TAM Plan Elements

FTA requires the following four elements to be included in a Tier II TAM plan:

1. **Inventory of capital assets** that indicates the number and type of capital assets of all capital assets that a provider owns (not just FTA-funded assets), except non-vehicle equipment that cost less than \$50,000. If a transit system has exclusive use of vehicles and facilities that are owned by other organizations, these assets generally must also be included.
2. **Condition assessment of assets in the inventory.** This element indicates the extent to which assets are no longer in a state of good repair. It is intended to provide a basis for prioritizing asset replacement or refurbishment.
3. **A description of analytical processes or decision-support tools** used to estimate capital investment needs over time and develop investment prioritization.
4. **Prioritization of investments** needed to maintain assets in a state of good repair.

If a transit agency participates in the state’s group TAM plan, the State DOT is the best source of information for its TAM planning requirements for Section 5311 subrecipients. If the organization opted to prepare its own Tier II TAM plan, FTA developed a [TAM Plan Template for Small Providers](#), as well as a [TAMPLATE technical assistance tool](#). FTA also developed a [checklist](#) to help transit agencies determine whether or not they are eligible for participation in a group TAM plan.



## Condition Assessment

If a transit agency's capital assets are included in a group TAM plan prepared by the State DOT, the State DOT will provide instructions on how to assess the condition of the agency's capital assets and will compile this information into the group TAM plan.

Generally, for vehicles and equipment, the condition assessment is based on the asset's age and mileage and may be supplemented with physical condition data.

Condition assessment of facilities involves a review of facility components, with a focus on safety-critical components, to determine overall condition. FTA's Transit Economic Requirements Model (TERM) scale of 1 to 5 provides a method for rating the condition of facilities and their components:

5 - **Excellent** - No visible defects, new or near new condition, may still be under warranty if applicable

4 - **Good** - Good condition, but no longer new, may have some slightly defective or deteriorated component(s), but is overall functional

3 - **Adequate** - Moderately deteriorated or defective components; but has not exceeded useful life

2 - **Marginal** - Defective or deteriorated component(s) in need of replacement; exceeded useful life

1 - **Poor** - Critically damaged component(s) or in need of immediate repair; well past useful life

More information can be found in FTA's [Facility Condition Assessment Guidebook](#), which is the source of the TERM scale description.

## Setting Performance Targets

The TAM requirements include setting performance targets for overall condition of each category of assets. FTA requires that performance targets be set and actual performance be reported to the NTD on an annual basis. There is no penalty for missing a performance target, but submitting the report is a requirement.

For vehicles, "performance" is expressed as the percentage of vehicles that exceed useful life benchmarks, calculated for each type of vehicle (because different types of vehicles are built to have different lifespans in terms of number of years and/or miles operated). Performance targets for the next year would be based on current vehicles in the fleet aging and factor in anticipated new vehicles that would replace those vehicles that are beyond their useful life.

For facilities, "performance" is expressed as the percentage of facilities that are rated less than 3 on the TERM scale—in other words, those which are rated "marginal" or "poor."

State DOTs, as part of their Tier II group TAM plan responsibilities as the sponsor of the group plan, report collective performance measures and targets for all agencies that participate in their group TAM plan, and the state is the best source of information for state-specific TAM performance reporting requirements for its Section 5311 subrecipients.

More information on FTA [TAM performance management requirements](#) is available on the FTA TAM Performance Management web page.

## Section Sources

- [49 CFR Part 625, Transit Asset Management](#)
- [FTA, Am I going to be a participant in a group TAM plan?](#)
- [FTA, Asset Management Guide for Small Providers](#)
- [FTA, Bipartisan Infrastructure Law Fact Sheet: Transit Asset Management](#)
- [FTA, Facility Condition Assessment Guidebook](#)
- [FTA, Group Plan Sponsor Workbook](#)
- [FTA, TAM Plan Template for Small Providers](#)
- [FTA TAMPLATE web page](#)
- [FTA, Transit Asset Management web page](#)

# Charter Service

## Introduction

This section of the Transit Manager's Toolkit summarizes the federal requirements for Federal Transit Administration (FTA) recipients and subrecipients on providing charter services (transportation provided at the request of a third party for either exclusive use of a bus or van for a negotiated price, or to the public for special events with a premium fare or paid for in whole or in part by a third party). The annual [Certifications and Assurances](#) signed by recipients of FTA funds include the Charter Service Agreement, under which the applicant agrees to comply with FTA's Charter Service regulations ([49 CFR Part 604](#)).

As explained on FTA's [Charter Bus Service Regulations webpage](#), the Charter Service Regulations ([49 CFR Part 604](#)) protect private charter operators from unauthorized competition from FTA recipients by ensuring that transit agencies that receive federal funding do not unfairly compete with them. As stated in the FTA's [FY23 Comprehensive Review Contractor's Manual](#), FTA recipients are prohibited from using FTA-funded equipment and facilities to provide charter service that unfairly competes with private charter operators. A recipient may operate charter only when the service meets a specified exception or exemption as defined in the rule.

Under the circumstances allowed for FTA recipients, charter services can be a source of income to a rural transit agency. Rural transit agencies can also help meet needs for wheelchair-accessible charter bus service which could otherwise only be met by privately owned bus companies located very far away from the service area. For these reasons, rural transit agencies should be aware of the circumstances (exemptions and exceptions) under which charter service is allowable, and the steps needed to comply with the FTA requirements, to comply with charter rules.

This section of the Toolkit is organized in the following subsections:

- What Charter Service Is and Is Not
  - Regulatory Definition
  - Demand Response Service versus Charter Service
  - Applicability of the Charter Service Regulations and Exemptions
  - Identifying Charter Service
- Under What Circumstances (Exceptions) Can an FTA Recipient Provide Charter Service?
  - 1. Government Officials on Official Government Business
  - 2. Qualified Human Service Organizations
  - 3. Leasing FTA-funded Equipment and Drivers
  - 4. When No Registered Charter Provider Responds to Notice from a Recipient
  - 5. Agreement with Registered Charter Providers
  - 6. Petitions to the FTA Administrator
- Examples of Rural Transit Agencies Coordinating or Providing Charter Services
- What Records Must Be Maintained and Reported on the Charter Registration Website?
- Non-Compliance with FTA Charter Service Rules What Charter Service Guidance Is Available from FTA?

- Section Sources

This section of the Toolkit is intended to provide an introduction to the FTA's charter service regulations. For more detailed information and guidance on various situations, transit managers are encouraged to read [49 CFR Part 604 Appendix C – Frequently Asked Questions](#) well as the [FTA Charter Bus Service Regulations web page](#) and guidance resources listed at the end of this section. They can also contact the FTA [Charter Service Ombudsman](#).

## What Charter Service Is and Is Not

### Regulatory Definition

The FTA regulations define charter service in [49 CFR Section 604.3](#). Charter service does not include demand response service to individuals and is:

- (1) Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:
  - (i) A third party pays the transit provider a negotiated price for the group;
  - (ii) Any fares charged to individual members of the group are collected by a third party;
  - (iii) The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time; or
  - (iv) A third party determines the origin and destination of the trip as well as scheduling; or
- (2) Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:
  - (i) A premium fare is charged that is greater than the usual or customary fixed route fare; or
  - (ii) The service is paid for in whole or in part by a third party.

The FTA charter service regulations define demand response service as any non-fixed route system of transporting individuals that requires advanced scheduling by the customer, including services provided by public entities, nonprofits, and private providers.

### Demand Response Service versus Charter Service

The difference between demand response service and charter service is clarified on Slide 5 of an FTA PowerPoint presentation from 2013 titled [Demand Response Service Explained](#), excerpted here for illustrative purposes only:

- (1) ***Charter service is exclusive, whereas demand response service is shared-ride.*** If the transit provider may mix passengers from a trip sponsor with other demand response passengers on the same trip, then the trip is shared-ride service.
- (2) ***Charter service is service to a group, whereas demand response service is service to individuals.*** Service to individuals can be identified by a vehicle trip that includes multiple origins, multiple

*destinations, or both, even when the clients have exclusive use of the vehicle. Some demand response sponsored trips carried out as part of a Coordinated Human Services Transportation Plan, such as trips for Head Start, assisted living centers, or sheltered workshops, may be provided on an exclusive basis, but are provided to service multiple origins to a single destination, a single origin to multiple destinations, or even multiple origins to multiple destinations.*

- (3) **Charter service is for a specific event or function, whereas demand response service is regular and continuing.** *Some demand response sponsored trips carried out as part of a Coordinated Human Services Transportation Plan may be exclusive and may be for a group from a single origin to a single destination, but may occur on a frequently reoccurring basis, such as daily, weekly, biweekly, or monthly.*
- (4) **Demand response service may also include certain trips that are exclusive, for a group, from a single origin to a single destination, and that reoccur on a less-frequent basis than once per month, so long as these trips are arranged and operated under the same terms and conditions as the demand response system for individuals.** *These terms and conditions include advance notice requirements, service windows for pick-up and drop-off, and price. Service carried out by the demand response units of transit providers that are exclusive, for a group, from a single origin to a single destination, for a single event, and not under the usual terms and conditions of the demand response system for individuals should be considered to be charter service. Transit providers should report these services to the [charter registration web site](#).*

### Applicability of the Charter Service Regulations and Exemptions

The charter restrictions apply to FTA recipients and subrecipients of Section 5311 and other FTA programs, such as Section 5307 and Section 5310. However, they do *not* apply to:

- **Transportation of Employees, Contractors, and Government Officials:** Recipients are allowed to transport their employees, other transit systems' employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.
- **Private Charter Operators:** The prohibitions do not apply to private charter operators that receive, directly or indirectly, federal financial assistance under the over-the-road bus accessibility program or to non-FTA-funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance.
- **Emergency Preparedness Planning and Operation:** Recipients are allowed to transport their employees, other transit systems' employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests for emergency preparedness planning and operations.
- **Program Purposes:** The prohibitions do not apply to recipients that use federal financial assistance from FTA for program purposes, that is, transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities) under Section 531 or 5311. "Program purposes" does not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted populations.
- **Emergency Response:** Recipients are allowed to provide service for up to 45 days for actions directly responding to an emergency declared by the president, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration. However, if the

emergency lasts more than 45 days, certain procedures must be followed that are set out in [Subpart D of 49 CFR Part 601](#).

- **Training Outside of the Geographic Service Area:** Recipients in non-urbanized areas may transport employees, other transit systems' employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

The above circumstances are sometimes referred to as charter service exemptions—services that are not considered charter. It is important not to confuse the word *exemptions* (not charter) in this context with the *exceptions* under which charter service may be provided, which are described later in this section of the Toolkit.

### Identifying Charter Service

The complexities of the definition of charter services and when the charter regulations apply can sometimes make it difficult to determine whether or not a requested service would constitute charter service, particularly for rural transit agencies. FTA's [Section 5311 Charter Service Flow Chart](#) can help guide a rural transit agency in making this determination.

## Under What Circumstances (Exceptions) Can an FTA Recipient Provide Charter Service?

The charter service regulations allow limited exceptions when an FTA recipient or subrecipient may provide charter service, including:

1. For official government business
2. For qualified human service organizations (serving older adults, people with disabilities, or people with low income)
3. When no registered charter provider responds to a notice sent by a recipient
4. When leasing vehicles (must exhaust all available vehicles first),
5. By agreement with all registered charter providers
6. Under an approved Petition to the FTA Administrator

To qualify for any of these exemptions, the transit agency must follow certain procedures which are detailed in [Subpart B to 49 CFR Part 604](#) and summarized below.

### I. Government Officials on Official Government Business

An FTA recipient/subrecipient may provide charter service to government officials (federal, state, and local) for official government business, which can include non-transit related purposes, if the recipient provides the service in its geographic service area and does not generate revenue from the charter service (except as required by law). As [defined in the regulations](#), “government official” means an individual elected or appointed at the local, state, or federal level.

After providing such service, the recipient must keep a record of:

- The government organization's name, address, phone number, and e-mail address,



- The date and time of service,
- The number of passengers (specifically noting the number of government officials on the trip),
- The origin, destination, and trip length (miles and hours),
- The fee collected, if any, and
- The vehicle number for the vehicle used to provide the service.

Provision of charter service of government officials on official government business is not allowed to exceed 80 charter service hours per year. However, the recipient may petition the FTA Administrator for additional charter service hours with a petition that meets the requirements detailed in [49 CFR 604.6\(b\)](#). FTA posts requests for additional charter service hours under this exception, as well as the FTA Administrator's decision, in the Government Officials Exception docket (docket number FTA-2007-0020) at [www.regulations.gov](http://www.regulations.gov).

## 2. Qualified Human Service Organizations

A recipient may provide charter service to a qualified human service organization (QHSO) for the purpose of serving people with mobility limitations related to advanced age, disabilities, or low income. A QHSO is required to register on the [FTA Charter Registration website](#) in accordance with [49 CFR Section 604.15](#) unless the QHSO receives funding, directly or indirectly, from the programs listed in [Appendix A of 49 CFR Part 604](#).

Whether or not the QHSO receives funding from Appendix A programs, a recipient providing charter service to a QHSO must keep a record of:

- The QHSO's name, address, phone number, and e-mail address,
- The date and time of service,
- The number of passengers,
- The origin, destination, and trip length (miles and hours),
- The fee collected, if any, and
- The vehicle number for the vehicle used to provide the service.

## 3. Leasing FTA-funded Equipment and Drivers

A recipient may lease its FTA-funded equipment and drivers to registered charter providers for charter service if all of the conditions detailed in [49 CFR Section 604.8](#) are met. For leasing of FTA-funded equipment and drivers to be allowable, the private charter operator must:

- be registered on the [FTA Charter Registration website](#),
- own and operate buses or vans in a charter service business.
- have inadequate capacity (including capacity of accessible vehicles) to meet a request for charter service, and
- exhaust all of the available vehicles of all registered charter providers in the recipient's geographic service area.

A recipient leasing vehicles and drivers to a registered charter provider under this exception must keep a record of:

- The registered charter provider's name, address, telephone number, and e-mail address,
- The number of vehicles leased, types of vehicles leased, and vehicle identification numbers, and
- The documentation presented by the registered charter provider demonstrating that it meets the required conditions for the leasing to be allowable.

#### 4. When No Registered Charter Provider Responds to Notice from a Recipient

A recipient is allowed to provide charter service if:

- a notice is emailed to all charter providers in the recipient's geographic service area registered on the [FTA Charter Registration website](#), in accordance with [49 CFR Section 604.14](#), and
- no registered charter provider responds to the notice within the response time window.

A [sample email notice](#) can be downloaded from the FTA website.

If the requested charter service would be provided in fewer than 30 days, registered charter providers desiring to provide the service must respond within 72 hours. If the requested charter service would be provided in 30 days or more, the window to respond to the notice is 14 days.

If, however, a registered charter provider indicates an interest in providing the charter service set out in the notice issued and has informed the recipient of its interest, the recipient is not allowed to provide the service.

After providing service under this exception, the recipient must keep a record of:

- The group's name, address, phone number, and e-mail address,
- The date and time of service,
- The number of passengers,
- The origin, destination, and trip length (miles and hours),
- The fee collected, if any, and
- The vehicle number for the vehicle used to provide the service.

#### 5. Agreement with Registered Charter Providers

A recipient may provide charter service directly to a customer consistent with an agreement with all registered charter providers in the recipient's geographic service area. If a new charter provider registers in the geographic service area after the initial agreement, the recipient may continue to provide charter service under the previous agreement with the other charter providers up to 90 days without an agreement with the newly registered charter provider. Any of the parties to an agreement may cancel the agreement at any time after providing the recipient a 90-day notice.

## **6. Petitions to the FTA Administrator**

A recipient may petition the FTA Administrator for an exception to the charter service regulations to provide charter service directly to a customer for:

- Events of regional or national significance,
- Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population), or
- Unique and time sensitive events (e.g., funerals of local, regional, or national significance) that are in the public's interest.

The requirements and procedures for petitioning the FTA Administrator are detailed in **49 CFR Section 604.11**, including the specific information required to justify the request. The **Form for Petition to the Administrator** can be downloaded in PDF format from the **Charter Bus Service Forms web page**.

For an event of regional or national significance, the petition must be submitted at least 90 days prior to the first day of the event and include details about consultation with and utilization of registered charter providers in providing the charter service, as well as a certification that the recipient has exhausted all the registered charter providers in its geographic service area.

For hardship petitions, the regulations only allow the FTA recipient/subrecipient to provide the service if the registered charter provider has deadhead time that exceeds total trip time from initial pick-up to final drop-off, including wait time, with the petition describing how the registered charter provider's minimum duration would create a hardship on the group requesting the charter service.

The FTA Administrator reviews petitions that meet the requirements set forth in **49 CFR Section 604.11(b)** (requesting additional information if needed), issues a written decision denying or granting the request in whole or in part, files the decision in the Petitions to the Administrator docket, number FTA-2007-0022 at <http://www.regulations.gov>, and notifies the recipient. The recipient must retain a copy of the Administrator's approval for a period of at least three years and include it in the recipient's quarterly report posted on the charter registration Web site.

## **Examples of Rural Transit Agencies Coordinating or Providing Charter Services**

National RTAP identified several examples of rural transit agencies coordinating or providing charter services, or in one case referring requests to local charter companies. These examples of charter service coordination are provided for informational purposes only. Please contact FTA for any questions about specific charter requests.

- In **Paul Bunyan Transit's June 2019 Five-Year Transit System Plan**, it is noted that the transit agency coordinates with the local charter bus company by referring each other's services and helping each other when needed.

- A [December 2020 Report on Transportation Coordination to the Iowa General Assembly and Governor](#) notes that, in recent years, several of the regional public transit agencies in Iowa have been able to provide requested charter trips after notifying local registered charter providers of the requested trips and receiving no responses.
- Fresno County Rural Transit Agency (FCRTA) refers requests for charter bus service to local private sector charter operators, according to [FCRTA's Short Range Transit Plan for the Rural Fresno County Area 2022-2026](#).

## What Records Must Be Maintained and Reported on the Charter Registration Website?

Recordkeeping requirements for each of the six exceptions described above are included in the description of that exception. A recipient that provides charter service under any of the six types of exceptions must maintain required notices and records in an electronic format for at least three years from the date of the charter service or lease. The records must include a clear statement identifying which exception the recipient relied upon when it provided the charter service.

A single document or charter log may include all charter service trips provided during the quarter. The recipient may exclude specific origin-to-destination information for safety and security reasons, but the record of the service must describe the reason why such information was excluded and provide generalized information.

The recipient must also record each charter service provided under four of the exceptions on the [FTA Charter Registration website](#) 30 days following each calendar quarter. Details about these reporting requirements can be found in [49 CFR Section 604.12](#).

As indicated in FTA's [FY23 Comprehensive Review Contractor's Manual](#), the four exceptions that must be reported on the quarterly reports are:

- Government officials on official government business (49 CFR Section 604.6),
- Qualified human service organizations (49 CFR Section 604.7),
- Leasing FTA-funded equipment and drivers (49 CFR Section 604.8), and
- When no registered charter provider responds to notice from a recipient (49 CFR Section 604.9).

FTA's [FY23 Comprehensive Review Contractor's Manual](#) also notes that FTA expects recipients to maintain the following records:

- A charter service log, along with a clear statement identifying which exception the recipient relied upon when it provided charter service,
- A list of real property (including facilities) and equipment used in charter bus operations for recipients, subrecipients, contractors, and lessees,
- A list of subrecipients, contractors, and lessees that operate charter service, and
- A list of any complaints received related to charter bus service.

These records are requested as part of FTA State Management Reviews, which are described in the [Grant Compliance Requirements section](#) of the Toolkit.

## Non-Compliance with FTA Charter Service Rules

In the event a private charter service provider (or other interested party) believes that an FTA recipient/subrecipient has an unfair advantage in competing for charter service contracts, it can seek an advisory opinion (and potentially a “cease and desist” order) from the FTA Chief Counsel’s Office. The process for doing so is detailed in [49 CFR Section 604, Subpart E](#).

The FTA charter service regulations also provide, in [49 CFR Section 604, Subpart E](#), for filing and processing complaints to challenge the registration of a private charter operator or qualified human service organization on the FTA charter registration Web site, or regarding the provision of charter service by a recipient.

[Appendix D to 49 CFR Part 604](#) specifies ranges of potential remedies (fines) for charter service violations.

## What Charter Service Guidance is Available from FTA?

For more information, FTA’s website provides helpful resources for complying with the charter service regulations, including:

- [Charter Bus Service Registration web page](#), which includes links to download registration guides. Transit managers should refer to this web page for the most recent FTA guidance.
- [Charter Service Final Rule Fact Sheet](#)
- [Charter Service Rule Summary \(PowerPoint\)](#)
- [Demand Response Service Explained](#)
- [Questions and Answers \(Appendix C to 49 CFR Part 604\)](#)
- [Section 5311 and Charter Rule Explained Fact Sheet](#)
- [Section 5311 Charter Service Identification Flow Chart](#)

FTA has a Charter Service Ombudsman who can answer questions emailed to [ombudsman.charterservice@dot.gov](mailto:ombudsman.charterservice@dot.gov).

## Section Sources

- [49 CFR Part 601, Subpart D – Emergency Procedures for Public Transportation Systems](#)
- [49 CFR Part 604 – Charter Service](#)
- FTA, [Charter Bus Service Regulations web page](#)
- FTA, [Charter Registration Website](#)
- FTA, [Demand Response Service Explained](#)
- FTA, [FY2022 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements](#)
- FTA, [FY23 Comprehensive Review Contractor’s Manual](#)
- FTA, [Section 5311 and Charter Rule Explained Fact Sheet](#)
- FTA, [Section 5311 Charter Service Identification Flow Chart](#)
- Fresno County Rural Transit Agency, [Short Range Transit Plan for the Rural Fresno County Area 2022-2026](#)
- Iowa Department of Transportation, Transportation Coordination in Iowa, Report to the Iowa General Assembly and Governor Kim Reynolds
- [Paul Bunyan Transit, Five-Year Transit System Plan](#)



## Welcome to the Tribal Transit Section of the Transit Manager's Toolkit

This section of the Transit Manager's Toolkit discusses the issues and complexities that come with managing or engaging with a Tribal transit agency and the unique transit needs of Tribal communities. While there are many similarities between Tribal and non-Tribal transit systems, what a Tribal transit manager needs to know on the very first day of the job may be a little different than what a non-Tribal transit manager needs to know. This section of the Toolkit was developed to give new Tribal transit managers the information they will need on day one to ensure their transit organizations are operating efficiently, effectively, and in compliance with federal regulations associated with receiving funding through the Federal Transit Administration (FTA).

While the day-to-day operation of a Tribal transit agency can be a challenge, it is possible to operate a system that is both efficient and effective when leadership has the right tools. This section of the Toolkit includes information and guidance to ensure that Tribal transit managers are aware of available resources to successfully provide rides for Tribal members.

Recognition of Tribal transit's complexity is becoming more evident in the policies and processes of federal and state agencies. The subsections that follow highlight recent enhancements to existing Tribal transit programs with a special emphasis on federal and state funding requirements and opportunities. Examples and case studies are included in each subsection to provide additional guidance and to enhance the reader's understanding of the possibilities of transit in Tribal communities. Instances where there is clear overlap between Tribal and non-Tribal transit funding sources and requirements are documented.

In addition to information and guidance for Tribal transit managers, the Toolkit also includes a Tribal and Non-Tribal Systems Engaging subsection that is meant to guide collaborative efforts to improve transit access for all.

**This section of the Toolkit is organized into the following subsections:**

- Tribal and Non-Tribal Systems Engaging
- Governance
- Administration and Funding
- Operations and Planning
- Compliance

## Tribal and Non-Tribal Systems Engaging

The information in this section of the Transit Manager's Toolkit is for Tribal and Non-Tribal transit systems and other stakeholders involved in transit and is meant to guide a collaborative effort with the end result of improving transit access for all. There are numerous benefits to be gained by Tribal and Non-Tribal systems working together. Many Tribes operate transportation services that are open to the general public as well as to Tribal members.

Tribal and Non-Tribal transit systems have transportation needs that could be met through initiating relationships with other local transit services. Vast service areas and low population densities, service reliability, and cost are stressors to Tribal transit system success that partnership creation may help overcome. These relationships often require enhanced communication, collaboration, coordination, connectivity, and consolidation (the 5 Cs) which will result in increased opportunities for the entire community. Working together involves considerable communication between the transit provider, the Tribe, the State Department of Transportation (DOT), and the Federal Transit Administration (FTA). This section of the Toolkit provides information on how to begin such a dialogue.

As with all other topics in this Toolkit, the concept of engagement is developed with the understanding that there are a wide variety of different Tribal governments and Tribal transit systems. Many have commonalities and many do not. Further, the purposes of Tribal systems may be different. Some are strictly Tribal-focused. Other Tribal systems serve the greater community, providing trips to both Tribal and non-Tribal residents.

Topics are organized in the following subsections:

- Benefits of Engaging with Tribes and Tribal Transit Programs
- The 5 C's: Communication, Collaboration, Coordination, Connectivity, and Consolidation
  - Open the Lines of Communication
  - Collaboration and Coordination
  - Consolidation, Connectivity, and Operations
- Tribes Engaging with States, Counties, and Local Governments
- Section Sources

### Benefits of Engaging with Tribes and Tribal Transit Programs

Each Tribe's governmental entities and governance structure are unique. Meaningful engagement with and between Tribes requires demonstrated respect of each distinct Tribe's sovereignty as recognized by the state and/or U.S. federal government. More than anything else, this requires sustained Tribal inclusion in decision-making processes that will impact each Tribe's interests. Transit policies and practices must be tailored to ensure effective partnership with each distinct Tribe.

There are multiple levels of benefits when transit systems engage with each other. The mechanics of the 5 Cs when there are Tribal implications will be discussed in greater detail later in this section. The following lists offer thoughts and ideas about the very real and intrinsic benefits to be realized in the process of engaging with Tribes and Tribal Transit Programs.

Grasping the value of engagement is particularly important when rural and Tribal communities are experiencing gaps or overlaps in transit coverage. The overlap or duplication might be between two Tribal systems or between a Tribal and non-Tribal system.

**Communication** - Sharing information about respective rural and Tribal transit programs and services is the first step to helping more people access transportation to health care, employment, education, and other basic needs. However, communication goes both ways so receiving information from the Tribe or rural system is just as important as sharing information.

- Obtaining Tribal members' input on how local transit services could result in more effectively meeting community transportation needs and reducing transit system gaps and overlaps.
- Meaningful communication can create pathways towards generational healing between communities and governmental systems.
- Cross-cultural, historic, and political exchange, mutual respect and dialogues may nurture relationships and refine intergovernmental communication.

See the section below, [Tribes Engaging with States, Counties, and Local Governments](#): Fundamental Principles for the Development of Tribal Consultation Policies and Best Practices for Tribal Consultations and Meetings, for additional guidance around Tribal consultations and meetings.

**Collaboration and Coordination** are particularly important in challenging service areas with little in the way of transit resources. Working together affords the greatest opportunity for increased ridership. Here are some examples (Also, see case studies below.):

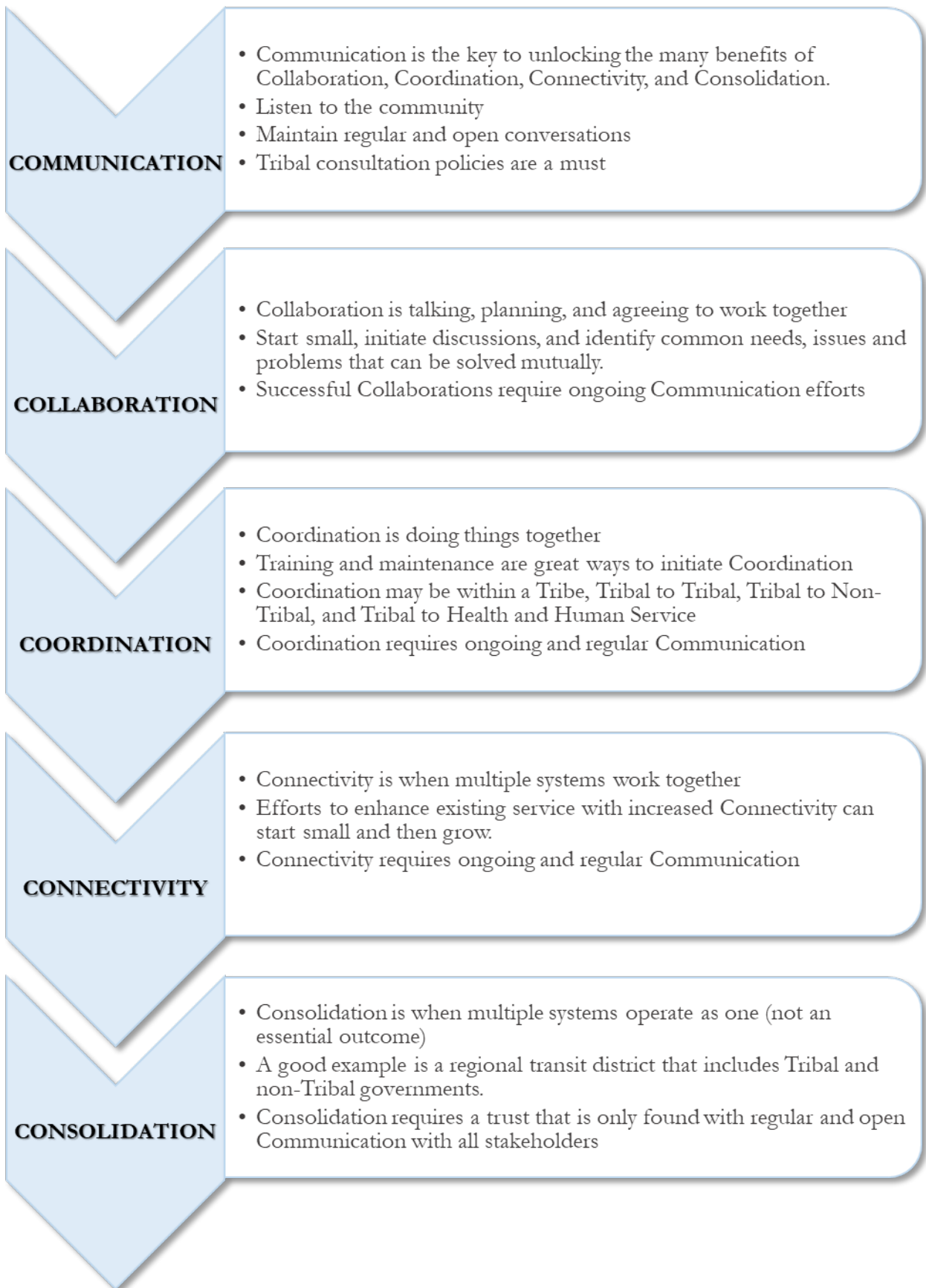
- Writing grants in a collaborative manner is a major selling point and two Tribes and/or Tribes and non-Tribal systems working together makes a strong statement.
- Improving transportation equity and social justice within the existing transit system.
- Eliminating duplicative services reduces costs and allows for other improvements.
- Improving transit system sustainability/longevity by sharing costs and pooling financial resources for service provision (e.g., partnerships can reduce administration and/or training costs to both rural and tribal transit systems).
- Cross-jurisdictional coordination and engagement to enhance regional transit and grow collaborative systems with shared system investments.
- Shared maintenance resources can go a long way to keeping funds local and within the Tribal entities.
- Increased access to grant funds (i.e., rural transit grant applications become more competitive when funding requests are for service provision to a broader population).
- Coordination of support functions like driver training, maintenance, group procurements and other non-threatening functions are to everyone's benefit.
- Providing a firm foundation for additional future intergovernmental partnerships to achieve numerous common multidisciplinary goals.

**Connectivity, Consolidation, and Operations** - The ability of Tribal and non-Tribal systems to connect and work together on regional goals offers opportunities for all systems to improve their operations. Here are some examples (Also, see case studies below.):

- Connections to the intercity bus and rail network allow residents to travel across the country.
- Added transit system connections to cultural, historic, and tourism sites.
- Allowing riders to travel beyond jurisdictional lines as needed, seamlessly increasing access for all riders.
- Working together on maintenance and training allows opportunities for specialty work that small systems can't afford.
- Potential to administer the tribal portion of a rural regional transit system, if the Tribe is too small to take on transit administration or desires Tribal transit service provision but prefers not to self-administer the service.
- Eliminating costly duplication of services, where possible, enabling greater service and ridership for residents and visitors.

## **The 5 C's: Communication, Collaboration, Coordination, Connectivity, and Consolidation**

Tribal transportation needs and issues take precedence over jurisdictional lines, and there are many issues that require rural communities and Tribes to work together. One example of this is when the same road extends through both Tribal and non-Tribal local lands. Regardless of how Tribal and non-Tribal relationships are structured, Tribal and rural transit managers should work to find ways to communicate with each other with the shared goals of increasing ridership, eliminating duplication, and improving service quality. It is only by working together that Tribal and non-Tribal transit programs can be sure that they are putting that road to the best use possible, by providing a quality ride to the places that the people living in their community need to go to.



## Open the Lines of Communication

Communication is the key to unlocking the many benefits of collaboration, coordination, connectivity, and consolidation.

**Listen to the Community** - Regular communication with riders, potential riders, and other stakeholders is always an important element of a transit manager's job. Often the manager and staff know when problems are occurring. Perhaps riders or vehicle operators complained, the rate of late trips went up, a drop in ridership, or any number of warning signs.

Regular contact with the community, especially when assessing service is critical. Meetings can help to bring management and the community together. As an example, the [Northern Arizona Council of Governments \(NACOG\) 2018 Passenger Transportation Study \(PTS\)](#) included a series of public meetings to gather input for the study: "The consultants for the project, KFH Group and Southwest Planning and Marketing, along with NACOG staff, held a series of five public meetings to gather input on the Passenger Transportation Study in June 2018. Called "Meetings on a Bus," this community outreach consists of parking a bus in a busy parking lot and inviting people to talk about transit needs in the region. The public could tour the buses, ask questions, and fill out a survey. At the end of the day the consultants conducted a 1.5-hour focus group on each bus. The "Meetings on a Bus" were held in Show Low, Tuba City, Window Rock, Winslow, and Page."

Coordinating outreach venues with Tribal leaders and ensuring that all events are scheduled at locations that are known destinations or gathering spots for Tribal members are essential components to a successful Tribal community outreach plan. The [Hopi Senom Transit Short Range Transit Plan prepared for Hopi Senom Transit and the Northern Arizona Council of Governments \(2023\)](#) also contains specific guidance and insights into a productive community outreach process. Several outreach events, including Meetings on a Bus, were held on the reservation to gather input from Hopi Senom Transit riders and the community at large. Interviews with and surveys of key stakeholders, management, riders and the general public are highlighted in this report as well.

**Maintain Regular and Open Conversations** – The importance of building and maintaining opportunities for engagement and strong community partnerships cannot be overstated. Regular and open conversations between Tribal transit systems, neighboring Tribal or non-Tribal transit systems, and health and human service agencies is one step that any rural transit program can take to ensure that planning conversations bring both local and regional passenger transportation needs to the table. Building and maintaining strong community partnerships will add to the spirit of community, as stakeholders work together to ensure a strong network of transportation services for all residents and visitors.

Some suggested practices that can help rural Tribal and non-Tribal transit managers initiate or maintain meaningful engagement include:

- Ensure that Tribal leaders and government officials are made aware of and are invited to participate in every step of any transit project or planning action that may have Tribal implications. For additional guidance, see the section below, [Tribes Engaging with States, Counties, and Local Governments](#): Fundamental Principles for the Development of Tribal Consultation Policies and Best Practices for Tribal Consultations and Meetings.



- Reach out to another transit manager and suggest an informal in-person meeting or video conference. Managers of neighboring systems often face the same challenges and can work together to solve them.
- Learn who the primary contacts and champions are (e.g., Tribal Transit Program, Community Health Representatives (CHRs), Indian Health Services (IHS), Tribal Health Authority, Tribal Transportation Program Director, Tribal Transportation Program Planner, etc.). Non-Tribal contacts could be local elected officials, transit board members, local and regional planners, Councils of Governments, Regional Planning Commissions, human service representatives, advocates, and others).
- Contact FTA Regional Tribal Liaisons, Tribal and non-Tribal transportation associations and organizing bodies, or State DOT transit programs to learn about transit in the state.
- Convene regularly scheduled meetings to identify common goals, overlaps and gaps in services, connection points and shared funding opportunities.
- Collaborate with Tribal partners to draft Memorandums of Agreement (MOA), Memorandums of Understanding (MOU), or Intergovernmental Agreements (IGA) to define or formalize service collaborations and mutually beneficial program supports.
- Garnering transit board, committee, task force and/or Tribal Council support and approval may be required to ensure outcomes reflect all parties' best interests.

### Collaboration and Coordination

Once identified, addressing a transportation access issue may be accomplished with direct coordination and collaboration between one transportation provider and another. Other transportation issues may be more complicated and need attention from multiple community partners, stretch across county or jurisdictional lines, or require regular ongoing contact among stakeholders. In such cases, Tribal consultations or meetings, formation of a task force, committee, advisory group, or other ongoing mechanisms to facilitate ongoing communication and coordination will be needed. Again, every effort should be made to ensure that Tribal leaders and government officials are made aware of and are invited to participate in every step of any transit project or action planning that may have Tribal implications.

Start small, initiate discussions, and identify common issues and problems that can be solved mutually. A way to gain trust is through identifying mutual needs. Many Tribal systems are small and do not have the funds or resources to expand or develop their own systems. Even collaborations on small projects can have a major impact and even reduce costs while improving quality.

A variety of coordination scenarios are possible for Tribal systems: **Single Tribe, Tribal to Tribal, Tribal to Non-Tribal (urban or rural), and Tribal to Health and Human Service Organizations.** Training and maintenance are great ways to initiate coordination that are non-threatening and can make a difference in the cost and quality of service. Coordination between systems or health and human service entities may be operational and non-operational.

**Coordination within a Tribe** – At times, a Tribe operates several different transportation programs, such as transit, medical transportation, and veterans' transportation. Sometimes these systems do not coordinate service. By coordinating services or consolidating functions, the savings could be significant, and the service could improve. Please see more information about Medicaid Medical Transportation, Indian Health Services' (IHS) Community Health Representative (CHR)



and Veterans Administration services in the [Tribal Administration and Funding section](#) of the Toolkit.

**Tribal to Tribal or non-Tribal Transit Coordination** – Coordination between Tribal transit programs or between Tribal and non-Tribal programs is often necessary to enhance and improve the quality of service for riders in rural communities. Referring back to the example of a single road running through multiple service areas that was used in the introduction to this section, quite often the elimination of duplication and competition on a route can be the most efficient way to improve service and grow ridership in the rural areas. The rural to urban connection is equally important. A number of Tribal systems lead to urban areas where the ability to connect with such systems extends the opportunity for riders to obtain goods and services found only in the urban areas.

**Tribal Transit Coordination with Health and Human Service Organizations** - While not all Tribal communities have transit programs in place at this time, most have some form of medical transportation and non-emergency medical transportation (NEMT) to which Tribal and non-Tribal transit systems can link. For example, the coordinated development of an effective transit voucher program with Senior Services programs, Indian Health Service clinics and Tribal Community Health Representatives, and Tribal health departments (in many Tribal communities known as Tribal Health Authorities) will bring together local medical support and transportation resources. In addition, coordinated transit and medical programs may provide adjacent rural communities with additional financial support and stability, while enhancing Tribal members' access to essential medical transportation.

### Case Studies: Collaboration and Coordination

The New Mexico DOT and the [North Central Rural Transit District \(NCRTD\)](#) worked together to put all buses from both systems along the same route on the same timetable so that they were at least a half hour apart. The systems were able to complement instead of competing with each other and their riders enjoyed an improved service.

In a similar scenario, communication between the [Navajo Transit System](#) and [Hopi Senom Transit](#) in Arizona identified opportunities to avoid duplication of service on routes. Their coordinated response is to plan their individual routes so that they don't duplicate each other and thus enhance the transit service for both systems.

### Consolidation, Connectivity, and Operations

Efforts at consolidation that result in increased connectivity and enhanced services can start small and then grow. Or each consolidation effort can be an end in itself. Using the communication strategies described above, transportation partners may collaborate throughout the transportation planning process and into the operational area. The ultimate in engagement and consolidation is a regional transit district that includes Tribal and non-Tribal governments. The case studies below demonstrate best practices for economies of scale, equitable services, and professionalism.

### Case Studies: Consolidation, Connectivity, and Operations

[Community Regional Transportation](#) (CRT) – CRT offers transportation services for members of the [Mississippi Band of Choctaw Indians \(MBCI\)](#) and the general public. CRT is known as

**Choctaw Transit** to the Tribe and as **Meridian CRT** to the neighboring communities, including the City of Meridian, Mississippi. The Tribe has eight officially recognized Choctaw Indian communities: Bogue Chitto, Bogue Homa, Conehatta, Crystal Ridge, Pearl River, Red Water, Standing Pine, and Tucker. Jeremy Bell, Interim Director, **Choctaw Transit Mississippi**, Band of Choctaw Indians, Choctaw, MS shared in an interview that rebranding the Tribal transit system was integral to its success as a Tribal and public transportation system. According to Mr. Bell, the transit program changed their public facing name to Community Regional Transportation as opposed to Choctaw Transit. But the logo remains a Tribal design and, on the reservation, the system is known as Choctaw Transit. For a more in-depth discussion of CRT's successes with mobility management collaborative efforts, see the **Tribal Operations and Planning** section of the Toolkit.

The **North Central Regional Transit District (NCRTD)** – NCRTD was created in 2004 through the collaboration of five Pueblos in North Central New Mexico. With the advantage of a sales tax funded regional transit system, NCRTD began to provide service in 2007. At the time of this writing, NCRTD serves the following Pueblos and Nation: Ohkay Owingeh, San Ildefonso, Tesuque, Pojoaque, Santa Clara, Nambé, Picuris, Taos, and Jicarilla Apache Nation. In addition, the communities in Los Alamos County, Taos County, Rio Arriba County, Santa Fe County, and San Juan County are served by NCRTD. The NCRTD Board of Directors continues to represent the diversity of the region. By consolidating their systems, all these communities can take advantage of the excellent service afforded through a sales tax. “Structuring tribal involvement into the RTD organization enables tribes and other governmental entities to collaborate on transportation planning in an ongoing way. NCRTD continues to benefit from taking a regional approach to transit, offering the most efficient service possible to the region’s residents. Tribal leaders recognize NCRTD’s potential to deliver economic and community benefits.” **NCHRP Report 690 - A Guidebook for Successful Communication, Cooperation, and Coordination Strategies Between Transportation Agencies and Tribal Communities (2011)**. Also, see related information about NCRTD in the **Tribal Operations and Planning** section of the Toolkit.

**Pelivan Transit and the Northeast Oklahoma Tribal Transit Consortium (NEOK)** - Pelivan Transit is an integrated rural and Tribal transit system that provides public transportation services to all people in the seven counties and ten Tribal jurisdictional areas in northeastern Oklahoma.

“Pelivan Transit has developed and formed two consortiums with ten tribes in northeastern Oklahoma. This integration of a rural public transportation program (Section 5311) and two tribal transit programs (5311 c) was established with the Cherokee Nation from one grant and two other grants with the Nine Tribes of Northeast Oklahoma Consortium consisting of the Eastern Shawnee, Miami, Modoc, Ottawa, Peoria, Quapaw, Seneca-Cayuga, Shawnee, and Wyandotte tribes of Oklahoma.” (**Pelivan Transit, About Us**)

Pelivan Transit provides Tribal Transit services on behalf of the area Tribes. In what may be noted as another incentive to collaborate, shared logos and Tribal seals are displayed on some of the vehicles purchased by the tribes and leased to Pelivan for transportation services.

**Makah Public Transit System** (Makah Reservation, Neah Bay, Washington) connects with **Clallam Transit** in Clallam County, Washington three times daily on Monday thru Friday. Located on the Olympic Peninsula’s northwest tip at Neah Bay, the **Makah Reservation** is 60 miles from the closest town of Forks, 75 miles from Port Angeles, and 150 miles from Seattle. Clallam Transit provides residents with links to Port Angeles, and Forks. The collaboration and

interconnectivity of the two services helps Makah tribal members overcome the transportation challenge of living in such a remote area.

**Helping Hands Agency**, Inc. is a human service agency in Page, Arizona, which operates the **Helping Hands Express**, a public transit system with routes into the Navajo Nation communities of Tuba City, Cameron, Kaibito, and Shonto, Arizona. Helping Hands Express connects Page riders to Navajo Nation businesses, medical providers, behavioral health organizations, educational institutions, and social service agencies while enabling tribal members to have access to the numerous services and opportunities in the larger community of Page.

**Open Plains Transit (OPT)**, a division of Senior Services, Inc., is a nonprofit organization located in the Nebraska Panhandle region that works with the regional Panhandle Public Health District, Community Action Partnership's Minority Health Services, area hospitals and Indian Health Services to connect passengers with needed health and dental care on the Pine Ridge Indian Reservation in South Dakota. Through their **demand response** and intercity bus operations, travelers are able to travel between the two states to reach needed care, obtain medications, connect with family members and friends and conduct business at the Bureau of Indian Affairs in Pine Ridge, SD. Future visions include seeking opportunities for collaboration, planning and partnerships to provide connections between Nebraska and the Rosebud Indian Reservation in South Dakota, north of Valentine, NE.

## **Tribes Engaging with States, Counties, and Local Governments**

Tribal governments play an important role in the success of individual Tribal transit systems. While the transit needs in many Tribal communities may be similar, the policies and processes that govern individual Tribes and Tribal communities may be very different. Care should be taken to ensure that Tribal leaders and government officials are made aware of and are invited to participate in every step of any transit project that may have Tribal implications. In addition, non-Tribal entities desiring to provide services to or coordinate with existing Tribal transit services should be encouraged to take the time to learn how to interact appropriately with local Tribal government and officials. Engaging with State Government agencies and their representatives on transit related issues should be fairly straightforward. Most State DOTs have programs in place to work with Tribal governments on federally funded transit projects: Section 5311 and Section 5311(c)(1)(b). For additional information about interaction between states and Tribal governments, refer to the **Role of State Departments of Transportation** in the **Tribal Administration and Funding** sections of the Toolkit.

In addition, State DOTs, through their relationships with federal funding sources, have a mandated responsibility to establish meaningful consultation processes with Tribes when a project is determined to have Tribal implications. Tribes, counties, and other local governments may also find it helpful to establish such processes for Tribal consultation and joint meetings for local transportation decision making. What follows is an adaptation of the Fundamental Principles and Best Practices for Tribal Consultation Processes as recommended in the White House Council on Native American Affairs' **Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal**

Decision Making (November 2022).

**Fundamental Principles for the Development of Tribal Consultation Policies**

1. Tribal consultation policies should strive for uniformity, including using common definitions, processes, and time frames, for purposes of consistency, ease of Tribal use, and for promoting a whole-of-government approach.
2. Tribes are sovereign nations with self-governance and self-determination rights.
3. Tribes have a two-way Nation-to-Nation relationship with the United States.
4. Tribal consultation may be initiated at the request of a Tribal government.
5. Tribal treaties are substantive federal law and do not derive from other federal statutes.
6. Treaties, like the U.S. Constitution and federal statutes, are the supreme law of the land.
7. Tribal treaties are binding legal agreements between or among two or more sovereign nations.
8. Tribal consultation should be meaningful. A meaningful consultation is, among other inclusive practices: carried out in a timely, efficient, and responsive manner; transparent, and predictable; accessible, reasonable, flexible, and fair; founded in the principles of good faith and respectful of the sovereignty of Indian Tribes; and includes reasonable accommodation (e.g., changing of timelines, project parameters), where appropriate.
9. Information obtained from Tribes should be given meaningful consideration and Tribal consultation should strive for consensus or a mutually desired outcome.
10. Include both non-tribal and Tribal officials with decision-making authorities regarding the proposed policy or action that has Tribal implications.
11. Consider conducting the consultation in a manner that prioritizes participation of official Tribal government leaders.
12. Be familiar with Tribally enacted consultation laws, statutes, policies, or protocols and, as appropriate, develop mutually agreed upon consultation protocols tailored to the consultation standards of individual Tribes.
13. Respect and elevate Indigenous Knowledge including cultural norms and practices relevant to such consultations.
14. Identify processes for notifying Tribes of how the Tribal input influenced the decision-making after the consultation has concluded and the decision or action has been made.
15. All of these principles should be applied to the extent practicable and permitted by law.

### **Best Practices for Tribal Consultations and Meetings.**

1. **Begin Early:** Consultations and meetings should begin early in the project development phase, during the initial planning stages.
2. **Establish Protocols:** Consultation and meeting protocols should be developed ahead of time.
3. **When to Consult:** If there is any question as to whether a proposed project, policy, or other action planning will have Tribal implications, then a consultation or meeting should be conducted.
4. **Identify the Appropriate Decisionmakers:** Given the subject matter, all parties should ensure that representatives with appropriate expertise and, to the extent practicable, decision-making authority regarding the proposed policy or action planning are present at a consultation or meeting.
5. **Creating Effective Notice:** Consultations and meetings should be scheduled such that the Tribe(s) are given timely, adequate notice, absent extenuating circumstances.
6. **Read-Ahead Materials with Notice:** All pertinent information about a topic, including an agenda, should be made available at a reasonable time prior to the consultation or meeting.
7. **Access:** Consultation or meeting opportunities should be accessible and convenient to Tribal participants.
8. **Notifying Appropriate Tribal Participants:** All potentially affected Tribes should be notified and invited to consult or meet.
9. **Meaningfully Consider Information Received from Tribal Nations:** Information obtained from Tribes should be given meaningful consideration; this can happen only if Tribes are both properly informed and Tribal input is solicited early enough in the planning process that it may actually influence the decision to be made.
10. **Information from a Non-Tribal Government Official:** When agencies receive information during consultation from a source other than a Tribal government official, the agency should ascertain whether that source has appropriate Tribal authority to speak for the Tribal government, by communicating with Tribal government officials.
11. **Considering Multiple Perspectives:** The existence, nature, or scope of an asserted Tribal right may not be clearly established, or may be disputed by other Tribes, third parties, or others. In these instances, all parties should carefully consider information and views provided during the consultation process and, as appropriate, engage with others with related interests and responsibilities that may be impacted by the decision.
12. **Record of Consultation:** Maintain a record of the consultation or meeting process that includes: a summary of Tribal input received; an explanation of how Tribal input influenced or was incorporated into the agency action; and the reasoning for why Tribal suggestions were not incorporated into the proposed policy or action or why consensus could not be attained.

## Section Sources

### Choctaw Transit

Clallam Transit in Clallam County, Washington

### Community Regional Transit

Fundamental Principles and Best Practices for Tribal Consultation Processes as recommended in the White House Council on Native American Affairs' Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision Making (November 2022)

Helping Hands Agency, Inc., Inc. and Helping Hands Express, Page, Arizona,

### Hopi Senom Transit

Hopi Senom Transit Short Range Transit Plan prepared for Hopi Senom Transit and the Northern Arizona Council of Governments (2023)

Makah Public Transit System and Makah Reservation, Neah Bay, Washington

### Navajo Transit System

Northern Arizona Council of Governments (NACOG) 2018 Passenger Transportation Study (PTS) (2018)

### North Central Rural Transit District (NCRTD)

North Central Rural Transit District (NCRTD) Long Range Strategic Plan 2023

NCHRP Report 690 - A Guidebook for Successful Communication, Cooperation, and Coordination Strategies Between Transportation Agencies and Tribal Communities (2011).

### Open Plains Transit

Pelivan Transit and the Northeast Oklahoma Tribal Transit Consortium (NEOK)

White House Council on Native American Affairs' Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision Making (November 2022).

## Governance

The purpose of this section of the Transit Manager's Toolkit is to focus attention on the relationships that can exist between Tribal Governments and a broad array of federal, state, and local transit stakeholders. It also focuses on the legal status of Tribes within the United States and the unique political relationship between Tribes and the United States and how this affects their transit systems.

Tribal sovereignty directly affects how Tribal governments and transit funding sources interact with each other. This section of the Toolkit is also intended to provide guidance and best practice examples for transit managers looking for Tribal Government support in the day-to-day operation of a Tribal Transit program.

The following topics are discussed in the pages that follow.

- Tribal Sovereignty
- Self-Governance and Tribal Band Autonomy
- Government-to-Government Relationship
  - Constitution
  - Tribal Treaties
- Tribal Employment Rights Organization (TERO) Policies
- Section Sources

## Tribal Sovereignty

“Tribal sovereignty refers to the right of American Indians and Alaska Natives to govern themselves. The U.S. Constitution recognizes Indian Tribes as distinct governments and they have, with a few exceptions, the same powers as federal and state governments to regulate their internal affairs. Sovereignty for Tribes includes the right to establish their own form of government, determine membership requirements, enact legislation, and establish law enforcement and court systems.” [An Issue of Sovereignty, National Conference of State Legislatures, 2013](#)

“The Constitution gives authority in Indian affairs to the federal government, not to the state governments. Just as the United States recognizes states as governments, it also considers Indian Tribes as governments, not as special interest groups or non-governmental entities. Some states have explicitly recognized the governmental status of Indian Tribes through various state recognition processes.” [An Issue of Sovereignty, National Conference of State Legislatures, 2013](#)

Tribes govern as independent sovereign nations on a par with the U.S. federal government. The significance of Tribal sovereignty and the impact that it has on a Tribe's ability to provide necessary transportation services to its community cannot be overstated. As of this writing, the U.S. Department of the Interior's (DOI) Bureau of Indian Affairs (BIA) lists 574 sovereign tribal nations (variously called Tribes, Nations, Bands, Pueblos, communities, and Native villages) with a formal nation-to-nation relationship with the US government. These Tribal governments are legally defined as “federally recognized Tribes.” As of the publication of this Toolkit, 229 of these Tribal Nations are located in Alaska; the remaining 345 Tribes are located in 35 other states. “In total, tribal



governments exercise jurisdiction over lands that would make Indian Country the fourth largest state in the nation.” [National Congress of American Indians \(NCAI\)](#) Federally-recognized Indian Tribes or Alaska Native villages, groups, or communities are identified by the U.S. Department of the Interior’s (DOI) Bureau of Indian Affairs’ (BIA) annual Federal Register listing of [Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs](#). BIA’s map of the regions, [Indian Lands of Federally Recognized Tribes of the United States](#), offers a clear visual representation of the Tribal Nations and is updated regularly.

As will be explained in more detail in the [Tribal Administration and Funding](#) section that follows, a Tribe must be “federally recognized” to be eligible for federal transportation funds.

## Self-Governance and Tribal Band Autonomy

**Tribal Self-Governance and Self-Determination** – Tribal Self-Governance refers to the authority of Tribes to self-administer certain federal programs and services for its Tribal members. This authority comes from three major pieces of legislation: The Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA), as amended, [25 U.S.C. 5301 et seq.](#) and the Tribal Self-Governance Act of 1994, [25 U.S.C. 5362 et seq.](#), and the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (The PROGRESS Act), [Public Law 116-180, Summary: Public Law No: 116-180 \(10/21/2020\)](#). ISDEAA describes “self-determination” as the ability of tribal governments to determine how to build and sustain their own communities. The PROGRESS Act, signed into law on October 21, 2020, amends the ISDEAA for the purpose of replacing the current Tribal Self-Governance Demonstration Project with the Tribal Self-Governance Program. The PROGRESS Act also:

- Revises the Department of the Interior's (DOI) process for approving self-governance compacts and funding agreements with tribes.
- DOI must negotiate contracts and funding agreements to maximize implementation of the self-governance policy.
- Sets forth requirements for tribes participating in self-governance with respect to conflicts of interest, audits, redesign and consolidation of programs, retrocession of programs, non-duplication of funding, and records.
- Funding agreements must include provisions for DOI to monitor the performance of trust functions by the tribe and to reassume a program and funding under specified circumstances.
- Tribes participating in self-governance may elect to assume some federal responsibilities with respect to certain construction projects.
- Prohibits obligating a tribe to continue performance of a compact or funding agreement that provides insufficient funding.

As of this writing, the DOI’s Office of the Assistant Secretary - Indian Affairs (AS-IA) Office of Self-Governance (OSG) reports that Self-Governance Tribes represent approximately 50 percent of all Federally recognized Tribes nationwide.

For more information about the Tribal Self-Governance Program, please see the DOI AS-IA's [Office of Self-Governance](#) website. In addition to information about how to apply to the Tribal Self-Governance Program, this site also contains updated lists of [Self-Governance Tribes](#).

The [Dear Tribal Leader Letter: Proposed Membership for the PROGRESS Act Negotiated Rulemaking Committee](#) offers additional insight into future revisions to ISDEAA's self-governance provisions as required by the PROGRESS Act.

**Tribal Band Autonomy** – Tribal band autonomy refers to the idea that Tribes are unique. There should be no expectation that any two Tribal governments will function in the same manner. “Many tribes have constitutions, others operate under articles of association or other bodies of law, and some have found a way to combine their traditional systems of government within a modern governmental framework. Some do not operate under any of these acts but are nevertheless organized under documents approved by the Secretary of the Interior. Contemporary Tribal governments are usually, but not always, modeled upon the federal system of the three branches: Legislative, Executive, and Judicial.” ([Tribal Government: Powers, Rights, and Authorities, Bureau of Indian Affairs \(BIA\), Frequently Asked Questions. 2017](#)).

Self-government is essential if Tribal communities are to continue to protect their unique cultures and identities. Tribal nations have the inherent power to govern all matters involving their citizens, as well as a range of issues in Indian Country. Tribal nations form their governments either by election of members to a governing council as provided in a tribal nation's constitution or, in some cases, by elders choosing the Tribal nations' leaders in a traditional process. Each Tribal nation generally has one elected chairperson, president, chief, or governor who is the recognized leader of the nation and who has authority to act as such when dealing with federal government. Many Tribal nations have organized their governments under the auspices of the Indian Reorganization Act (IRA) of 1934, and the Secretary of the Interior approves their constitutions and amendments. ([Tribal Nations and the United States: An Introduction -National Congress of American Indians \(NCAI\), 2020](#))

Additional insight into the organization of today's tribal governments, including the governing bodies of Alaska native communities, is available from the National Congress of American Indians (NCAI) report: [Tribal Nations and the United States: An Introduction, Updated February, 2020](#))

## Government-to-Government Relationship

### Constitution

Each of the 574 federally recognized American Indian and Alaska Native nations in the U.S. is a government entity with its own policies, processes, and systems of governance. The [Bureau of Indian Affairs \(BIA\)](#) website describes the relationship between federally recognized Tribes and the United States as one between sovereigns: “Because the Constitution vested the Legislative Branch with plenary power over Indian Affairs, states have no authority over Tribal governments unless expressly authorized by Congress. While federally recognized Tribes generally are not subordinate to states, they can have a government-to-government relationship with these other sovereigns, as well.”

## *Tribal Treaties*

Congress stopped making treaties with Tribes in the late 1800s; relations with Tribes are now formalized and/or codified by Congressional Acts, Executive Orders, and Executive Agreements. Treaties, however, remain relevant because they preserve promises made to Indian Nations by the U.S. Government. In November 2021, 17 federal agencies, including the U.S. Department of Transportation and the U.S. Department of the Interior, signed a [Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty and Reserved Rights \(MOU\)](#). This MOU was followed by the [Presidential Memorandum on Uniform Standards for Tribal Consultation](#) (November 2022). The newly established uniform standards for Tribal Consultation were incorporated in a related document, [Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision Making \(November 2022\)](#), meant to “enhance interagency collaboration and coordination and identify best practices for the protection of Tribal treaty and reserved rights.”

“Treaties are substantive federal law of equal importance to other federal laws and obligations. Federal agencies must give effect to treaty rights and should seek to safeguard them as agencies contemplate action. When a federal agency is engaging in certain regulatory or other decision-making processes with Tribal implications, the agency must engage, through consultation, with Tribes to determine whether Tribal treaty or reserved rights would be impacted by the proposed federal action.” [Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision Making \(November 2022\)](#)

## *Tribal Employment Rights Ordinance or Office (TERO)*

A Tribal Employment Right Ordinance (TERO) is sovereignty-based legislation enacted by a Tribal Government. “The TERO program is to enforce tribally enacted Indian Preference law to insure that Indian/Alaska Native people gain their rightful share to employment, training, contracting, subcontracting, and business opportunities on and near reservations and native villages.” [\(Council for Tribal Employment Rights \(CTER\) FAQs\)](#) TERO programs derive their authority from an individual Tribe’s inherent sovereign status and its authority to enact and enforce Indian/Native employment preference law.

The [Council for Tribal Employment Rights \(CTER\)](#) is a “community based Indian owned and operated non-profit organization that is comprised of and represents the interests of over 300 Tribal and Alaska Native Villages that are covered by employment rights ordinances.” CTER’s website contains valuable information for Tribal transit managers interested in knowing more about how TERO programs and offices may affect the hiring, training, contracting, subcontracting, and other business opportunities related to Tribal transit in their community. John Navarro, CTER Cofounder & Director Emeritus, explained what a TERO Ordinance does in a presentation at the CTER’s 2022 Legal Update & Indian Preference Conference: [Tribal Employment Law & the TERO Ordinance \(2022\)](#):

- Sets Conditions
- Establishes Authority

- Assigns Responsibility
- Delineates Sanctions for Violations of Law
- Provides Due Process
- Imposes Tax or Fee
- Authorizes Strategic Alliances & Partnering

For those interested in learning more about TERO Offices, the National Congress of American Indians (NCAI), established in 1944 and the oldest and largest national organization of American Indian and Alaska Native Tribal governments, has a Workforce development toolkit - <https://www.ncai.org/ptg/workforce-development/toolkit> 2018 National Congress of American Indians (NCAI).

For an example of specific trainings supported by a TERO Ordinance, see [Red Lake Nation TERO: Commercial Driver's License CDL Training](#)

For additional reading, the [Confederated Tribes of Umatilla Indian Reservation's \(CTUIR\) Tribal Employment Rights Office](#) website contains a description of their TERO program and includes CTUIR's TERO code and a TERO Fact Sheet.

## Section Sources

Bureau of Indian Affairs, [Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision Making \(November 2022\)](#).

Bureau of Indian Affairs, [Dear Tribal Leader Letter: Proposed Membership for the PROGRESS Act Negotiated Rulemaking Committee](#).

Bureau of Indian Affairs, Frequently Asked Questions (FAQ) section [The Nature of Federal-Tribal and State-Tribal Relations](#).

Bureau of Indian Affairs, Frequently Asked Questions (FAQ) section [Tribal Government: Powers, Rights, and Authorities](#)

Bureau of Indian Affairs, [Indian Lands of Federally Recognized Tribes of the United States](#)

Bureau of Indian Affairs, [Tribal Leaders Directory](#).

Council for Tribal Employment Rights [Tribal Employment Law & the TERO Ordinance \(2022\)](#)

[Indian Self-Determination and Education Assistance Act of 1975 \(ISDEAA\), as amended. Title 25 - Indians, Chapter 46 – Indian Self Determination and Education Assistance, Section 5301 – Congressional Statement of Findings \(25 U.S.C. 5301 et seq.\)](#)

[Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty and Reserved Rights \(MOU\)](#)

National Conference of State Legislatures, [An Issue of Sovereignty \(2013\)](#)

National Congress of American Indians, [Tribes & Transportation: Policy Challenges and Opportunities \(2013\) \(2013\)](#)

National Congress of American Indians, [Tribal Nations & the United States: An Introduction. \(Updated February 2020\),](#)

[Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 \(The PROGRESS Act\), Public Law 116-180](#)

[Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 \(The PROGRESS Act\), Summary: Public Law No: 116-180 \(10/21/2020\)](#)

[Tribal Self-Governance Act of 1994, as amended. Title 25 - Indians, Chapter 46 – Indian Self Determination and Education Assistance, Subchapter IV – Tribal Self-Governance – Department of the Interior, Section 5301 – Tribal Self-Governance Program \(25 U.S.C. 5362 et seq.\)](#)

## Administration and Funding

The requirements around administration and funding for Tribal transit programs can vary based on how a Tribe decides to access its share of Public Transportation on Indian Reservations (Tribal Transit) Program (TTP) federal funds. For example, a Tribal transit system that operates under the sponsorship of a Tribal government that has chosen to access funds directly from the federal government through a Tribal Transportation Program Agreement (TTPA) with the Federal Highway Administration (FHWA) will have different administrative requirements than a Tribal transit system that operates under a Tribal Transit Self-Governance Program (TTSGP) compact with the U.S. Department of Transportation (U.S. DOT).

This section of the Transit Manager's Toolkit will provide Tribal transit managers with information and resources about federal and state funding sources and the types of funding contracts that are possible. This section will also describe the relationships between federal funding agencies with Tribal transit programs. In addition to those federal programs that are specific to federally recognized Tribes, this section of the Toolkit will also reference federal and state programs and funds that are available to all rural transit programs, including Tribal transit programs.

Topics are organized in the following subsections:

- Financial Management
- Federal Programs and Grants
  - Bureau of Indian Affairs
  - Federal Highway Administration
  - Federal Transit Administration
    - FTA Regional Tribal Liaisons
  - Programs for Tribal Transit
    - Tribal Transportation Self-Governance Program (TTSGP)
    - Tribal Transit Program (TTP)
    - Funding for Tribal Transit Programs
    - Funding Programs for All Providers, Including Tribal Entities
    - Additional Financial Management Information
    - Additional Reading on FTA Tribal Funding Sources
  - Indian Health Service
  - Medicaid - Non-Emergency Medical Transportation (NEMT)
  - Veterans Administration
- State Programs and Funding
  - Role of State Departments of Transportation
  - Case Studies
- Section Sources



## Financial Management

On November 15, 2022, the [Infrastructure Investment and Jobs Act \(IIJA\)](#) also known as the ["Bipartisan Infrastructure Law" \(BIL\)](#) was signed into law. The BIL continues the [Tribal Transportation Program \(TTP\)](#) with no changes to the formula allocations designed to fund planning, capital, and operating assistance for Tribal public transit services. The purpose of the TTP also remains the same - to provide safe and adequate transportation and public road access to and within Indian reservations, Tribal lands, and Alaska Native Village communities.

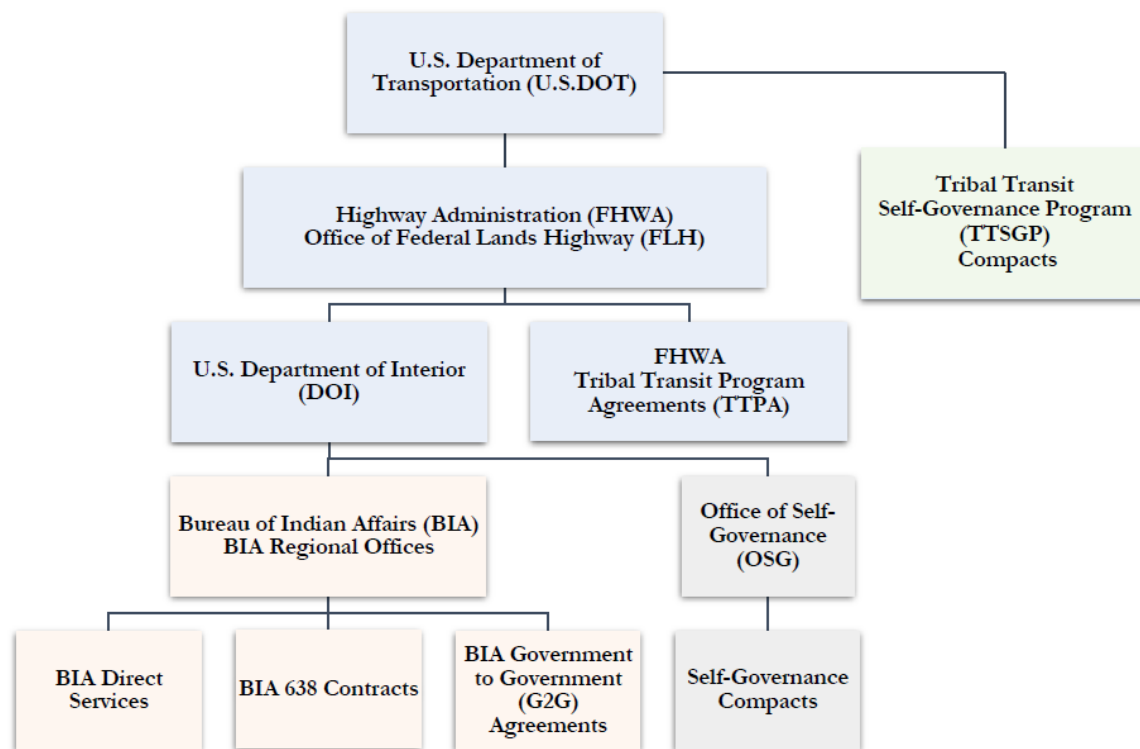
In direct response to the agency directives associated with the federal administration's [New Actions to Support Indian Country and Native Communities](#), the [Bureau of Indian Affairs \(BIA\)](#), the Federal Transit Administration (FTA), and the [Federal Highway Administration \(FHWA\)](#) are among the many federal agencies that have updated information on their websites to provide Tribal communities and Native people with clearer direction and guidance on how to obtain available funding through the Tribal Transportation Program (TTP) and other transit related resources.

"The Federal Highway Administration's (FHWA) Office of Federal Lands Highway, and the Bureau of Indian Affairs (BIA), provide funding and support for addressing the transportation needs of the 574 federally recognized Tribes. The FHWA's Office of Tribal Transportation provides stewardship and oversight for direct funding agreements with 135 of the federally recognized Tribes and provides support for all FHWA activities affecting Tribal transportation. The BIA provides support for the remaining Tribes." [Transportation Funding Opportunities for Tribal Nations, June 2023](#)

On December 6, 2023, the president signed an [Executive Order on Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination](#). Federal agencies will work with the White House Council on Native American Affairs to coordinate implementation of this order, share leading practices, and identify potential opportunities for federal policy reforms that would promote accessible, equitable, and flexible administration of federal funding and support programs for Tribal Nations.

## Federal Programs and Grants

The figure below is adapted from the [U.S. DOT/FHWA's Tribal Transportation Delivery Guide – A Guide for Tribes with an FHWA Tribal Transit Agreement. March 2023](#), and shows the federal agencies (and departments) that must work cooperatively together in a government-to-government relationship with Tribes to administer the TTP. Additional information about the variety of contract mechanisms available to eligible TTP and TTSGP recipients is provided in the [Programs for Tribal Transit section](#) of the Toolkit.



This section describes the primary programs and grants that are available to Tribal transit providers and the relationships between the various funding sources.

### **Bureau of Indian Affairs (BIA)**

The **BIA's Division of Transportation** serves as the lead liaison to the other federal transportation agencies (**United States Department of Transportation, Federal Highway Administration, Office of Federal Lands Highway, and Federal Transit Administration**) and houses the **Tribal Transportation Program Coordinating Committee (TTPCC)**. The TTPCC is the recommending committee established by federal regulations, to provide input and recommendations to the BIA and the FHWA concerning the Tribal Transportation Program as detailed in **Title 23 U.S.C. 202**. The committee consists of 24 Tribal regional representatives (two from each BIA region).

The **Tribal Transportation Program (TTP)** is jointly managed and administered under a memorandum of agreement (MOA) between FHWA and BIA. (**25 CFR 170 Tribal Transportation Program**).

### **Federal Highway Administration (FHWA)**

The **Federal Highway Administration (FHWA)** is an agency within the **U.S. Department of Transportation (U.S. DOT)**. The FHWA is responsible for program administration of the **Federal Lands and Tribal Transportation Program (FLTTP)** and provides oversight for direct funding agreements with federally recognized Tribes. The Tribal Lands portion of the FLTTP is managed by the FHWA's **Office of Tribal Transportation (OTT)**. This office jointly manages and

administers the Tribal Transportation Program (TTP) under a memorandum of agreement between FHWA and the U.S. Department of the Interior's Bureau of Indian Affairs (BIA).

The [Office of Tribal Transportation \(OTT\) website](#) is a wealth of information for new Tribal transit managers. Of particular interest is the [Tribal Transportation Program Delivery Guide: A Guide for Tribes with an FHWA Tribal Transportation Program Agreement \(Updated March 17, 2023\)](#). This publication contains essential information for Tribal transit managers and their local Tribal government counterparts. The stated purpose of the guide is to “provide guidance to eligible Tribes entering into, or already having, a TTPA with FHWA. The *Tribal Transportation Program Delivery Guide* clarifies the terms, roles and responsibilities, and provisions for the Tribes and FHWA as outlined in the TTPA. It assists Tribal governments in the administration of the TTP and sets out the processes and procedures used by FHWA to carry out its program management and oversight responsibilities. In addition, the Tribal Transportation Program Delivery Guide may serve as a technical resource for Tribal governments, Federal agencies, and State and local governments.”

The [OTT website](#) also includes links to up-to-date resources and training opportunities:

- [Transportation Funding Opportunities for Tribal Nations \(Updated: June 1, 2023\)](#)
- [FHWA OTT Webinars](#)

At the time of this writing, “The Office of Tribal Transportation (OTT) administers the Tribal Transportation Program (TTP) and provides stewardship and oversight for direct funding agreements with 135 federally recognized Tribes. The OTT also provides support for all FHWA activities affecting Tribal transportation. This support includes the administration of the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grants program awarded to Tribes, and the transfer of funds from States and other local governments to Tribes through the [202\(a\)\(9\) transfer process](#).” [Office of Tribal Transportation \(OTT\)](#)

“The Office of Tribal Transportation distributes Federal Transportation funds as they become available. Tribal Transportation Program formula funds (known as Tribal shares) are sent to Tribes and the Bureau of Indian Affairs. Some Tribes receive this funding according to their program agreement with FHWA. The Office of Tribal Transportation also sends funds to the Bureau of Indian Affairs for Tribes that have made other arrangements to access the program.” [Office of Tribal Transportation - Finance](#)

More in depth information about Tribal shares and planning funds under the Infrastructure Investment and Jobs Act (IIJA) is also available at the [OTT- Finance webpage](#). This site also contains data related to Tribal shares and planning funds from 2017 forward, including the [Tribal Shares for FY23 Full Year](#).

Additionally, Section 202(a)(9) of title 23, United States Code authorizes OTT to receive funds from a state, county, or local government to be credited to appropriations available for the Tribal Transportation Program (TTP). For more information about this process, see these the following documents on the OTT-Finance webpage: [Additional information regarding Fund Transfer Procedures pursuant to 23 U.S.C. 202\(a\)\(9\)](#) and [Fund Transfer Agreement Template for 202\(a\)\(9\)](#).

- **OTT - Finance** also offers **Financial Administrative Technical Assistance** through the FHWA Tribal Coordinator or the FHWA Tribal Transportation Financial Specialist. According to the FHWA website, the technical assistance or support provided is meant to be a collaborative effort. “Activities may include reviewing a standard operating procedure, sharing best practices, or finding a unique resource to address a particular challenge.”

### Federal Transit Administration (FTA)

The **Federal Transit Administration (FTA)** is an agency within the **U.S. DOT**. The primary role of the FTA is to provide financial and technical assistance to local public transit systems, including rural and Tribal transit systems. **FTA’s page for Tribal Governments** includes links to information about the numerous FTA programs that are currently available to federally recognized Indian Tribes or Alaska Native villages, groups, or communities as identified by the **U.S. Department of the Interior (DOI), Bureau of Indian Affairs (BIA)**. This site also provides a current list of all available funding resources and access to updated information about specific requirements, funding cycles, and award processes. **Fiscal Year 2022 Tribal Transit Project Selections** may also provide opportunities for case studies or to study best practices.

On March 28, 2023, **FTA announced the availability of \$8.9 million** in competitive grants for the **Fiscal Year 2023 Public Transportation on Indian Reservations (Tribal Transit Competitive) Program**. See the **Tribal Governance section** of the Toolkit for additional information about federally recognized Indian Tribes and Alaska Native villages, groups, or communities.

Federal funding for Tribal transit in rural areas comes mainly from the FTA through the **Section 5311 Rural Areas Formula Program, 49 U.S.C. Section 5311**, which includes several sub-programs, including:

- **Tribal Transit Competitive Program, 49 U.S.C. Section 5311(c)(1)**
- **Tribal Transit Formula Program, 49 U.S.C. Section 5311(j)**
- **Appalachian Development Public Transportation Assistance Program (ADPTAP), 49 U.S.C. Section 5311(c)(3)** As of this writing, this program **is not accepting new submissions, ADPTAP is in the Bilateral Infrastructure Law (BIL)**, and **ADPTAP FY 2023 funding** was published.
- **Rural Transit Assistance Program (RTAP), 49 U.S.C. Section 5311(b)(3)**

### **FTA Regional Tribal Liaisons**

The FTA provides 15 Tribal transit liaisons in each of the 10 regional offices with the explicit purpose of supporting Tribal transit. The following table describes the areas served by each region. This information is current as of May 2023, and can be found **online**:

<b>FTA Region</b>	<b>Areas Served</b>
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut
2	New York and New Jersey

FTA Region	Areas Served
3	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, The Commonwealth of Puerto Rico, and the United States Virgin Islands
5	Illinois, Ohio, Minnesota, Wisconsin, Indiana, and Michigan
6	Texas, Oklahoma, Arkansas, Louisiana, and New Mexico
7	Missouri, Iowa, Nebraska, and Kansas
8	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming
9	Arizona, California, Hawaii, Nevada, American Samoa, Commonwealth of the Northern Mariana Islands, and Guam
10	Alaska, Idaho, Oregon, and Washington

### Programs for Tribal Transit

Several support programs are available for Tribes providing public transportation services. Three of the most significant programs are the [Public Transportation on Indian Reservations Program Tribal Transit Formula Program \(TTP\)](#), the [Public Transportation on Indian Reservations Tribal Transit Competitive Program](#), and the [Tribal Transportation Self-Governance Program \(TTSGP\)](#).

### **Tribal Transportation Self-Governance Program (TTSGP)**

The purpose of the [Tribal Transportation Self-Governance Program \(TTSGP\)](#) is to provide Tribes and Tribal organizations with greater control, flexibility, and decision-making authority over U.S. DOT funds used to carry out Tribal transportation programs, functions, services, and activities (PFSAs) in Tribal communities.

The TTSGP was authorized in the Fixing America Surface Transportation Act (FAST Act) and codified effective October 1, 2020 ([23 U.S.C. Section 207](#)). In accordance with 49 CFR 29.100, a Tribe is eligible to participate in the Program if:

- (1) The Tribe requests participation in the Program by resolution or other official action by the governing body of the Tribe; and

(2) The U.S. DOT determines, based on the evidence submitted by the Tribe, that, over the 3 most recent fiscal years, the Tribe has demonstrated financial stability and financial management capability, and transportation program management capability in accordance with the criteria specified in [23 U.S.C. 207\(b\)](#) and [49 CFR 29.100](#).

More detailed information about satisfying TTSGP evidence standards is available at [49 CFR 29.100](#)  
[What are the criteria for eligibility to participate in the Program?](#)

The following funds may be included in a funding agreement through the TTSGP:

- Tribal Transportation Program funds
- Transit Program funds
- Discretionary or competitive grant funds
- Title 23 (Federal-aid Highway) funds
- Section 5311 funds awarded to a state

Once a Tribe is a part of the TTSGP, they would subsequently be responsible for the day-to-day responsibilities of the programs, functions, services, and activities (PFSAs), ensure financial and procurement standards are in place and being followed, as well as records management and property standards.

There are multiple benefits for Tribes participating in the TTSGP, including, but not limited to the following:

- Self-governance
- Administrative streamlining
- Single funding agreement
- Advance payment of funds
- Formula funds may be invested
- Department rules, policies, manuals, guidance, and circulars do not apply unless agreed to by a Tribe
- Funds may be used as local match in other federal and non-federal programs
- Negotiation of [Indian Self-Determination and Education Assistance Act \(ISDEAA\)](#) Title I provisions in a funding agreement between U.S. DOT and a Tribe or Tribal organization for the purpose of carrying out Tribal transportation programs, functions, services, and activities (PFSAs).
- The Tribe can carry out its employment and contracting preference laws
- Reporting requirements are negotiated and included in the funding agreement. See [49 CFR 29.307 What terms must a funding agreement include?](#) and [49 CFR 29.518 What reporting must a Tribe provide?](#)
- Access to federal supply sources
- Waiver of TTSGP regulations
- Liability coverage under [Federal Tort Claims Act](#)
- [Appeal](#) and [alternate dispute resolution \(ADR\)](#) regarding pre-award and post-award actions
- Technical assistance



More information about the TTSGP may be found at the [U.S. DOT Tribal Transportation Self-Governance Program Webpage](#).

## **Tribal Transportation Program (TTP)**

The Tribal Transportation Program (TTP) (25 CFR 170) was established in 2013 under the [Moving Ahead for Progress in the 21st Century Act \(MAP-21\)](#). Prior to MAP-21, TTP was known as the [Indian Reservation Roads \(IRR\) Program](#). In 2021 the [Bipartisan Infrastructure Law \(BIL\)](#) continued the TTP with no changes to the formula allocations for Tribal public transit services.

BIA and FHWA jointly administer the distribution of TTP funds as directed under [23 U.S.C. 202\(b\)](#) and other applicable laws and regulations. See the sections on [Financial Management](#) and [Federal Programs and Grants](#) above for more information on how these federal agencies work together.

The TTP is a set-aside of the [Formula Grants for Rural Areas Program \(49 US Code Section 5311\)](#) and has two main components:

- Formula funding is apportioned to Tribes who report transit data to the National Transit Database (NTD). Census data is also used under the formula program.
- Competitive funding is made available in a Notice of Funding Opportunity each year.

The three tiers under the TTP formula include:

13. Tier 1: 50 percent of the available funds are apportioned based on vehicle revenue miles
14. Tier 2: 25 percent of the available funds are apportioned among Indian Tribes providing at least two hundred thousand annual vehicle revenue miles
15. Tier 3: 25 percent of the available funds are apportioned among Indian Tribes providing public transportation on Tribal lands where more than one thousand low-income persons reside

In federal fiscal year 2022, the TTP was funded at \$35 million and competitive program at \$8.75 million. For FY 2022-2026, the Bipartisan Infrastructure Law (BIL) increased funding for the TTP by approximately 83%. Also, instead of a flat amount each year, the TTP now grows with the Rural Transit Program. Details on funding by fiscal year may be found [on](#) the FTA's [Tribal Transit Formula Grants - 5311\(c\)\(1\)\(B\)](#) and [Public Transportation on Indian Reservations Program; Tribal Transit Competitive Program](#) web pages.

The [FTA's Funding Opportunities for Tribal Entities](#) website contains the most current information on all facets of working with the FTA to obtain funding through numerous FTA programs for which federally recognized Indian Tribes or Alaska Native villages, groups, or communities as identified by the U.S. Department of the Interior (DOI) Bureau of Indian Affairs (BIA) are eligible direct recipients and subrecipients (state pass-through). While recent changes to legislation have not produced changes to the distribution methodology for Section 5311 funds, the following links to the FTA's funding websites are frequently updated with "What's New" articles about new program initiatives and will remain essential to Tribal transit managers.

**Contract Mechanisms** - The FHWA's [Tribal Transportation Program Data Report for 2021, Attachment A: TTP Program Summary](#) and the [FHWA OTT Webinar: TTP 101-Tribal transportation Program Overview](#), provide useful descriptions of the contracting mechanisms available to eligible TTP recipients. Tribes with a [Tribal Transportation Program Agreement \(TTPA\)](#) may receive their funding in advance directly from FHWA and are responsible for managing their TTP. The FHWA is responsible for the stewardship and oversight of the provided funds and ensures that the program is carried out in accordance with the contract and statutory and regulatory requirements.

Four additional contracting mechanisms are available for Tribes that opt to work directly with BIA. Those options are summarized below:

- **BIA Direct Service Agreements** – In consultation, the BIA is responsible carrying out all aspects of TTP on behalf of the Tribe, including delivery, stewardship, and oversight. In FY 2021, 22 Tribes were reported as having Direct Service Agreements with BIA for their TTP.
- **BIA PL93-638/Self-Determination Contracts** – Contracts are developed between BIA and a Tribe in accordance with the Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law 93-638. Generally, each contract is for a specific project or activity. The Tribe is provided TTP funding on a contract-by-contract basis from BIA and is responsible for carrying out the work identified. The BIA is responsible for the stewardship and oversight of the provided funds and ensures that the program is carried out in accordance with the contract and statutory and regulatory requirements. In FY 2021, 174 Tribes were reported as having Self-Determination Contracts.
- **Self-Governance Compacts** – Compacts are developed between the Tribe and the Department of the Interior's (DOI) Office of Self-Governance. The Tribe receives its funding in advance from DOI and manages its TTP in a way that is similar to FHWA Program Agreements. However, these compacts include certain protections and other options afforded them in accordance with the ISDEAA. The DOI is responsible for the stewardship and oversight of the provided funds and ensures that the program is carried out in accordance with the compact and statutory and regulatory requirements. In FY 2021, 38 Tribes were reported as having Self-Governance Compacts.
- **BIA Government to Government (G2G) Agreements** – A Tribe operating under a G2G Agreement receives its funding in advance from BIA and is responsible for managing its TTP. The BIA is responsible for the stewardship and oversight of the provided funds and ensures that the program is carried out in accordance with statutory and regulatory requirements. In FY 2021, 214 Tribes were reported as having G2G Agreements.

The following chart, Funding for Tribal Transit Programs, is meant to provide a quick reference for Tribal transit managers. Some of the funding opportunities listed below are specific to Tribal transit systems; others are open to all rural transit systems. Links and shortcuts to more detailed information in the Toolkit and to outside resources are provided in the chart. The reader is encouraged to visit the [Budgeting and Finance 101 section](#) of the Toolkit for a brief introduction to the Federal Transit Administration (FTA) financial management requirements for Section 5311 subrecipients. More detailed information can be found in the National RTAP training modules [Fundamental Financial Management for Rural Transit Agencies](#) and [Advanced Topics in Financial Management for Rural Transit Providers](#).

## Funding for Tribal Transit Programs

PROGRAMS SPECIFIC TO TRIBAL TRANSIT PROVIDERS			
	Federal Program	Eligibility	Allocation/Application
1)	<p><b><u>Public Transportation on Indian Reservations Program (Tribal Transit Program or TTP)</u></b></p> <p>Federal public transportation law (<b><u>49 USC 5311(c)(1)(B)</u></b>) authorizes the formula amount of the TTP.</p> <p>See additional information about this program in the <b><u>Tribal Transit Program</u></b> section of this page.</p>	<p><b>Only federally recognized American Indian or Alaska Native Tribes</b> as identified by the U.S. Department of the Interior's (DOI) Bureau of Indian Affairs (BIA) are eligible recipients under the TTP.</p> <p>However, Tribes which are not federally recognized remain eligible to apply to the state as a subrecipient for funding under the State's apportionment.</p> <p><b>Funds</b> may be used to provide public transportation services on and around Indian reservations or Tribal land in rural areas. Capital, operating, planning, and administrative expenses for public transit projects that meet the growing needs of rural Tribal communities are eligible activities.</p>	<p>In order to received formula funds a Tribe must report to the <b><u>National Transit Database (NTD)</u></b> on an annual basis. FTA apportions Tribal transit funds to Indian Tribes by a statutory formula using the NTD and the latest available American Community Survey (U.S. Census Bureau) data.</p>

PROGRAMS SPECIFIC TO TRIBAL TRANSIT PROVIDERS			
	Federal Program	Eligibility	Allocation/Application
2)	<p><b><u>Public Transportation on Indian Reservations Program (Tribal Transit Competitive Program)</u></b></p> <p>Federal public transportation law (<b><u>49 USC Section 5311(c)(1)(A)</u></b>) authorizes the competitive amount of the TTP.</p> <p>See additional information about this program in the <b><u>Tribal Transit Program</u></b> section of this page.</p>	<p><b>Eligible applicants include federally recognized American Indian or Alaska Native Tribes</b> as identified by the U.S. Department of the Interior (DOI) Bureau of Indian Affairs (BIA).</p> <p><b>Funds</b> may be used for capital, operating, planning, and administrative expenses for public transit projects that meet the growing needs of rural Tribal communities. All activities eligible under Section 5311 are also eligible under the TTP.</p>	<p>Funding availability is typically announced in the Spring, with applications for the upcoming fiscal year due in mid-to-late June.</p>
3)	<p><b><u>Tribal Transit Self-Governance Program (TTSGP)</u></b></p> <p><b><u>23 U.S.C. 207(b)</u></b> authorizes the TTSGP.</p> <p>TTSGP rules are available at <b><u>49 CFR 29.100 What are the criteria for eligibility to participate in the Program?</u></b></p> <p>See additional information about this program in the <b><u>Tribal Transit Self-Governance Program</u></b> section of this page</p>	<p><b>Only federally recognized American Indian or Alaska Native Tribes</b> as identified by the U.S. Department of the Interior (DOI) Bureau of Indian Affairs (BIA) are eligible recipients under the TTSGP.</p> <p><b>The following funds</b> may be included in a funding agreement through the TTSGP:</p> <ul style="list-style-type: none"> <li>• Tribal Transportation Program funds</li> <li>• Transit Program funds</li> <li>• Discretionary or competitive grant funds</li> </ul>	<p>A Tribe is eligible to participate in the Program if:</p> <p>(1) The Tribe requests participation in the Program by resolution or other official action by the governing body of the Tribe; and</p> <p>(2) The Department determines, based on the evidence submitted by the Tribe, that, over the 3 most recent fiscal years, the Tribe has demonstrated financial stability and financial management capability, and transportation program management capability in accordance with the criteria</p>

PROGRAMS SPECIFIC TO TRIBAL TRANSIT PROVIDERS			
	Federal Program	Eligibility	Allocation/Application
		<ul style="list-style-type: none"> <li>Title 23 (Federal-aid Highway) funds</li> <li>Section 5311 funds awarded to a State</li> </ul>	specified in <a href="#">23 U.S.C. 207(b)</a> and <a href="#">49 CFR 29.100</a> .
4)	<p><a href="#">U.S. DOT/Build America Bureau- Rural &amp; Tribal Assistance Pilot Program</a></p> <p>See additional information about this program in National RTAP's <a href="#">Budgeting and Finance/Potential Funding Sources for Rural Public Transportation section of the Transit Managers Toolkit</a> and the FTA's <a href="#">FTA Programs for Tribal Recipients website</a>.</p>	<p><b>Eligible applicants include</b> state governments; local governments; <b>federally recognized Tribes</b>, and affiliated groups. <b>There is a set aside for Tribal governments.</b></p> <p><b>Funds</b> may be used for planning and, according to the U.S. DOT website: "The grants are intended to increase organizational capacity in communities that may not have resources available to evaluate and develop projects that qualify for federal funding and financing programs. Grants reimburse expenses incurred to hire staff or procure third-party advisory firms to assist with project development."</p>	The most recent <a href="#">Notice of Funding Opportunity (NOFO)</a> makes available a total of \$3.4 million of funding for the first two years of the five-year Program (Fiscal Years 2022 and 2023). <b>Note:</b> \$1.6 million in program funds are reserved for Tribal governments. Any funds uncommitted to Tribes 30 days after application deadline will be made available to all eligible applicants in the order their applications were received.
5)	<p><a href="#">National Electric Vehicle (EV) Initiative for Tribal Nations</a></p> <p>The <a href="#">White House Council on Native American Affairs (WHCNAA)</a> is coordinating this effort with ten federal agencies,</p>	<p>The National EV Initiative for Tribal Nations includes, but is not limited to, supports for:</p> <ul style="list-style-type: none"> <li>Mapping the proposed deployment of EV infrastructure</li> <li>Prioritizing projects that serve rural and</li> </ul>	<a href="#">U.S. DOT's Rural EV Infrastructure Toolkit</a> includes information on grant and loan opportunities as well as basic information on the program and partnerships.

PROGRAMS SPECIFIC TO TRIBAL TRANSIT PROVIDERS			
	Federal Program	Eligibility	Allocation/Application
	<p>including the U.S. Department of Energy (DOE), U.S. Department of the Interior (DOI), and the U.S. Department of Transportation (DOT).</p> <p>The WHCNA's <a href="#">Tribal EV Initiative Webinar (March 14, 2023)</a> contains much information about how the agencies are working together to provide support to Tribal communities. The webinar also includes a Tribal success story: <a href="#">Upper Midwest Inter-Tribal Electric Vehicle (EV) Charging Community Network</a></p>	<p>underserved areas, including Tribal lands and communities</p> <ul style="list-style-type: none"> <li>• Providing technical assistance to take advantage of funding opportunities; and</li> <li>• Providing assistance to Tribes for the purchase or lease of EV fleet vehicles.</li> </ul>	
6)	<p><a href="#">Tribal Cybersecurity Grant Program (TCGP)</a></p> <p>The TCGP is jointly managed by the U. S. Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA) and Federal Emergency Management Agency (FEMA).</p>	<p>An <b>Eligible applicant</b> must be the governing body (Tribal government) of a <b>federally recognized Tribe</b>.</p> <p>“The goal of the TCGP is to assist Tribal governments with managing and reducing systemic cyber risk. The TCGP enables DHS to provide targeted cybersecurity resources that improve the security of critical infrastructure and resilience of the services that Tribal governments provide to their members.” <a href="#">Fact Sheet - Fiscal Year 2023 Tribal Cybersecurity Grant Program</a></p>	<p>See the FY 2023 TCGP <a href="#">Notice of Funding Opportunity</a> for more information, including application requirements, forms, and specific funding objectives.</p>



PROGRAMS SPECIFIC TO TRIBAL TRANSIT PROVIDERS			
	Federal Program	Eligibility	Allocation/Application
7)	<p><b><u>Tribal High Priority Projects (Tribal HPP) Program</u></b></p> <p>The intent of the Tribal HPP Program emergency or disaster funding is to provide assistance for emergency relief projects for tribal transportation facilities that, due to a natural disaster or catastrophic failure, are rendered impassable or unusable, under the following condition: The emergency or disaster event consists of eligible work that normally qualify for FHWA– <b><u>Emergency Relief for Federally Owned Roads Program (ERFO) program</u></b> funding but does not meet the disaster dollar threshold for ERFO (currently \$700,000).</p>	<p>The Tribal HPP Program, as established under 23 U.S.C. 202, is a nationwide priority program for:</p> <ul style="list-style-type: none"> <li>An Indian Tribe or governmental subdivision of an Indian Tribe whose annual allocation of funding under the Tribal Transportation Program is insufficient to complete the highest priority project of the Indian Tribe or governmental subdivision of an Indian Tribe; or</li> <li>Any Indian Tribe that has an emergency or disaster with respect to a transportation facility included on the <b><u>national inventory of Tribal transportation facilities</u></b> under Section 202(b)(1) of Title 23, United States Code.</li> </ul>	<p>Each year BIL provides \$9,000,000 of the available TTP funds are set aside for the Tribal HPP Program. <b><u>23 U.S.C. 202</u></b></p> <p>Applications for Tribal HPP Program funding may be submitted any time during the year. On January 31, the applications received will be reviewed for eligibility, evaluated, and ranked for funding. Applications submitted after January 31 will be collected for the next fiscal year funding cycle.</p> <p><b><u>TTP – Tribal HPP FAQs</u></b></p>

### **Funding Programs for All Providers, Including Tribal Entities**

In addition to Section 5311, FTA also apportions out funds to rural areas through the Section 5310 program (Enhanced Mobility of Seniors and Individuals with Disabilities), and Section 5339 program (Bus and Bus Facilities). There are also a number of FTA-funded discretionary/competitive programs available to Tribal governments such as the FTA's Areas of Persistent Poverty (AoPP) program (listed below) which supports projects that will address the transportation challenges faced by areas of persistent poverty.

Information about the following programs may be found in **Budgeting and Finance/Potential Funding Sources for Rural Public Transportation section** of the Toolkit and the FTA's **FTA Programs for Tribal Recipients website**.

- [Areas of Persistent Poverty Program \(AoPP\)](#) (Previously known as the Helping Obtain Prosperity for Everyone (HOPE) Program)
- [Capital Investment Grants \(CIG\) – 49 U.S.C. Section 5309](#)
- [Enhancing Mobility of Seniors and Individuals with Disabilities - 49 U.S.C. Section 5310](#)
- [Formula Grants for Rural Areas - 49 U.S.C. Section 5311](#)
- [Grants for Buses and Bus Facilities Program 49 U.S.C. Section 5339\(b\), IIJA Section 30018 and Low or No Emission Vehicle Program 49 U.S.C. 5339\(c\), IIJA Section 30018.](#)
- [Rebuilding American Infrastructure with Sustainability and Equity \(RAISE\) Discretionary Grant program.](#) Previously known as the Better Utilizing Investments to Leverage Development (BUILD) and Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants.

The programs that follow are specifically related to access and mobility. More information about these programs may be found in [Operations and Planning/Coordination and Mobility Management Section of the Transit Managers Toolkit](#) and the FTA's [FTA Programs for Tribal Recipients website](#).

- [Accelerating Innovative Mobility \(AIM\) 49 U.S.C. Section 5312 Public Transportation Innovation.](#)
- [Enhancing Mobility Innovation \(EMI\) 49 U.S.C. Section 5312 Public Transportation Innovation](#)
- [Innovative Coordinated Access and Mobility Grants \(ICAM\)](#)
- [Integrated Mobility Innovation \(IMI\) 49 U.S.C. Section 5312 Public Transportation Innovation](#)

### **Additional Financial Management Information**

Joint Office of Energy and Transportation - [Tribal Nations Funding Opportunities](#). This website includes links to many other federal agency grant programs with funding for Tribal transit, including:

- [U.S. Department of Energy: Resources for Projects that Will Advance Workforce Development and Engagement with Tribal Nations](#)
- [U.S. Department of Agriculture: Community Facilities and Direct Loan and Grant Program](#)
- [U.S. Department of Transportation: EV Infrastructure Funding and Financing for Rural Areas.](#)

### **Additional Reading on FTA Tribal Funding Sources**

[Tribal Transit Formula Grants \(49 U.S.C. 5311\(c\)\(1\)\(B\)\)](#) – “What’s New” articles, overview of the program, eligible recipients and activities, allocation of funding, FTA Regional Tribal liaisons, coordination with other federal programs – [Coordinating Council on Access and Mobility \(CCAM\)](#), and technical assistance through the [Transportation Technical Assistance Coordination Library \(TACL\)](#).

**Tribal Transit Competitive Program (49 U.S.C. 5311(c)(1)(A))** – “What’s New” articles, overview of the program, annual apportionments, eligible recipients and activities, FTA Regional Tribal liaisons, coordination with other federal programs – **Coordinating Council on Access and Mobility (CCAM)**, and technical assistance through the **Transportation Technical Assistance Coordination Library (TACL)**.

### **Indian Health Services (IHS)**

IHS does not have a transportation program; however, depending on the needs of the Tribal community and the focus of Tribal leadership a Tribe may choose to provide medical (non-emergency) transportation to assist patients with transportation to clinical appointments under the **Community Health Representative (CHR) Program**. The **CHR Program** is an “IHS-funded, Tribally contracted program of well-trained and medically-guided community-based health workers.” (**Indian Health Service: Community Health Representative**)

The CHR Program defines “transport” as the transportation of a patient, without other means of transport, to and from an IHS or Tribal hospital/clinic when necessary for routine, non-emergency problems, which includes waiting for a patient, such as a dental patient, to finish treatment. If a CHR program chooses to provide transportation, it must be within the local community to and from an IHS or Tribal hospital/clinic for routine, non-emergency problems, to a patient without other means of transportation when necessary. All CHR services must be community-based and a Tribally developed transportation policy must also be in place. **CHRs** have two key roles:

1. Care Coordination, Case Management, and System Navigation, and
2. Providing Direct Service.

CHR services related to care coordination and system navigation include assisting patients with arranging transportation to appointments and facilitating or coordinating transportation to services. CHR direct services include transporting clients, without other means of transport, to/from medical appointments for routine, non-emergency reasons

The IHS website also offers an “**IHS Updates**” page that may be of interest to Tribal transit managers. IHS also awards annual grants through its **Tribal Self-Governance Negotiation Cooperative Agreement Program**. The purpose of this Agreement Program is to support tribes and tribal organizations with the planning and preparation necessary to assume responsibility for providing health care to their tribal members through the **Tribal Self-Governance Program**.

### **Medicaid - Non-Emergency Medical Transportation (NEMT)**

Medicaid is required to make certain that every Medicaid beneficiary who has no other means of transportation has access to transportation needed to receive covered medical care. (**42 C.F.R. Section 431.53 Assurance of Transportation**) On September 28, 2023, the **Centers for Medicare and Medicaid Services/Center for Medicaid and CHIP Services (CMS)** issued guidance for the provision of Medicaid transportation. The stated purpose of the guidance, **Assurance of Transportation: A Medicaid Transportation Coverage Guide**, is to provide “a one stop source of federal requirements and state flexibilities.” This Guide is valuable to Tribal transit managers because it includes a section on Tribal Transportation that speaks to the unique difficulties and barriers that often exist in Tribal communities, as well as the flexibility that states have in designing

their Medicaid medical transportation programs to meet the unique needs of American Indian and Alaska Natives (AI/AN) beneficiaries. The Guide further acknowledges the experience that Tribes and Tribal organizations have in navigating barriers to needed health care and encourages states to use of existing providers servicing Tribal areas including health programs operated by Indian Health Service, Tribes, and Urban Indian Organizations (I/T/Us). It also states that as governmental entities, Tribes and Tribal organizations are permitted to serve as transportation brokers ([42 C.F.R. Section 440.170\(a\)\(4\)](#)).

Additionally, the Guide includes a reminder that “Each state Medicaid agency has an internal Tribal liaison who state agency staff can consult and whom an I/T/U and individual AI/AN Medicaid beneficiaries can contact if they need assistance with accessing transportation. CMS also encourages states to consult with Tribes and Tribal organizations as they review their policies and procedures and evaluate rate methodologies that recognize the unique transportation issues faced by Tribal transportation providers.” [Assurance of Transportation: A Medicaid Transportation Coverage Guide](#)

**Case Study - Arizona Health Care Cost Containment System (AHCCCS)** - Arizona’s state Medicaid agency, [Arizona Health Care Cost Containment System \(AHCCCS\)](#) is an example of a state Medicaid agency that, in keeping with the CMS’ guidelines for Tribal transportation (above), has a [Tribal Relations Liaison](#) who works with the 22 tribes in Arizona, three Indian Health Service (IHS) areas, Tribally operated health programs and facilities, and urban Indian health organizations. AHCCCS also has a [Tribal Consultation Policy](#) in place with regularly scheduled Tribal consultation meetings.

AHCCCS has policy in place for assuring medically necessary NEMT services for all Tribal members, including those who are enrolled in the state’s [American Indian Health Program \(AIHP\)](#). The [AHCCCS medical transportation program](#) allows Tribal transportation providers, including Tribal transit (public transportation) providers, to enroll as NEMT providers. The [AHCCCS NEMT policy](#) and the [IHS/Tribal Provider Billing Manual](#) are available online. An example of how AHCCCS NEMT policies recognize the unique transportation issues facing Tribal transportation providers is the exemption to limitations on mileage for trips to IHS/638 facilities. While not specific to Tribal transportation, equine and helicopter NEMT (providers may use horses to transport an eligible member to ground accessible transportation) is also provided under specific conditions. In addition to traditional taxi-based NEMT, AHCCCS NEMT policy requiring that NEMT providers offer public transportation as an option, in the form of transportation passes, to certain beneficiaries requesting NEMT services to travel to and from AHCCCS approved services will also be of interest to Tribal transit managers.

AHCCCS also maintains an [NEMT Providers website](#) that includes information related to Tribal business licenses.

Tribal transit managers are encouraged to review the [Medicaid Non-Emergency Medical Transportation \(NEMT\) Contracts](#) section of the [Transit Managers Toolkit](#) for basic information about working with state Medicaid programs.

## Veteran's Administration (VA)

The U.S. Veterans Administration (VA) has an Office of Tribal Government Relations (OTGR), consisting of a team that works to strengthen relationships between the VA, Tribal governments, and other federal, state, private, and non-profit stakeholders to respectfully serve Veterans across Indian Country. The OTGR focuses on three main goals: facilitating VA's Tribal Consultation policy, facilitating increased access to health care, and promoting economic sustainability.

**Veterans Transportation Service** – The Veterans Transportation Service (VTS) was created to ensure all qualifying Veterans have access to care through transportation. The program provides free transportation services to and from participating VA medical centers (VAMCs). The VA's website includes a recently updated list of participating VA Medical Centers. Coordinated public transit-human service planning often comes into play and is discussed in the next section.

The VA also works with Indian Health Services to reimburse eligible American Indian and Alaska Native Veterans for direct health care services. The VA Reimbursement Agreement program was established in 2012, and in 2022, the program expanded to include Urban Indian Organizations (UIOs). As such, American Indian and Alaska native Veterans may receive broader access to direct health care in culturally sensitive settings.

## State Programs and Funding

### **Role of State Departments of Transportation**

There are several instances of State Departments of Transportation (DOTs) supporting Tribal Nations in various public transportation initiatives. Whether it is through funding, technical support, coordination support, or training, State Departments of Transportation may support Tribes in all manner of ways, increasing opportunities and coordination throughout a given region. For a full list of State DOTs with Tribal Department of Transportation Contacts, see the [FHWA website](#). The following are examples of how State DOTs are supporting Tribal transportation efforts in their state.

### **Case Study - Arizona Department of Transportation (ADOT)**

The [ADOT Tribal Consultation Policy \(updated March 2021\)](#) policy is intended to guide ADOT personnel when interacting with the Native Nations/Tribal Governments in Arizona. An online training course, [ADOT Tribal Transportation Consultation Training](#) and accompanying Handbook is available from the ADOT Learning Center Online Training page.

ADOT's efforts to address [Arizona Tribal Transportation](#) are based on the following major factors:

- There are 22 federally recognized Indian Tribes, Communities and Native Nations in Arizona with Tribal land encompassing approximately 27,736,000 acres or 28% of the state land base.
- There are seven Tribes located out-of-state with Aboriginal and ancestral interests in Arizona.

- The State Highway System includes 6,148 centerline miles of which 1,235 traverse Tribal land.
- There are 14 Tribal airports and seven Tribal public transit systems situated within Tribal communities throughout Arizona.
- Both state and Tribal governments have the common goal of providing efficient transportation systems for the safety and welfare of the traveling public. [Arizona Tribal Transportation](#) website.

### Case Study - California Department of Transportation (Caltrans)

Caltrans has a branch within its Office of Equity, Sustainability, and Tribal Affairs. The [Native American Liaison Branch \(NALB\)](#) “works with other Caltrans Tribal Relations Staff to provide leadership and direction for the Department’s effort to improve the government-to-government relationships with Tribal governments by serving as liaisons between Caltrans; the 109 Federally-recognized Tribes in California; state, local and regional transportation agencies; and other key stakeholders.” NALB focus is on the following elements:

- Tribal transportation planning, mobility & safety needs, funding sources, and technical assistance.
- Primary government to government contact for the Department.
- Addresses Tribal Employment Rights matters.
- Administers the Caltrans [Native American Advisory Committee \(NAAC\)](#) Meetings.
- Can assist and direct all formal inquiries on Tribal government matters.

### Case Study - New Mexico Department of Transportation (NMDOT)

In 2009, the New Mexico State Legislature adopted the [State-Tribal Collaboration Act](#). In compliance with the Act, NMDOT specifically created the role of [Tribal Liaison](#). “The purpose of Tribal Liaison at NMDOT is to maintain the government-to-government relationships outlined in New Mexico's State-Tribal Collaboration Act and to assure compliance with federal Tribal coordination requirements.” [NMDOT Native American Tribal Liaison website](#).

In addition to establishing a full-time Tribal Liaison, the [State-Tribal Collaboration Act](#) also required implementation of an NMDOT policy that:

- Promotes effective communication and collaboration between the state agency and Indian Nations, Tribes or Pueblos
- Promotes positive government-to-government relations between the state and Indian Nations, Tribes or Pueblos
- Promotes cultural competency in providing effective services to American Indians or Alaska Natives
- Establishes a method for notifying employees of the state agency of the provisions of the [State-Tribal Collaboration Act](#) and related NMDOT policy



## Case Study - Washington State Department of Transportation (WSDOT) -

WSDOT's [Tribal Transit Mobility Grant Program](#) was created by the Washington State legislature to provide for the transportation needs of Tribal communities throughout the state. There are four project types that agencies may request funding for:

- **Capital**—Asset-based projects that require the purchase of vehicles, equipment, and bus shelters.
- **Planning**—Feasibility studies, coordination, and/or other planning activities that address the needs of applicants and communities served.
- **Operations and Maintenance**—Those projects directly related to system operation. May be for transportation services, paratransit/special needs transportation, feeder bus service for intercity networks, maintenance costs, and some training expenditures.
- **Mobility Management**—Funding for projects that are information services based; that help providers and passengers coordinate and understand options. May include mobility management planning, and activities for improving coordination among providers.

## Case Study - Wisconsin Department of Transportation (WisDOT)

[WisDOT's Tribal affairs initiative](#) works exclusively on Tribal relations and all transportation related issues affecting Tribal communities. The [Tribal Elderly Transportation Assistance Program](#) provides the 11 federally recognized Tribes of Wisconsin with financial assistance to provide transportation services to Tribal elders both on and off the reservations. Eligible expenditures include:

- Directly provide service to Tribal elders
- Purchase transportation service from a public or private organization
- Directly reimburse elder passengers for their use of transportation service
- Volunteer driver escort reimbursement
- Reimburse elderly persons for use of their personal means of transportation under certain conditions
- Perform or purchase planning or management studies on transportation
- Coordinate transportation services
- Perform or purchase in-service training relating to transportation service
- Co-payments (fares or donations)

## Case Studies in Federal Funding for Tribal Transit

The following case studies are extrapolated from the [RAISE 2022 Award Fact Sheets, AoPP Project Selections for 2023](#), and presentations at the Tribal Transit [Symposium](#). Each one features a project planned around Tribal transit. In addition, a case study is included to highlight the steps taken by the [Cherokee Nation](#) to negotiate the first TTSGP funding agreement with the U.S. DOT.

## Case Study - Bois Forte Band of Chippewa - Big Woods Transit Facility

The [Bois Forte Band of Chippewa](#) is a federally recognized Tribe. [The Bois Forte reservation](#) is located in northern Minnesota, about 45 miles south of the Canadian border. The reservation is divided into three sectors, Nett Lake, Vermilion, and Deer Creek. The combined population of Bois Forte Reservation and Off-Reservation Trust Land was 984. ([2020 Census](#)). [Big Woods Transit](#) is located in Nett Lake, Minnesota. The [Big Woods Transit Facility Construction](#) project will construct a transit facility the design, for which, includes parallel parking to maximize the use of the space that will include a bus wash, a mechanics work bay with a lift, and a solar power generation system. [RAISE 2022 Award](#): The grant funding awarded for the [Big Woods Transit Facility Construction](#) project was approximately \$9.5 million.

## Case Study - Cherokee Nation

The Cherokee Nation signed the first compact with the U.S. DOT under the TTSGP on June 7, 2022. “The approval gives the Tribe the ability to plan and oversee its own road construction planning and transit projects without having to seek federal permission.” ([U.S. DOT, Cherokee Nation Sign First Ever Tribal Transportation Self-Governance Compact](#)) The website for the [Cherokee Nation Department of Transportation and Infrastructure](#) includes the [Tribal Transportation Improvement Program \(TTIP\) 2023 – 2027](#). This plan, which details the Department’s spending of federal funding over the next 5 years, currently includes TTP funding for transit capital and operating expenses for fixed route and demand response services for 14 Counties in the Cherokee Nation. **TTSGP/TTP**: Transit funding for each of the 5 years, 2023-2027, in the amount of \$547,990.

## Case Study - PICK Transportation - Mobility on Demand

[PICK Transportation](#) is a single branded, regional, on-demand transit system that includes four public transit agencies and ten Tribal Nations across eastern Oklahoma. [PICK Transportation](#) is a consortium of public transit agencies ([Pelivan Transit & Northeast Oklahoma Tribal Transit Consortium](#), [JAMM \(INCA\) Transit](#), [Cimarron Public Transit System](#), and [KI BOIS Area Transit System](#)) that provides public transportation for all. PICK Transportation operates during nontraditional hours, operating Monday through Friday from 5:00 PM to 10:00 PM and Saturday from 10:00 AM to 2:00 PM, which allows riders to book a trip immediately from a smart phone ([PICK Transportation OK app for iPhone](#) or [Google Play](#)) or desktop and expect an ADA compliant vehicle, to arrive within minutes. **Federal Section 5310 Competitive Grant Funding**: On behalf of the four transit partners, [Grand Gateway Economic Development Association \(GGEDA\)](#) requested \$350,000 of project funding through [Indian Nation Council of Governments \(INCOG\)](#) for partial funding of the technology including: implementation of technology to support 20 vehicles, technology maintenance fees, and call center stations for the implementation of the project. As of this writing, additional funding is forthcoming. ([Indian Nation Council of Governments \(INCOG\), Connected 2025 Plan](#))

## Case Study - Tolowa Dee-ni’ Nation - Connected Communities Project (2022)

The [Tolowa Dee-ni’ Nation](#) is a federally recognized Indian Tribal Nation of Tolowa Indians. The Nation is located 3 miles south of the Oregon-California border in Northwest California. The Tribe's general membership consists of over 1,900 citizens governed by a 7-member Tribal Council

elected by the general membership. The [Tolowa Dee-ni' Nation Connected Communities Plan](#) is said to be “a necessary step leading to the implementation of multi-modal improvements for the Tolowa Dee-ni' Nation and visitors. The intent of this project, Phase 2 of the Plan, is to improve safety for all modes and encourage bicycle, pedestrian and transit use.” **RAISE 2022 Award:** The grant funding awarded for Phase 2 of the [Tolowa Dee-ni' Nation Connected Communities Plan](#) project is approximately \$1.6 million.

## Case Study - Yavapai-Apache Nation

The [Yavapai-Apache Nation](#) is located in the Verde Valley of Arizona and is comprised of five Tribal communities: Tunlii, Middle Verde, Rimrock, Camp Verde and Clarkdale. The Yavapai-Apache Nation requested planning funds for the purpose of expanding its bus system, [YAN Transit](#), to serve a larger area of Yavapai County in rural central Arizona. The plan will include design and engineering for a new, larger maintenance facility and details for expanding YAN Transit's reach with new routes to provide better access to jobs, healthcare, and other Tribal communities. **AoPP 2023 Award:** The funding awarded to the Yavapai-Apache Nation for planning and designing the expansion of [YAN Transit](#) was approximately \$125,000.

## Section Sources:

[Accelerating Innovative Mobility \(AIM\) 49 U.S.C. Section 5312 Public Transportation Innovation](#)

[Areas of Persistent Poverty \(AoPP\) program, AoPP Project Selections for 2023](#)

[Appalachian Development Public Transportation Assistance Program \(ADPTAP\), 49 U.S.C. Section 5311\(c\)\(3\) Updates to ADPTAP included in BIL](#) (as of this writing, information was limited)

Arizona Department of Transportation (ADOT) [ADOT Tribal Consultation Policy \(updated March 2021\)](#), [ADOT Tribal Transportation Consultation Training](#), [Arizona Tribal Transportation](#)

[Arizona Health Care Cost Containment System \(AHCCCS\) AHCCCS Tribal Relations Liaison](#), [AHCCCS Tribal Consultation Policy](#), [AHCCCS American Indian Health Program \(AIHP\)](#), [AHCCCS NEMT policy](#), [AHCCCS IHS/Tribal Provider Billing Manual](#), and [AHCCCS NEMT Providers website](#)

[Big Woods Transit, Big Woods Transit Facility Construction](#)

[Bois Forte Band of Chippewa, The Bois Forte reservation](#)

[Bureau of Indian Affairs \(BIA\), BIA's Division of Transportation](#)

California Department of Transportation (Caltrans), [Caltrans Native American Advisory Committee \(NAAC\)](#)

[Capital Investment Grants \(CIG\) – 49 U.S.C. Section 5309 \(Section 5309\)](#)

Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (DHS), [Assurance of Transportation, 42 C.F.R. Section 431.53](#)

[Centers for Medicare and Medicaid Services/Center for Medicaid and CHIP Services \(CMS\), Assurance of Transportation: A Medicaid Transportation Coverage Guide](#)

Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (DHS), [Transportation 42 C.F.R. Section 440.170\(a\)\(4\)](#)

[Cherokee Nation, \(U.S. DOT, Cherokee Nation Sign First Ever Tribal Transportation Self-Governance Compact\), Cherokee Nation Department of Transportation and Infrastructure, Tribal Transportation Improvement Program \(TTIP\) 2023 – 2027](#)

[Cimarron Public Transit System](#)

[Enhancing Mobility of Seniors and Individuals with Disabilities - 49 U.S.C. Section 5310 \(Section 5310\)](#)

[Enhancing Mobility Innovation \(EMI\) 49 U.S.C. Section 5312 Public Transportation Innovation](#)

[Federal Highway Administration \(FHWA\)](#)

[Federal Highway Administration \(FHWA\) Office of Tribal Transportation \(OTT\), Tribal High Priority Projects \(Tribal HPP\) Program](#)

[Federal Highway Administration \(FHWA\) Office of Tribal Transportation \(OTT\), Webinar: TTP 101-Tribal transportation Program Overview](#)

[Federal Lands and Tribal Transportation Program \(FLTTP\)](#)

[Federal Transit Administration \(FTA\), FTA's Funding Opportunities for Tribal Entities, FTA's page for Tribal Governments, FTA Regional Tribal Liaisons](#)

[Federal Transit Administration \(FTA\) Tribal Transit Program \(TTP\), Virtual Consultation \(November 2, 2023\)](#)

[Formula Grants for Rural Areas - 49 U.S.C. Section 5311](#)

[Formula Grants for Rural Areas: Fact Sheet](#)

[Fund Transfer Procedures pursuant to 23 U.S.C. 202\(a\)\(9\) and Fund Transfer Agreement Template for 202\(a\)\(9\)](#)

[Grand Gateway Economic Development Association \(GGEDA\)](#)

[Grants for Buses and Bus Facilities Program 49 U.S.C. Section 5339\(b\), IIJA Section 30018](#)

[Growing States and High Density States Formula Program, 49 U.S.C. Section 5340](#)

[Indian Health Service \(IHS\) \*\*Community Health Representative \(CHR\) Program\*\*, \*\*Indian Health Service: Community Health Representative\*\*, \*\*Indian Health Manual Part 3, Chapter 16: Community Health Representatives\*\*, \*\*Tribal Self-Governance Negotiation Cooperative Agreement Program\*\*.](#)

[Indian Nation Council of Governments \(INCOG\), \*\*Indian Nation Council of Governments \(INCOG\), Connected 2025 Plan\*\*](#)

[Indian Self-Determination and Education Assistance Act \(ISDEAA\) and the Bureau of Indian Affairs, \*\*Congressional Research Service \(CRS\) 2021\*\*](#)

[Indian Self-Determination and Education Assistance Act of 1975 \(ISDEAA\), as amended. Title 25 - Indians, Chapter 46 – Indian Self Determination and Education Assistance, Section 5301 – Congressional Statement of Findings \(25 U.S.C. Section 5301 et seq.\)](#)

[Infrastructure Investment and Jobs Act \(IIJA\) also known as the \*\*“Bipartisan Infrastructure Law” \(BIL\)\*\*](#)

[Innovative Coordinated Access and Mobility Grants \(ICAM\)](#)

[Integrated Mobility Innovation \(IMI\) 49 U.S.C. Section 5312 Public Transportation Innovation](#)

[JAMM \(INCA\) Transit](#)

[KI BOIS Area Transit System](#)

[Low or No Emission Vehicle Program 49 U.S.C. Section 5339 \(c\), IIJA Section 30018](#)

[Memorandum of agreement \(MOA\) between FHWA and BIA Tribal Transportation Program \(TTP\), \(25 CFR 170 Tribal Transportation Program\)](#)

[National Electric Vehicle \(EV\) Initiative for Tribal Nations](#)

[National Transit Database \(NTD\)](#)

[New Actions to Support Indian Country and Native Communities](#)

[New Mexico Department of Transportation \(NMDOT\) \*\*State-Tribal Collaboration Act.\*\*, \*\*Tribal Liaison\*\*, \*\*NMDOT Native American Tribal Liaison website\*\*](#)

[Office of Energy and Transportation - Tribal Nations Funding Opportunities](#)

[Office of Federal Lands Highway \(OFLH\)](#)

[Office of Tribal Transportation \(OTT\). This site also contains links to \*\*Transportation Funding Opportunities for Tribal Nations \(Updated: June 1, 2023\)\*\*, \*\*Office of Tribal Transportation \(OTT\) - Finance\*\*, and \*\*Tribal Shares for FY23 Full Year\*\*.](#)

[PICK Transportation, \(PICK Transportation OK app for iPhone or \*\*Google Play\*\*\)](#)

[Pelivan Transit and the Northeast Oklahoma Tribal Transit Consortium \(NEOK\)](#)

[Rebuilding American Infrastructure with Sustainability and Equity \(RAISE\), RAISE 2022 Award Fact Sheets](#)

[Rural EV \(Electric Vehicle\) Toolkit](#)

[Rural Transit Assistance Program \(RTAP\), 49 U.S.C. Section 5311\(b\)\(3\)](#)

[Rural Areas Formula Program, 49 U.S.C. Section 5311](#)

[Tolowa Dee-ni' Nation, Tolowa Dee-ni' Nation Connected Communities Plan](#)

[Transportation Funding Opportunities for Tribal Nations, June 2023](#)

[Tribal Cybersecurity Grant Program \(TCGP\)](#)

[Tribal Self-Governance Act of 1994, as amended. Title 25 - Indians, Chapter 46 – Indian Self Determination and Education Assistance, Subchapter IV – Tribal Self-Governance – Department of the Interior, Section 5301 – Tribal Self-Governance Program \(25 U.S.C. 5362 et seq.\)](#)

[Tribal Transit Competitive Program, 49 U.S.C. Section 5311\(c\)\(1\)](#)

[Tribal Transit Formula Program, 49 U.S.C. Section 5311\(j\)](#)

[Tribal Transit Self-Governance Program \(TTSGP\)](#)

[Tribal Transportation Program \(TTP\), Public Transportation on Indian Reservations \(Tribal Transit\) Program \(TTP\)](#)

[Tribal Transportation Program Agreement \(TTPA\)](#)

[Tribal Transportation Program Coordinating Committee \(TTPCC\)](#)

[United States Department of the Interior \(DOI\), Bureau of Indian Affairs \(BIA\)](#). This site also includes [Fiscal Year 2022 Tribal Transit Project Selections](#)

[United States Department of Transportation \(U.S. DOT\)](#)

[United States Department of Transportation \(U.S. DOT\)/FHWA's Tribal Transportation Delivery Guide – A Guide for Tribes with an FHWA Tribal Transit Agreement. March 2023](#)

[United States Department of Transportation \(U.S. DOT\) Tribal Transportation Self-Governance Program Webpage](#). This site also includes information on [appeals](#) and [alternate dispute resolution \(ADR\)](#)

[United States Department of Transportation \(U.S. DOT\)/Build America Bureau, Rural & Tribal Assistance Pilot Program](#)



[United States Department of Transportation \(U.S. DOT\)/FTA Tribal Transit Symposium, May 2023](#)

Washington State Department of Transportation (WSDOT) [Tribal Transit Mobility Grant Program](#)

[White House, Executive Order on Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination \(December 6, 2023\)](#)

[White House Council on Native American Affairs](#)

[White House Council on Native American Affairs' Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision Making \(November 2022\).](#)

Wisconsin Department of Transportation (WisDOT) [WisDOT's tribal affairs initiative, Tribal Elderly Transportation Assistance Program](#)

[Yavapai-Apache Nation, YAN Transit](#)

## Operations and Planning

As with rural transit systems, there are a wide range of systems and methods of operating Tribal transit service. Tribal transit agencies often operate in service areas that are rural and/or extremely isolated. Others may be located in or close to urban or suburban areas. Some Tribes join regional transit groups to collaborate with non-Tribal systems, while others operate their own service.

Tribal transit managers face unique challenges. This section of the Transit Manager's Toolkit will focus on the day-to-day operational issues that may be exclusive to Tribal transit systems: effective Tribal government support, relationships with state and local governments, funding, and challenges with finding qualified employees and adequate facilities. Operation and service design concepts can be the same for Tribal transit systems as they are for rural system with similar geography and demographics.

Issues related to Tribal sovereignty, role of governing bodies, Tribal councils, and interactions with federal funding sources are discussed in greater depth in the [Tribal Governance](#) and [Tribal Administration and Funding](#) sections of the Toolkit. See the [Administration](#) and [Operations and Planning](#) sections of the Toolkit for general information about rural transit system operations.

Topics are organized in the following subsections:

- Operations
  - Operations Management Models
  - Human Resources
  - Driver Recruitment, Training, and Retention
    - Training
  - Safety, Security and Emergency Management
  - Coordination and Mobility Management
- Planning and Evaluation
  - Planning
    - Strategic Planning
    - Service Planning
    - Required Planning
    - Service Options
    - Choosing Vehicles
    - Communications and Technology
    - Facilities Planning
    - Sustainability
    - Fare Policies
    - Monitoring and Evaluation
- Overcoming Operational Challenges in Tribal Areas
  - Low-Density Populations, Long Travel Distances, and Dispersed Destinations
  - Challenges in Coordinating Services
  - Service Coordination and Technical Capacity
- Section Sources

## Operations

### Operations Management Models

There are many factors for a Tribal transit manager to consider when deciding whether to manage operations in-house or to use a third-party contractor for transit system management and/or operations. These factors may include: the cost associated with a particular program, availability of staff and the level of expertise, Tribal, state, or local laws, larger planning strategies, control over operations, customer service, training standards, and how the Tribe has chosen to access Tribal transit funds (e.g., [Public Transportation on Indian Reservations \(Tribal Transit\) Program \(TTP\)](#), [Tribal Transportation Self-Governance Program \(TTSGP\)](#)). All these factors should be considered and evaluated to determine the best course of action for the agency.

It is important to be aware of the different contracting models to decide which model is best for the agency depending on its needs and resources. See the [Administration section](#) of the Toolkit for general information about [Operations Management Models](#). The different contracting models are described briefly below:

- **Turnkey contract**—a company that takes care of everything from providing the management team and staff members to owning and maintaining all necessary capital including vehicles, equipment, and operating/administrative facilities. The responsibilities of a Tribal transit agency as a Federal Transit Administration (FTA) grantee would include planning, applying for and administering the grant, establishing policies, and overseeing the contract.
- **Executive employment contract**—hiring of high-profile executives for upper management transit professionals while all other employees and capital equipment would be an in-house responsibility.
- **Full-time or part-time employment contract**—provides all transit staff positions for the complete administration and operation of the transit agency. The contractor can be a single individual or a contracting firm. The Tribal transit agency owns all the capital equipment.
- **Service contract**—a Tribal transit agency may work with one or several contractors to provide service for fixed route, demand response, and human service transportation. The agency might also contract out for vehicle maintenance and/or other support functions associated with the service.

Tribal transit agencies may choose to enter into management contracts (Memorandums of Understanding-MOU) with Tribal or non-Tribal organizations. Using a third-party operator does not relieve an FTA grantee from compliance with federal requirements which are included in the [Grant Compliance Requirements](#) and [Tribal Compliance](#) sections of this Toolkit. The process of selecting a contractor is also subject to the procurement requirements discussed in the [Procurement 101](#) and [Procurement - Beyond 101](#) sections.

## Human Resources

The Tribe may already have well-established human resources policies and procedures that will guide personnel administration activities for the Tribal transit agency. (See the section on [Tribal Employment Rights Offices \(TERO\)](#) in the [Tribal Governance section](#) of the Toolkit.)

Depending on how the Tribe receives funding (federal or from other sources), there may be policies and procedures that apply only to transit and to nothing else in the Tribe's services to members. An example might be FTA Drug and Alcohol requirements. It is the Tribal transit manager's responsibility to ensure that others in the Tribe's governing structure understand some of the special conditions staff face while operating the transit system.

For human resources information that will apply to a Tribal transit agency's employees, see the [Administration section](#) of the Toolkit for general information about [Human Resources](#). While a Tribal transit manager will want to work within the human resources policy and processes of the Tribe, this section of the Toolkit discusses different policies and tactics that may be useful during the hiring process and after to create an environment that will help employees work to their full potentials and increase customer satisfaction. It introduces requirements and suggested practices in the areas of driver recruiting, hiring, retention, motivation, and training.

Tribal transit agencies have developed effective ways of managing their human resources components. [Comanche Nation Transit](#) has a policy for its department that ensures that they are following all guidelines and ensuring people are met with respect to their rights, as well as employee rights. The [Colville Confederated Tribes Department of Transportation \(CCT/DOT\) Transit](#) has a [Tribal Council](#) and a policy manual for the [Confederated Tribes of the Colville Reservation](#). The [Cherokee Nation](#) uses its [Tribal Employment Rights Office \(TERO\)](#) where applicable. [Muscogee \(Creek\) Nation Transit](#) has a [Tribal Human Resources department](#), which is a great resource for assistance with maintaining records and employee management needs. The [Mississippi Band of Choctaw Indians](#) utilizes the Mississippi Band of Choctaw Indians Human Resource department with assisting and maintaining records as well as employee management needs.

## Driver Recruitment, Training, and Retention

A critical component of a transit organization is a team of well-qualified, well-trained, and motivated drivers. A Tribal transit agency's drivers are not only essential for operating the service; they are also responsible for safe and reliable service and are the most visible representatives of the Tribe's transportation service.

It can be challenging for Tribal transit systems to recruit and retain drivers. See the [Administration section](#) of the Toolkit for general information about [Driver Recruitment, Training, and Retention](#). It introduces both requirements and suggested practices in the areas of driver recruiting, hiring, retention, motivation, and training.

One strategy is to recruit stand-by and part-time vehicle operators. Because Commercial Driver's License (CDL) training is not required for smaller vehicles, the strategy of using a fleet of smaller vehicles (when there are not capacity constraints) is sometimes beneficial to recruitment, training, and retention.

**Big Woods Transit (BWT)** is a small Tribal system operated by the **Bois Forte Band of Chippewa (also referred to as Ojibwe)** in Northern Minnesota. Like many other transit systems, BWT had difficulties hiring and retaining vehicle operators resulting in its transit managers filling in as drivers. BWT was able to hire part-time workers from other Tribal government departments. CDL training was not required as most of their vehicles are smaller. Some of the new vehicle operators were hired on regular schedules and some were on call.

## Training

Training resources for that are specific to Tribal transit agencies are included in each section of the Toolkit. For example, the Tribal Administration and Funding section contains access to the FHWA's Office of Tribal Transportation (**OTT website**) with links to up-to-date resources and training opportunities. The Tribal Operations and Planning section includes access to the Federal Emergency Management Agency's (FEMA) **Tribal Mitigation Planning Resources**.

National RTAP maintains a **Tribal Transit Topic Guide** that includes training and technical assistance specifically geared toward Tribal transit managers, drivers, and riders. Tribal transit managers will also find that the **National RTAP training modules** are also of benefit. National RTAP training resources include an **eLearning Portal**, **2 The Point Training** (for drivers), **Webinars**, **Peer Roundtables and Chats**, a **Directory of Trainers**, and information about **National RTAP Conferences** and **upcoming Tribal trainings and conferences from external agencies**.

Tribal transit managers will also want to be aware of the **State Rural Transit Assistance Programs (State RTAP)** in their area. State RTAPs provide training and technical assistance. State RTAP funds are often used to provide training for rural and Tribal transit agency personnel and to fund scholarships to attend transit-related conferences and training. Each state and U.S. territory has an RTAP manager. A list of available **state RTAP websites** as well as a **Directory of State RTAP Managers** are available on the National RTAP website.

With an emphasis on the educational needs of Tribal members and their communities, the **Native Learning Center (NLC)** offers free Training and Technical Assistance to Native Americans and those working within Indian Country. Registration is free for Native Americans and those working within Indian Country. The types of **training and technical assistance** offered by NLC include multi-session programs in **grants management for Tribes and Tribal entities** and **grant writing** training. The NLC website also contains a page dedicated to **Grant Opportunities for Tribes**.

The **National Transportation in Indian Country Conference (NTICC)** describes itself as the “one-stop-shop transportation conference FOR TRIBES, BY TRIBES.” NTICC is an annual event that offers access to relevant training and an opportunity for Tribal transportation professionals to engage with federal officials and their peers regarding Tribal transportation issues and challenges. **Conference Tracks** include Safety, Workforce Development, TTP 101, Planning, Transit, Leadership/Infrastructure Bill, Project Management, and Hot Topics. A **Tribal Heavy Equipment Rodeo** is held in conjunction with the conference.

The Federal Highway Administration (FHWA) Office of Transportation Workforce Development and Technology Deployment manages a **Tribal Technical Assistance Program (TTAP)** to provide technical assistance and training to tribal governments.

The [Intertribal Transportation Association \(ITA\)](#) provides training and information and facilitates meetings between Tribes and local, state, and federal agencies. ITA annual meetings are usually held in December.

Tribal transit managers will want to see National RTAP's [Bus Rodeo Toolkit](#) for information and guidance about Bus Rodeos. The online toolkit and video were created by National RTAP to help transit agencies, transit associations, non-profit social services agencies, and state Departments of Transportation (DOT) plan for and implement a bus rodeo and ensure consistent judging of contestants as they travel through the obstacle course. The annual [National Transportation in Indian Country Conference \(NTICC\)](#) includes a [Tribal Heavy Equipment Rodeo](#). This rodeo is geared towards field service workers and supervisors. Participants operate and maneuver heavy equipment around an outdoor ["obstacle course"](#) for the chance to win prizes and the team championship belt.

Tribal transit agencies have also developed their own internal training programs. For example, the [Chickasaw Nation Transportation Services Program](#) purchased transit safety software and use it as an orientation tool for new hires. They use the tool at monthly safety meetings to keep all driving staff updated and trained.

As part of Human Trafficking Awareness Month, January 2023, FTA hosted a webinar, [Human Trafficking Prevention in Tribal Communities](#), that explores how human trafficking impacts American Indian/Alaskan Native populations, the role transportation and public transit has in human trafficking, how transit agencies can prevent human trafficking, and how drivers and other front-line transit employees can intervene if trafficking is identified.

The [Rolling Oklahoma Classroom \(ROC\)](#) is an FTA funded grant initiative that provides hands-on mobile training to transit agencies and transit awareness for the public. Training opportunities include human trafficking awareness, understanding mobility issues, wheelchair securement training, transit availability options and career opportunities. It is made possible by a [Federal Transit Administration Human Trafficking Awareness & Public Safety Initiative Grant](#). [Grand Gateway Economic Development Agency/ Pelivan Transit](#), which provides transit services in northeastern Oklahoma, applied for the grant on behalf of the Oklahoma Transit Association (OTA), which represents 35 local transit agencies that provide public transit across in state. See the [ROC Brochure](#) for more information.

### [Safety, Security, and Emergency Management](#)

The U.S. Census identifies [324 federally recognized American Indian reservations \(Facts for Features: American Indian and Alaska Native Heritage Month: November 2022. U.S. Census\)](#) and all are on the same level as the nation on the [standard hierarchy of census geographic entities](#) (a display of the relationships between legal, administrative, and statistical boundaries maintained by the U.S. Census Bureau). Some of the geographic intricacies that Tribal transit systems encounter are also explained in the U.S. Census website publication [Understanding Geographic Relationships: American Indian Areas](#): “Federal American Indian Areas and off-reservation trust lands do not need to fall with any other geography like states or counties. In fact, they often cross state and county lines.”



If the Tribe's transit program is to build and model a culture of safety, a Tribal transit manager's expertise and knowledge in the field of transportation must be combined with Tribal government and community experience.

Tribal specific information and guidance on safety, security, and emergency management is included in this section. Tribal transit managers are encouraged to visit the [Safety, Security and Emergency Management section](#) of the Toolkit for more detailed discussions on topics such as safety officers, safety management systems, the manager's role, and the lessons learned from the COVID-19 Pandemic.

The [Public Transportation Emergency Relief Program – Section 5324, FTA](#): Section 5324 funds help states and public transportation systems, including Tribal governments, protect, repair and/or replace equipment and facilities that may suffer or have suffered serious damage as a result of an emergency, including natural disasters such as floods, hurricanes and tornadoes. This program also provides authorization for Section 5307 and 5311 funding to be used for disaster relief in response to a declared disaster. See the [Frequently Asked Questions for FTA Tribal Transit Recipients on COVID-19](#) as an example of how Section 5324 authorizations include recipients of [Tribal Transit Program \(TTP\)](#) grants.

Eligible Expenses under Section 5324 include:

- Disaster Response: Emergency or temporary operations
- Disaster Recovery and Rebuilding: Projects to temporarily or permanently repair or replace transit assets
- Disaster Resilience: Projects that address a vulnerability

See the [Budgeting and Finance 101/Emergency and Relief Programs section](#) of the Toolkit for more information on Section 5324.

The Federal Emergency Management Agency (FEMA) [Tribal Affairs](#) website contains many Tribal-specific resources intended to assist Tribal governments with establishing and implementing emergency management processes and practices, including considerations for Tribal transit. FEMA's [Tribal Affairs Hub](#) includes:

- [Regional Contacts](#) - FEMA recognizes that Tribal Nations preexist state governments and that tribal lands may not follow state boundary lines. [FEMA's Regional Contacts webpage](#) is helpful when Tribal lands cross multiple FEMA regions.
- [Tribal Consultations](#) – Upcoming and past consultations are listed along with FEMA's [Tribal Consultation Policy \(2019\)](#) and [Tribal Consultation Policy Instructions \(2021\)](#).
- [Tribal Declaration Process](#) - Tribal governments may still choose to seek assistance, as they have historically, under a state declaration request. However, [federally recognized Indian Tribal governments](#) have the [option to request a Presidential emergency](#) or major disaster declaration independent of a state.

- **Tribal Funding, Mitigation and Planning Resources** – This page includes the following Tribal resources:
  - **Grants for Tribal Nations** provides specific instructions for Tribes wishing to apply for the Tribal Homeland Security Grant Program, and the Staffing for Adequate Fire and Emergency Response, and other funding.
  - **Tribal Mitigation Planning Resources** provides access to a wide variety of resources related to the development of a hazard mitigation plan that includes transportation considerations. A **Tribal Mitigation Planning Handbook** and an **Introduction to Tribal Mitigation Planning (YouTube)** video are among the guidance. **FEMA Fact Sheet: Tribal Hazard Mitigation Planning Training**, providing an overview of FEMA’s independent study course, **IS-350:Tribal Hazard Mitigation Planning Training**, are also included.
  - **Preparedness - Training Resources for Tribal Nations** offers links to training opportunities, grant programs and preparedness tips for Tribes including The Center for Domestic Preparedness (CDP) hosts the **Annual Tribal Nations Training Week**.

Other examples of publications available on the **FEMA website** include the agency’s **2022-2026 FEMA National Tribal Strategy (August 2022)**, a **Pre-Disaster Recovery Planning Guide for Tribal Governments (2019)**, and a **Disaster Financial Management Guide: Guidance for State, Local, Tribal & Territorial Partners (April 2020)**. **IS YOUR TRIBE READY? Prepare For Emergencies In Tribal Nations** is an online brochure from FEMA’s Ready Indian Country campaign to encourage Tribal communities and Alaska Native villages to prepare for disasters.

**Barriers to Collaboration Between Tribal and County Governments: Planning for Major Disasters and Other Emergencies, Health Policy Brief (January 2016)**. This brief discusses the complexity and offers guidance about negotiating formal cross-jurisdictional sharing (CJS) arrangements to identify how both governments (Tribal and county) may work together to respond to and recover from emergencies across many jurisdictions.

For additional reading and information about how to develop an Emergency Operations Plan (EOP) that includes transit or transportation functions, the Office of Homeland Security has available **Local Tribal NIMS Integration: Integrating the National Incident Management System into Local and Tribal Emergency Operations Plans and Standard Operating Procedures Version 1.0** (2004). This document was developed as a joint initiative between the National Incident Management System (NIMS) Integration Center and the Office of Grants and Training. It contains an Emergency Operations Procedures Checklist that Tribal Systems may find helpful.

### **Coordination and Mobility Management**

Coordination allows service providers to leverage all the resources in a community to increase mobility for everyone. For more information, see the **Coordination and Mobility Management section** of the Toolkit for an introduction to mobility management, the role of the transit manager, and successful mobility management approaches and strategies.

Transportation services for older adults/Tribal elders, people with disabilities, those with lower incomes, and others with limited transportation options in Tribal communities are supported by numerous transportation and human service programs. Many states are trying to facilitate the coordination of these transportation programs, working at the local, regional, and statewide levels, and it is important that Tribal transit providers are knowledgeable of the efforts in their states and understand how they can benefit from involvement.

The [Coordinating Council on Access and Mobility \(CCAM\)](#) is a federal interagency council convened by FTA that coordinates funding and provides expertise on human services transportation for people with disabilities, older adults, and individuals of low income. Tribal specific resources in the CCAM inventory, such as [Tribal Transportation Program \(TTP\)](#), [Section 5311 Tribal transit Program](#), [Indian Employment Assistance](#), [Indian Schools - Student Transportation](#), [Native American Employment and Training](#), [Special Diabetes Program for Indians \(SDPI\)](#), and others are available there. The [Tribal Administration and Funding](#) and the [Tribal and Non-Tribal Systems Engaging](#) sections of the Toolkit also contain information and case studies about coordination opportunities and benefits. The case studies that follow offer insight into innovative practices used by some Tribal transit systems to coordinate services for the communities that they serve.

## Case Studies: Coordinated Planning and Mobility Management

**Mississippi Band of Choctaw Indians** - The [Mississippi Band of Choctaw Indians \(MBCI\)](#) operates [Community Regional Transportation \(CRT\)](#), also known as Choctaw Transit, which is designed to serve an estimated 10,000 members of the Tribe as well as individuals in surrounding communities. Service includes routes to community colleges, medical trips, and between communities. Jeremy Bell is the director of Choctaw Transit. According to Mr. Bell, MBCI has worked out agreements between the Tribe and neighboring communities like the City of Meridian for the provision of public transit service within a sixteen-county service area. The agreements for service and mobility management have shown that mobility management can work well on Tribal lands when there is cooperation between the Tribe, local governments, and other regional groups from surrounding counties. MBCI performs regular community engagement and education, promoting services available to both the Tribe and community and educating everyone on how to use the service and make connections. [Community Regional Transportation](#) is proud to offer transportation services for Tribal members and the general public. Mr. Bell noted that an important part of their success in attracting public ridership is related to how they chose to market the service. While the service is known as “Choctaw Transit” to Tribal members, it was rebranded as Community Regional Transportation (CRT) with logos that are representative of the Mississippi Band of Choctaw Indians. The idea was to make it clear to all that the service is for all, not just for Tribal members. Community Regional Transportation is a demand response service in which individual passengers can request a ride from one specific location to another specific location at a certain time. Service does not follow a fixed route but provides door to door service throughout the community transporting passengers according to their specific requests. The demand response service vehicles include large buses, small buses, and vans. Services require 24-hour advanced reservations.

**Northeast Tribal Transit Consortium (NTTC)** - The NTTC “is a collaborative effort aimed at providing transportation services tailored to the specific needs of tribal communities in the Northeast region. This consortium involves a partnership between Pelivan Transit and various tribal entities in Northeast Oklahoma, working together to enhance and expand transportation options for tribal members.” ([Pelivan transit’s NTTC website.](#)) NTTC’s [PICK Transportation](#) brings together four rural transit providers ([Pelivan Transit & Northeast Oklahoma Tribal Transit Consortium](#), [JAMM \(INCA\) Transit](#), [Cimarron Public Transit System](#), and [KI BOIS Area Transit System \(KATS\)](#)) to provide after-hours transportation to 21 rural communities. As of this writing, PICK was in the process of hiring a mobility manager to assist with coordination and trip planning among the rural Tribes in the region, especially given the vast geography of the area. Mobility Management was a major recommendation that came out of [Oklahoma DOT’s Statewide Transit Plan & Policy \(December 2020\)](#), and the mobility management position may be funded from federal funds through [Indian Nation Council of Governments](#) or tribal transportation funding. See the [Tribal Administration and Funding section](#) of the Toolkit for more about PICK Transportation.

**Matanuska-Susitna (Mat-Su) Borough Coordinated Planning** - The following case study is largely condensed from a Shared-Use Mobility Center’s Mobility Innovation Collaborative March 2023 report entitled [Centralizing Dispatch Services in a Primarily Rural Alaskan Borough](#). The [Matanuska-Susitna \(Mat-Su\) Borough](#) is a large region in Southern Alaska (covering 25,000 square miles). The Mat-Su Borough has gained the most population growth in the State of Alaska over the past decade, and the location of. While the Borough consists of rural and urbanized areas (the cities of Wasilla and Palmer) it has no official transportation organization and does not provide transit services. Those services are provided by several non-profit organizations, including [Chickaloon Area Transit](#) (CATs), a Tribal transit system that connects to [Valley Transit](#) for rides in their Palmer & Wasilla service area with connections to Anchorage and provides rides between Sutton and Palmer. in the most populated areas of the Mat-Su Borough. In 2018 Mat-Su Borough partnered with the Mat-Su Health Foundation (MSHF) to update the Borough’s Coordinated Human Services Transportation Plan (CHSTP) and advance Borough-wide service coordination. One of the recommendations to come from the [MSB \(Mat-Su Borough\) Coordinated Human Services Transportation Plan 2018-2022](#) was to complete a Centralized Dispatch Pilot project with the main stakeholders in the region. The project was meant to aid in connectivity, trip booking, and system coordination throughout the region amongst both traditional and tribal transit providers. The Borough was awarded an [FTA Integrated Mobility Innovation \(IMI\) grant award](#) in the amount of \$231,191.00 with a local match of \$100,000 in 2019. According to the Shared-Use Mobility Center’s Mobility Innovation Collaborative March 2023 report, the project has been a learning experience with many challenges from the time of the grant award in 2019. Valley Transit is in beta testing, as of this writing, and planning for the public launch of the services.

The Borough has provided funding to the City of Wasilla to secure land for the Wasilla Multi-Modal depot, as one of the first steps in developing a true central dispatch service. The [2021 Transportation Infrastructure Program \(TIP21\)](#) includes plans for a Multi-modal Wasilla Depot (transit facility).

## Planning and Evaluation

### Planning

Tribal transit managers will want to review the [Planning and Evaluation](#) section of the Toolkit for general information related to planning and evaluating the services that all rural public transit agencies provide to their communities. The Toolkit includes information on [strategic planning](#), [service planning](#), [required planning](#), coordination, and methods for [monitoring and evaluating](#) services. Additionally, it introduces and provides guidance on planning concerns related to [choosing vehicles](#), [communications and technology](#), [facility planning](#), [sustainability](#), and [fare policies](#).

Additional reading and information on the subject of transportation planning in Tribal communities is available in the FHWA's [Transportation Planning in Tribal Communities Research Study: Making Transportation Planning Applicable in Tribal Communities Research Study: Final Report](#).

The section that follows will highlight features of transit planning that Tribal transit managers will want to be aware of and provide access to resources on specific planning topics.

### Strategic Planning

Strategic planning activities serve to provide transit agencies with a roadmap to guide them as their communities change over time. This roadmap provides the structure for service planning activities. The [Planning and Evaluation/Strategic Planning section](#) of the [Toolkit](#) contains an introduction and basic guidance on the subject. For additional guidance on effective ways to engage Tribal members and other stakeholders, the reader is directed to the [Tribal and Non-Tribal Systems Engaging section](#) of the Toolkit.

Many Tribal transit agencies have developed strategic plans, including Oneida Public Transit, [Bad River Transit](#), and others.

### Service Planning

Service planning involves taking inventory of the agency's available resources and the transit needs of Tribal members. Once the Tribal transit manager or planner knows what funding, vehicles, facilities, equipment, and staff are available, and the services that are currently provided, those resources and services can be matched with the transportation needs of Tribal members and other stakeholders, as appropriate. The [Planning and Evaluation/Service Planning section](#) of the Toolkit contains an introduction and basic guidance on service planning. The reader is directed to the [Tribal and Non-Tribal Systems Engaging section](#) of the Toolkit for additional ideas on how to effectively engage Tribal members and other stakeholders (e.g., Public Involvement, Passenger Surveys, Community Surveys, Focus Groups and Public Meetings). This section of the Toolkit also provides resources and information on the roles of Tribal Chiefs, Tribal Councils, and legislative bodies. Tribal transit managers will need to know who has authority to speak and act for the Tribe as a whole and to represent it in negotiations with federal, state, and local governments.



## Required Planning

The type of planning required of a Tribal transit agency depends on how the Tribe has chosen to draw down or access Tribal Transit Program funds (e.g., TTP, TTSGP). If the Tribe is a grantee under Section 5310 funding, the project would be required to be included in a locally developed public-transit human services transportation plan. In addition to information about [Required Planning](#) for rural providers, the [Coordination and Mobility Management](#) section of the Toolkit also be of value to Tribal transit managers. The [Tribal Administration and Funding](#) and [Tribal Compliance](#) sections of the Toolkit also contain information and guidance on TTP planning requirements (e.g., Transit Development Plans and Coordinated Public Transit Human Services Transportation Plans).

## Service Options

Tribal transit systems may reside in rural areas or serve customers that live on the outskirts of a metropolitan or urban area. They may transport residents to and from small communities and low-density areas, as well as extremely isolated areas. Tribal transit can include service areas with communities that are 10 miles apart or 50 miles apart, communities on the fringes of urbanized areas, or communities that are hours away. Along with this array of service areas comes an assortment of customer transportation needs -- commutes to work in the city, access to key destinations such as local and specialty health care, shopping, school, connections to intercity bus, and other transportation services.

Decisions about what types of services are provided by the Tribal transit agency will be based on the information gathered during the inventory of resources and public outreach. (See Strategic Planning and Service Planning above.) The [Planning and Evaluation/Service Options](#) section of the Toolkit contains descriptions of the basic service types—fixed route, flexible route, and demand-response service, including microtransit—and guidance about when each service type should be used.

KFH Group conducted a survey in 2023. Results from 12 Tribal transit agencies in 7 states included:

- The system size ranged from 2 vehicles to over 30 vehicles.
- There was an even mix of service areas including remote rural to small urban/suburban systems.
- Most systems operated paratransit (including some microtransit). Some operated fixed or flex route services.
- Ridership included systems with 3,000 annual trips or close to 100,000 annual trips.

For additional reading and information about shared-use mobility services in Tribal areas see [Interest in Shared-Use Mobility Services in Tribal Communities \(December 2023\)](#). The study prepared for the U.S. DOT by the Small Urban, Rural and Tribal Center on Mobility (SURTCOM), a partnership between the Western Transportation Institute at Montana State University and the Upper Great Plains Transportation Institute at North Dakota State University.



## Choosing Vehicles

“When we receive a new bus, it is recognized by our spiritual leader, the buses provide service and transportation for the community, not unlike the original Bois Forte Ponies and the horse did for our communities a few decades ago. That is the way we treat them. We treat them like they are ponies. We name them, and we have a welcoming ceremony and dinner when new buses come into the community. We have the drum, and we sing the safe travel song for every bus. We also purify with sage on a regular basis.” Jennie Rowland, Transportation Manager, [Big Woods Transit \(Bois Forte Band of Chippewa\)](#), Nett Lake, MN

It is very important to match the correct vehicle for the needs of the community and the environment. Tribal transit managers will find guidance and resources to help with choosing the right vehicles in the [Planning and Evaluation/Choosing Vehicles section](#) of the Toolkit.

Various Tribal transit agencies have developed meeting the needs of their communities through thoughtful vehicle procurement. [Comanche Nation Transit](#) uses its Transit Asset Management (TAM) plan, which includes ways to make the most of its vehicles and to decide what suits the passengers best. Vehicle sizing is accomplished through the monitoring of monthly ridership to ensure that [Cherokee Nation Transit](#) is using the most cost-effective vehicles.

## Communications and Technology

While the area of communications and technology in public transportation is continually evolving, the most basic communication and technology need in Tribal transit is making sure customers have a way to get in touch with the transit agency and Tribal transit staff have a way to reach drivers while they are on the road (and vice versa). The [Planning and Evaluation/Communications and Technology](#) section of the Toolkit describes the typical devices used to communicate with drivers while they are in-service and discusses software platforms and technology. [National Transit Database \(NTD\) requirements](#) related to [General Transit Feed Specification \(GTFS\)](#) are explained in the [Tribal Compliance](#) section of the Toolkit.

As an example of how Tribal transit agencies are using GTFS, [North Central Regional Transit District \(NCRTD\)](#) in Espanola, New Mexico operates in a large, mostly rural geographical area and provides service to four counties, several cities, many small towns, eight Pueblos and the Jicarilla Apache Nation. NCRTD offers a [Blue Bus Tracker](#) for its riders and provides its schedule and geographic data ([GTFS feed](#)) online for public use to assist with transit and travel related information. For more information about GTFS Builder, see National RTAP’s technical brief: [Tools that Connect: Online Trip Planners and GTFS Builder](#).

Tribal transit agencies have been implementing new technologies at a rapid pace. [Comanche Nation Transit](#) implemented new dispatching software and with it came a mobile app for clients to use. [Cheyenne River Sioux Tribe Transit](#) uses software to schedule and route rides, as well as provides an electronic fares system. [Oneida Public Transit](#) uses dispatching software and tablets and uses the [Oneida Nation](#) website for communication purposes.

## Facilities Planning

Tribal transit managers will want to review the [Facilities Planning](#) and [Compliance](#) sections of the Toolkit for general information about the types of facilities that may be needed for a transit program and the federal and state regulations that may apply to construction projects. Information and resources related to the general design and construction of transit facilities are included in this section of the Toolkit, as well. Tribal transit systems will, at a minimum, require an office and a secure location to park vehicles. However, Tribal transit managers who are involved in facility or infrastructure planning and implementation will want to be aware of the following resources as they begin to work with stakeholders, both Tribal and non-Tribal, on projects that may impact or have an adverse effect on historic properties and the human environment.

“The National Historic Preservation Act ([NHPA](#)) and the National Environmental Policy Act ([NEPA](#)) are two separate laws which require federal agencies to “stop, look, and listen” before making decisions that impact historic properties and the human environment.” [Advisory Council on Historical Preservation \(ACHP\), Integrating NEPA and Section 106](#).

[The National Environmental Policy Act \(NEPA\)](#) was signed into law on January 1, 1970, and its purpose is to ensure that environmental issues are considered alongside social, economic, and other competing concerns that arise when planning a project. For rural/Tribal transit agencies, the NEPA review process is most likely to be required when planning for a project involving new construction, major rehabilitation, or renovation of a facility. Other types of FTA-funded rural/Tribal transit projects are generally considered “categorical exclusions” under the NEPA requirements. See the [Compliance section](#) of the Toolkit.

[The National Historic Preservation Act \(NHPA\)](#), as amended, is public law to protect, rehabilitate, restore, and reuse districts, sites, buildings, structures, and objects significant in American architecture, archeology, and culture. [Section 106 of the NHPA](#) ensures that historic preservation is considered in federal project planning.

The [Advisory Council on Historical Preservation \(ACHP\)](#) administers NHPA and addresses critical issues like NHPA’s relationship to NEPA review processes. The [Office of Tribal and Indigenous Peoples \(OTIP\)](#) oversees ACHP’s Indigenous initiatives. ACHP’s webpage for [Indian Tribe and Native Hawaiians, and Indigenous Peoples](#) has several resources available to assist federal agencies, applicants, Indian Tribes and Native Hawaiian organizations in navigating the Section 106 process and its consultation requirements. [Tribal Coordination and Consultation for Infrastructure Projects](#) speaks to issues around the timing of Section 106 consultations; consultations with Tribes are often stated late in the project process and are separate from the NEPA review process. Other ACHP webpages and publications of interest include: [Whom to Contact if You Have Section 106 Issues: Guidance for Indian Tribes and Native Hawaiian Organizations \(NHOs\)](#), [Indigenous Knowledge – Understanding and Implementation](#), and [Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants](#).

Under the U.S. Constitution, treaties with Indian tribes are law. In [Tribal Treaty Rights in the Section 106 Process](#), the U.S. Advisory Council on Historical Preservation (ACHP) notes that it is not uncommon for Tribes to raise treaty rights concerns during Section 106 consultations. ACHP recommends that, early in project planning, applicants for federal funding or approvals determine if

a proposed project might impact treaty-protected rights and provides additional guidance on how to make such a determination.

The [Tribal Historic Preservation Office Program](#) (THPO) is available to advise federal, state and local agencies on the management of Tribal historic properties and instruct municipalities on Section 106 reviews to represent Tribal interests.

There have been numerous successes in facility planning for Tribal transit agencies. At the time of this writing, [Oneida Public Transit](#) began new facility construction that will store all vehicles, provide the agency with a wash bay and office space. [Big Woods Transit](#) began constructing a transit facility for the [Bois Forte Band of Chippewa](#) using a design that includes parallel parking to maximize the use of the space that will include a bus wash, a mechanics work bay with a lift, and solar power generation system.

## **Sustainability**

Sustainability refers to the ability of a transit program to maintain itself and is an important consideration in service planning, strategic planning, and budget development. Sustainability for Tribal transit systems depend on the agency's ability to operate as efficiently as possible and to secure funding. Tribal transit managers can learn more about sustainability planning, and key issues to consider in the [Planning and Evaluation / Sustainability section](#) of the Toolkit.

In addition, the following resources may be helpful:

- [Planning, Funding, Developing, Starting and Sustaining a Tribal Transit System \(2020\) National RTAP Tribal Transit Training Program.](#)
- [TCRP Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services - Guidebook](#) addresses the various steps for planning and implementing a tribal transit system.
- [Native Americans on the Move: Challenges and Successes](#) brochure for TCRP Project H-38: Developing, Enhancing, and Sustaining Tribal Transit Services (2011).

## **Fare Policies**

See the [Planning and Evaluation / Fare Policies section](#) of the Toolkit for resources related to the development of fare policies.

Tribal transit programs should develop fare policies based on the needs of their community and comprehensive planning. For example, [Muckleshoot Tribal Transit](#) is able to offer fare free service with grant funding allocated from both the Federal Transit Administration and the Bureau of Indian Affairs.

## **Monitoring and Evaluation**

A Tribal community's needs and resources are always changing. To ensure that services are as appropriate today as they were yesterday, it is important to have a system for [Monitoring and](#)

**Evaluation.** Tribal transit managers will want to see the [Planning and Evaluation / Monitoring and Evaluation section](#) of the Toolkit for information and guidance related to the development and implementation (including the collection of data) of performance measures for their agencies. Tribal specific information related to required National Transit Database (NTD) reporting is included in the [Tribal Compliance/ Basic NTD Reporting for Tribes](#) section of the Toolkit.

## **Additional Reading**

The [North Central Rural Transit District \(NCRTD\) Tribal Transit Service Plan](#) (May 2023) is an excellent example of a Tribal transit service plan that documents existing conditions, outreach to Tribal entities, transportation needs and challenges and identifies a “strategic mobility vision for Tribal entities served by NCRTD.”

[Transit Cooperative Research Program \(TCRP\) Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook](#) offers guidance about the various steps for planning and implementing a Tribal transit system. The steps that are described may be used for planning a new transit system, enhancing an existing service, or taking action to sustain services. The project that developed TCRP Report 154 also produced [TCRP Web Document 54: Developing, Enhancing, and Sustaining Tribal Transit Services: Final Research Report](#), which documents the development of the TCRP Report 154. In addition, the project also produced a 16-page full-color brochure, published in 2011 as ["Native Americans on the Move: Challenges and Successes"](#), with an accompanying PowerPoint presentation; and a PowerPoint presentation describing the entire project.

## **Overcoming Operational Challenges in Tribal Areas**

### **Low-Density Populations, Long Travel Distances, and Dispersed Destinations**

High density populations, concentrated destinations, and the installation of easily accessible pedestrian infrastructure can help to make effective transit programs. Concentrated destinations are typically found in cities or towns, such as a core downtown, retail centers, clusters of medical facilities, and concentrations of jobs and/or government services. However, these are not the characteristics generally found in many Tribal service areas. Tribal transit systems often, but not always, cover large areas of service, long travel distances, and provide service from hubs that are secluded from other communities in their region. Tribal transit providers may also have lower ridership numbers and higher mileage per vehicle than their urban counterparts. Yet, they are charged with transporting riders to neighboring communities and urban centers that Tribal members must access for employment, medical services, educational opportunities, goods, and services. Working to identify, address, and alleviate these transit planning and operating factors can prove challenging.

The Bureau of Indian Affairs (BIA) describes the size of Indian land areas: “There are approximately 326 Indian land areas in the U.S. administered as federal Indian reservations (i.e., reservations, pueblos, rancherias, missions, villages, communities, etc.). The largest is the 16 million-acre Navajo Nation Reservation located in Arizona, New Mexico, and Utah. The smallest is a 1.32-acre parcel in California where the Pit River Tribe’s cemetery is located. Many of the smaller reservations are less than 1,000 acres.” ([What is a federal Indian reservation? Bureau of Indian Affairs \(BIA\), Frequently Asked Questions. 2017](#))

## Challenges in Coordinating Services

Given the challenges that come with operating a transit system with low density populations, long travel distances, and dispersed destinations, it may become difficult to gain a sense of how best to maximize the use of scarce resources. Buses may not have full occupancy or may sit idle for periods of the day. Existing routes may duplicate those run by a neighboring service provider. The case study that follows tells the story of how a regional transit district helped smaller Pueblos feel comfortable in coordinating services with larger city and county resources.

### Case Study:

The [North Central Regional Transit District \(NCRTD\)](#) in Espanola, New Mexico “operates in a large mostly rural geographical area and provides service to four counties, several cities, many small towns, eight Pueblos and the Jicarilla Apache Nation. The total service area is 10,079 square miles, with the longest connecting one-way service distance totaling 275+ miles from one end to the other. Since the last Long-Range Strategic Plan, the NCRTD has extended service beyond its four-county borders and has added three new members to the Board of Directors. The Board is composed of one elected official appointed by each member of the District. Voting strength is assigned to each member based on their representative population.” [\(NCRTD Long Range Strategic Plan 2023\)](#)

A careful review of rural and Tribal organizational issues early in NCRTD’s development as a regional transit district helped to overcome concerns related to the differing sizes of the communities in its service area. In 2003, the Regional Transit District Act, NMSA 1978, Chapter 73, Article 25, was enacted to allow the formation of regional transit districts to provide, among other things, regional networks of safe and efficient public transit systems. However, NCRTD Organizing Committee members from small Pueblos expressed concern in the early meetings that their needs would be overlooked in the service plan, because of their relative population size compared to other Organizing Committee members. For instance, within the NCRTD service area, Pojoaque Pueblo has a population of 2,071 (about 482 enrolled Tribal members) while the Santa Fe County area has over 155,000 residents. [\(U.S. Census, 2020 Decennial Census\)](#) The NCRTD crafted a unique “Voting Strength Analysis for NCRTD Members,” which was once published on their website for stakeholder distribution. The result was a weighted voting formula that divides all members into population divisions of 5,000, 10,000, 20,000, 40,000, and 80,000. While all members receive one vote on the NCRTD Board, each additional division offers a member additional votes. With this set of thresholds in place, the relative voting strength of the larger members is lowered, and the Pueblos realize an equitable share of the relative voting strength. In this way, territoriality is diminished, and NCRTD members have greater willingness to take some limited, but shared risks, to realize the direct and indirect benefits of regional service coordination.

## Service Coordination Issues and Approaches

Tribal transit systems often face challenges due to limited staffing, administrators who are new to the field of transportation, and smaller operating budgets. Tribal transit systems can realize mutual benefits by partnering with other Tribal and Non-Tribal systems. The [Tribal and Non-Tribal Systems Engaging section](#) of the Toolkit and its section on [Benefits of Engaging with Tribes and Tribal Transit Programs](#) contains more detailed information, case studies and guidance on how to develop and nurture relationships that will improve access to rides for all residents, Tribal



and non-Tribal. The two case studies below are descriptive of what can be achieved through service coordination.

### Case Studies:

[Makah Public Transit System](#) (Makah Reservation, Neah Bay, Washington) connects with [Clallam Transit](#) in Clallam County, Washington three times daily on Monday thru Friday. Located on the Olympic Peninsula's northwest tip at Neah Bay, the [Makah Reservation](#) is 60 miles from the closest town of Forks, 75 miles from Port Angeles, and 150 miles from Seattle. Clallam Transit provides residents with links to Port Angeles, and Forks. The collaboration and interconnectivity of the two services helps Makah Tribal members overcome the transportation challenge of living in such a remote area.

[Helping Hands Agency](#), Inc. is a human service agency in Page, Arizona, which operates the [Helping Hands Express](#), a public transit system with routes into the Navajo Nation communities of Tuba City, Cameron, Kaibito, and Shonto, Arizona. Helping Hands Express connects Page riders to Navajo Nation businesses, medical providers, behavioral health organizations, educational institutions, and social service agencies while enabling Tribal members to have access to the numerous services and opportunities in the larger community of Page.

## Section Sources

[Advisory Council on Historical Preservation \(ACHP\), Integrating NEPA and Section 106](#)

[Advisory Council on Historical Preservation \(ACHP\), Office of Tribal and Indigenous Peoples \(OTIP\), Indian Tribe and Native Hawaiians, and Indigenous Peoples, Tribal Coordination and Consultation for Infrastructure Projects, Whom to Contact if You Have Section 106 Issues: Guidance for Indian Tribes and Native Hawaiian Organizations \(NHOs\), Indigenous Knowledge – Understanding and Implementation, and Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants](#)

[Big Woods Transit \(Bois Forte Band of Chippewa\)](#), Nett Lake, MN

Bureau of Indian Affairs' Frequently Asked Questions (FAQ), [What is a federal Indian reservation?](#) (a brief about Tribal Sovereignty).

California Rural Indian Health Board, Inc., [Barriers to Collaboration Between Tribal and County Governments: Planning for Major Disasters and Other Emergencies, Health Policy Brief \(January 2016\)](#)

[Cherokee Nation, Tribal Employment Rights Office \(TERO\)](#)

[Cheyenne River Sioux Tribe Transit](#)

[Chickaloon Area Transit \(CATs\)](#), Sutton, Alaska

[Chickasaw Nation Transportation Services Program](#)



[Choctaw Transit, Mississippi Band of Choctaw Indians \(MBCI\), Community Regional Transportation \(CRT\)](#), Choctaw, Mississippi

[Clallam Transit](#) in Clallam County, Washington

[Comanche Nation Transit](#)

[Confederated Tribes of the Colville Reservation, Colville Confederated Tribes Department of Transportation \(CCT/DOT\) Transit, Tribal Council](#),

[Federal Emergency Management Agency's \(FEMA\) Tribal Affairs: Tribal Mitigation Planning Resources, Tribal Affairs Hub, Tribal Consultations, Tribal Consultation Policy \(2019\) and Tribal Consultation Policy Instructions \(2021\), Tribal Declaration Process, 2022-2026 FEMA National Tribal Strategy \(August 2022\), Pre-Disaster Recovery Planning Guide for Tribal Governments \(2019\), and Disaster Financial Management Guide: Guidance for State, Local, Tribal & Territorial Partners \(April 2020\) and IS YOUR TRIBE READY? Prepare For Emergencies In Tribal Nations](#)

Federal Transit Administration (FTA), [Human Trafficking Prevention in Tribal Communities, Human Trafficking Awareness & Public Safety Initiative Grant](#)

Federal Highway Administration (FHWA), [Transportation Planning in Tribal Communities Research Study: Making Transportation Planning Applicable in Tribal Communities Research Study: Final Report](#)

[Grand Gateway Economic Development Agency/ Pelivan Transit](#)

[Helping Hands Agency, Inc.](#) and [Helping Hands Express](#), Page, Arizona,

[Indian Nation Council of Governments](#), Tulsa, Oklahoma

[Makah Public Transit System](#) and [Makah Reservation](#), Neah Bay, Washington

[Mississippi Band of Choctaw Indians](#)

[Muckleshoot Tribal Transit](#)

[Muscogee \(Creek\) Nation Transit, Tribal Human Resources Department](#)

[National Environmental Policy Act \(NEPA\)](#)

[National Historic Preservation Act \(NHPA\), Section 106 of the NHPA](#)

[National Rural Transit Assistance Program \(National RTAP\): Tribal Transit Topic Guide, National RTAP training modules, eLearning Portal, 2 The Point Training, Webinars, and Peer Roundtables and Chats, Directory of Trainers](#)

[National Rural Transit Assistance Program \(National RTAP\): Bus Rodeo Toolkit](#)

[National Transportation in Indian Country Conference \(NTICC\)](#)

[Northern Arizona Council of Governments \(NACOG\) 2018 Passenger Transportation Study \(PTS\)](#)

[North Central Regional Transit District \(NCRTD\), NCRTD Tribal Transit Service Plan, NCRTD Long Range Strategic Plan 2023](#)

[Northeast Oklahoma Tribal Transit Consortium \(NEOK\), Pelivan Transit's Northeast Tribal Transit Consortium website](#)

Office of Homeland Security, National Incident Management System (NIMS) Integration Center and the Office of Grants and Training, [Local Tribal NIMS Integration: Integrating the National Incident Management System into Local and Tribal Emergency Operations Plans and Standard Operating Procedures Version 1.0](#) (2004).

[National RTAP Tribal Transit Training Program: Planning, Funding, Developing, Starting and Sustaining a Tribal Transit System \(2020\)](#)

[Oklahoma DOT's Statewide Transit Plan & Policy \(December 2020\)](#)

[Oklahoma Transit Association \(OTA\), Rolling Oklahoma Classroom \(ROC\), ROC Brochure](#)

[Oneida Public Transit , Oneida Nation](#)

Shared-Use Mobility Center's Mobility Innovation Collaborative, [Centralizing Dispatch Services in a Primarily Rural Alaskan Borough](#) (March 2023)

[State Rural Transit Assistance Programs \(State RTAP\): State RTAP websites](#)

[Transit Cooperative Research Program \(TCRP\) Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook, TCRP Web Document 54: Developing, Enhancing, and Sustaining Tribal Transit Services: Final Research Report, and "Native Americans on the Move: Challenges and Successes"](#)

[Tribal Historic Preservation Office Program](#)

[Tribal Transportation Program \(TTP\), Public Transportation on Indian Reservations \(Tribal Transit\) Program \(TTP\)](#)

[Tribal Transportation Self-Governance Program \(TTSGP\)](#)

United States Census [Facts for Features: American Indian and Alaska Native Heritage Month: November 2022. U.S. Census](#)

United States Census [Understanding Geographic Relationships: American Indian Areas](#)

[United States Department of the Interior – Indian Affairs' List of Federally Recognized Tribes](#)

**United States Department of Transportation (U.S. DOT)/FHWA's Office of Tribal Transportation (OTT) website**

U.S. DOT/Small Urban, Rural and Tribal Center on Mobility (SURTCOM), a partnership between the Western Transportation Institute at Montana State University and the Upper Great Plains Transportation Institute at North Dakota State University, **Interest in Shared-Use Mobility Services in Tribal Communities (December 2023)**.

**Valley Transit**, Wasilla, Alaska

## Compliance

Rules and regulations related to the planning and operation of a Tribal transit system may sometimes vary from those of a non-Tribal, rural transit system. Tribal transit managers will want to have as much familiarity as they can with the procedures involved for Tribal receipt of FTA Section 5311 funds ([U.S. Code Title 49, Section 5311](#)) through the Section 5311 program and/or through the [Section 5311\(c\) Tribal Transit Program](#). Tribes can receive funding from both programs in the same fiscal year. A [federally recognized Tribe](#) may choose to access its share of [Public Transportation on Indian Reservations \(Tribal Transit\) Program \(TTP\)](#) federal funds directly from the federal government through a [Tribal Transportation Program Agreement \(TTPA\)](#) with the Federal Highway Administration (FHWA) or a [Tribal Transit Self-Governance Program \(TTSGP\)](#) compact with the U.S. Department of Transportation (U.S. DOT). Tribes which are not federally-recognized remain eligible to apply to the state(s) they reside in as subrecipients under the state's apportionment for Section [5310](#), [5311](#), or [5307](#) funding. See the [Tribal Administration and Funding section](#) of the Toolkit for more detailed information on available funding sources for Tribal transit programs.

- [Tribes as Subrecipients](#) - If the Tribe receives funding through the [Section 5311 program](#), it is often the case that the state is the FTA direct recipient, and the Tribe is a subrecipient of the state. As a subrecipient of the state, the Tribe has the same grant program administration requirements and responsibilities as other Tribal and non-Tribal Section 5311 subrecipients (see the [Grant Compliance Requirements section](#) of the Toolkit for an introduction to subrecipient requirements). Tribal subrecipients enter into written agreements with the state that indicate the terms and conditions of assistance for their project, and the state submits certifications, assurances, and National Transit Database (NTD) data to the federal government on their behalf.
- [Tribes as Direct Recipients](#) - Federally-recognized Indian Tribes or Alaska Native villages, groups, or communities are eligible direct recipients under the [Public Transportation on Indian Reservations Program \(Tribal Transit Program or TTP\)](#) in Section 5311(c)(1). Federally-recognized Tribes may also elect to become direct recipients under Section 5311 in addition to being subrecipients under a state 5311 program. For direct TTP recipients, Tribal requirements vary in specific ways from those under the Section 5311 program.

This section of the Transit Manager's Toolkit will provide Tribal transit managers with information, guidance, and resources intended to help ensure compliance with federal regulations associated with receiving Public Transportation on Indian Reservations Program (Tribal Transit Program) Section 5311(c)(1) funding. Much of the information that follows is included in the FTA's Tribal Transit Program Assessment Manual - Fiscal Year 2023. Tribal Transit managers who are recipients of Tribal Transit Program (TTP) funds are encouraged to review and use this manual as a resource for ensuring a basic understanding of FTA's legal and regulatory requirements. Written in an easy-to-follow question-and-answer format, the Manual lists the FTA's basic expectations and requirements for TTP recipients and contains detailed explanations of the actions required by TTP recipients to ensure compliance. (Note: At the time of this writing, the FTA's [Tribal Transit Technical Assistance Assessment Guide](#) website had not been updated with the 2023 manual.)

It is important to note that the list of compliance concerns that follows is not exhaustive, and Tribal transit managers should not rely on this section of the Toolkit alone to ensure they are meeting all federal and state requirements. See the information about FTA Tribal Liaisons and other technical assistance for Tribal transit managers in the [Tribal Administration and Funding section](#) of the Toolkit.

Topics are organized in the following subsections:

- Legal
- Award Management and Project Management
- Financial Management and National Transit Database (NTD)
  - Transit Asset Management
- Satisfactory Continuing Control
- Maintenance
- Charter Service
- Procurement
- Drug-Free Workplace Act and Drug and Alcohol Program
- Federal Nondiscrimination Requirements
  - Civil Rights Programs
    - Title VI of the Civil Rights Act of 1964 (Title VI)
    - Disadvantaged Business Enterprise (DBE)
    - Equal Employment Opportunity (EEO) Program
  - ADA (Americans with Disabilities Act)
- Section Sources

## Legal

Recipients of Tribal Transit Program (TTP) funds must be properly authorized to receive those funds. The [FTA's TTP Assessment Guide](#) states that TTP recipients must be a federally-recognized Tribe to request, receive, and dispense FTA funds and to execute and administer FTA-funded Tribal transit projects. In addition, officials acting on behalf of the TTP recipient must be shown to have the authority to take all necessary action and responsibility on behalf of the Tribe.

Information on required certifications and assurances are provided in the [TTP Assessment Guide's Legal section](#) along with detailed instructions on the use of the [Transit Award Management System \(TrAMS\)](#) or other acceptable methods to submit documentation from an authorized representative of the TTP recipient and legal counsel to FTA.

See the [Grant Compliance Requirements section](#) of this Toolkit for additional information and guidance on [Legal Matters](#). Also, see the [Tribal Governance](#) section of this Toolkit for related information on this topic.

## Award Management and Project Management

Tribal transit managers need to be aware of the need to report on the progress of FTA funded projects. TTP recipients must be able to implement FTA-funded projects in accordance with the award application, [FTA Master Agreement](#), and all applicable laws and regulations, using sound management practices. Milestone project reports (MPRs) and federal financial reports (FFRs) must be submitted at the intervals prescribed by the FTA. FFRs reports on the use of project funds while MPRs discuss progress toward project objectives and any potential problem areas.

The [TTP Assessment Guide's Technical Capacity and Project Management section](#) includes information and instructions on how and when TTP recipients must submit complete, accurate, and timely MPRs and FFRs to FTA. TTP recipient requirements related to expending funds timely, closing out projects, and what to do if funds remain after the project is completed are also discussed. In addition, the guide makes clear the requirements for TTP funded construction or planning projects, hiring contractors to operate and/or maintain vehicles for public transit services, and the management of safety and security for public Tribal transit systems.

See the [Grant Compliance Requirements/Technical Capacity section](#) of the Toolkit for additional information and guidance on reporting requirements.

## Financial Management and National Transit Database (NTD)

TTP recipients must have financial management systems in place to accurately account for and report on federal funds. More specifically, TTP recipients must have financial policies and procedures; an organizational structure that defines, assigns and delegates authority; and financial management systems in place to match, manage, and charge only allowable cost to the award. TTP recipients are also required to conduct single audits and provide financial oversight of subrecipients. These requirements are in addition to submitting complete transit operational reports to the NTD.

The [TTP Assessment Guide's Financial Management and NTD section](#) focuses on and provides guidance about the required policies and procedures described above. It provides clear instruction on drawing down and disbursing federal funds, charging indirect costs appropriately, conducting single audits, and the existence of financial resources necessary to maintain and operate FTA-funded assets.

See the [Grant Compliance Requirements section](#) of this Toolkit for additional information and guidance on [Financial Management and Capacity](#), including NTD.

In addition to the information above, the FTA's [National Transit Database \(NTD\) Overview](#) page and the [2023 NTD Reporting Policy Manual](#) provide specific guidance for NTD reporting by Tribes. Examples of Tribal specific information found in the [2023 NTD Reporting Policy Manual](#) are summarized below.

**Basic NTD Reporting for Tribes** - Tribes that receive or benefit from Section 5311 TTP funds report directly to the NTD. Tribes that receive Section 5311 funding from the State DOT also file a subrecipient summary form through the State DOT report.



If a Tribe is both a direct recipient of Section 5311 TTP funds and Section 5311 funds through the state, the Tribe must complete both the direct report to the NTD and an abbreviated summary to the state.

The FTA encourages federally recognized Tribes that operate public transportation but do not participate in the TTP to file a report to the NTD on a voluntary basis. By reporting voluntarily, Tribes qualify for inclusion in future TTP apportionments.

**Geospatial Data for Demand Response (DR)** - Tribal Reporters must report geospatial data for Demand Response (DR) modes of service. Tribal reporters must also report the American Indian Areas or Alaska Native Areas recognized by the U.S. Census Bureau where they operate public transit.

**General Transit Feed Specification Data (GTFS)** - Starting in Report Year (RY 2023), FTA will require NTD reporters, including Tribal Reporters, with fixed route modes to create and maintain a General Transit Feed Specification (GTFS) feed. GTFS is a common format that allows public transit agencies to publish their transit data in a way that most software applications can read. The GTFS specification enables current and accurate snapshots of transit services that support mobile applications such as mapping and routing services.

Tribal reporters can request reporting assistance through the [GTFS Builder](#) resources available from National RTAP. Agencies may consult with National RTAP and use its tools to assist with training staff and complying with the NTD reporting requirements.

### Transit Asset Management (TAM)

Any recipient or subrecipient that owns, operates, or manages capital assets used for providing public transportation, including TTP recipients, is covered by [49 U.S.C. 5326 Transit asset management](#) and must comply with [FTA's Transit Asset Management \(TAM\) program \(49 CFR Part 625\)](#). The purpose of the TAM program is to enable transit agencies to implement strategic approaches to monitoring, maintaining, and replacing transit assets. For the purpose of reporting performance targets, TAM rules break transit agencies into two tiers – Tier I and Tier II. Section 5311 transportation providers, including Tribes, are Tier II providers.

As Tier II providers, Tribal transit providers must include the following four elements in their TAM plan:

1. An inventory of the number and type of capital assets
2. A condition assessment
3. Analytical processes or decision support tools
4. Project-based prioritization of investments

The [TTP Assessment Guide's Transit Asset Management section](#) describes the four required elements in greater detail and provides instruction on how to develop an individual or group TAM. The guide discusses the plan development options available to Tribes. Tribes may choose to develop an individual plan or participate in a group TAM Plan. Unlike other Tier II providers, Tribes have the option to select a sponsor that they do not receive funds from. Specific requirements and

responsibilities related to individual and group TAM plans such as performance targets and sharing of the plan are also discussed in detail.

Tribal transit managers will also want to review the FTA's [TAM for Tribes](#) website and the [FTA's Tribal Reporting Tool \(BETA\)](#) for specific information on TAM requirements for Tribal transit systems.

See the [Transit Asset Management section](#) of the Toolkit for additional help in understanding the federal requirements for transit asset management.

## Satisfactory Continuing Control

TTP recipients must ensure that FTA-funded property will remain available to be used for its originally authorized purpose until it has met its useful life or been disposed of in accordance with [FTA Circular 5010.1E \(Award Management Requirements\)](#).

For TTP recipients that operate or lease FTA-funded equipment, the [TTP Assessment Guide's Satisfactory Continuing Control section](#) provides guidance and instruction about maintaining control of FTA-funded equipment in accordance with [2 CFR 200.313 Equipment](#) and FTA requirements. These requirements include maintaining property records, conducting and reconciling a physical inventory, and developing an adequate property control system. The guide also discusses the incidental use of FTA-funded facilities for planned joint or shared use with any other Tribal agency or private company (charter, school bus, or public works). See the [Grant Compliance Requirements section](#) of the Toolkit for more information on [Satisfactory Continuing Control](#) of FTA-funded equipment.

## Maintenance

TTP recipients must keep federally funded vehicles, equipment, and facilities in good operating condition. This requirement includes Americans with Disabilities Act (ADA) accessibility features on all vehicles, equipment, and facilities.

The [TTP Assessment Guide's Maintenance section](#) provides guidance and instruction about required maintenance plans for TTP recipients with direct control over FTA-funded assets. The guide includes a model maintenance program for FTA-funded facilities and equipment, as well as discussions on preventive maintenance inspections and maintenance of wheelchair lifts and other accessibility features.

See the [Grant Compliance Requirements/Property and Equipment Management section](#) of the Toolkit for additional guidance on keeping federally funded vehicles, equipment, and facilities in good operating condition.

## Charter Service

TTP recipients are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. There are, however, certain regulatory exceptions that allow TTP recipients to operate community-based charter services.

The [TTP Assessment Guide's Charter Bus section](#) explains the limited exceptions to this prohibition. The exemptions that would allow TTP recipients to operate charter service under an authorized exception include requirements to maintain notices and records for at least three years and report to the FTA quarterly. Guidance is also provided about the use of FTA-funded facilities for charter bus storage and maintenance.

See the [Charter Service section](#) of the Toolkit for a summary of the federal requirements for Federal Transit Administration (FTA) recipients and subrecipients on providing charter services (transportation provided at the request of a third party for either exclusive use of a bus or van for a negotiated price, or to the public for special events with a premium fare or paid for in whole or in part by a third party).

## Procurement

A non-federal entity must use its own documented procurement procedures that reflect applicable state, local, and Tribal laws and regulations, including those in [2 CFR Part 200 \(Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards\)](#). State recipients can use the state's policies and procedures. When applied to federal procurements, those policies and procedures must still be compliant with all federal requirements as applied to non-state recipients.

TTP recipients must ensure that their policies and procedures explain how the recipient will ensure compliance with the standards and requirements identified in [2 CFR 200.318 \(General Procurement Standards\)](#) through [200.327 \(Contract Provisions\)](#). The [TTP Assessment Guide's Procurement section](#) covers basic requirements including discussions related to written procurement policies that comply with 2 CFR Part 200 (above) and [FTA Circular 4220 1F](#). The guide explains requirements for written standards of conduct, protest procedures, contracting with responsible firms, and ensuring full and open competition. It also discusses methods of procurement, [Build America, Buy America \(BABA\)](#) certifications, and “[Piggybacking](#)” (the post-award use of a contractual document/process that allows someone who was not contemplated in the original procurement to purchase the same supplies/equipment through that original document/process).

See the [Procurement 101 section](#) of the Toolkit for an introduction to the FTA requirements and the general steps to take before making a purchase or awarding a contract. and the [Procurement – Beyond 101 section](#) for supplemental information about FTA procurement requirements.

## Drug-Free Workplace Act and Drug and Alcohol Program

In accordance with FTA drug and alcohol regulations, [49 CFR Part 655 \(Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations\)](#), each recipient and subrecipient receiving Section 5307, 5309, or 5311 funding and any contractor of a recipient or subrecipient of Section 5307, 5309, or 5311 funding must test all safety-sensitive employees regardless of the size of the system or the number of employees. As recipients of Section 5311 funding, TTP recipients are required to maintain a Drug-Free workplace in accordance with [41 U.S.C. 702 - Drug-free workplace requirements for Federal grant recipients](#) for all award-related employees. TTP recipients that have safety-sensitive employees must also have a drug and alcohol testing program in place for such employees.

The [FTA's TTP Assessment Guide's DFWA/Drug and Alcohol section](#) explains the requirements of the [Drug-Free Workplace Act \(DFWA\)](#) for all award-related employees and how those requirements differ from FTA drug and alcohol testing requirements, [49 CFR Part 40](#), which apply to “safety sensitive” employees as well as contractors and subcontractors with safety sensitive employees. The guide includes information related to the drafting and distribution of DFWA policy, as well as FTA drug and alcohol policy, testing, reporting, and testing vendor compliance.

See the [Drug & Alcohol Programs section](#) of the Toolkit for a summary of the requirements for public transit systems to have an FTA-compliant drug and alcohol testing program.

## Federal Nondiscrimination Requirements

FTA recognizes that Tribes are exempt from certain federal civil rights statutes. “Based on consultations with Indian tribes in establishing the Tribal Transit Program, Indian tribes will not be subject to certain DOT civil rights regulations and FTA-specific civil rights program guidance in the Tribal Transit Program. For all other FTA programs, however, Indian tribes will be subject to federal civil rights statutes, DOT civil rights regulations, and FTA-specific civil rights program guidance unless expressly exempt by law.” [FTA Civil Rights /ADA Programs and Requirements for Indian Tribes Fact Sheet](#)

Tribes that receive FTA program funds outside of the Tribal Transit Program as a direct recipient or subrecipient are subject to all associated statutory and regulatory requirements including FTA Civil Rights program guidance. The [FTA Civil Rights /ADA Programs and Requirements for Indian Tribes Fact Sheet - Pages 4-5](#) also includes a chart (Summary: Applicability of FTA Civil Rights Programs and ADA Compliance for Indian Tribes receiving FTA Funds) that Tribal transit managers will find helpful.

The sections that follow provide an overview of the statutory and regulatory civil rights requirements that Tribes must be aware of when receiving FTA program funds, particularly as it relates to FTA Civil Rights programs and Americans with Disabilities (ADA) compliance.

## Civil Rights Programs

See the [Civil Rights section](#) of this Toolkit for an introduction to civil rights statutory and regulatory requirements of various civil rights laws, the Title VI program; the Disadvantaged Business Enterprise program; and the Equal Employment Opportunity program.

**Title VI of the Civil Rights Act of 1964 (Title VI)** - All recipients receiving financial assistance from FTA, including Tribes, are subject to [Title VI](#) and U.S. DOT's implementing regulations. For Tribes that participate only in the Tribal Transit Program, FTA exempts such Tribes from the requirement to prepare and submit a program to demonstrate compliance with Title VI, as this is FTA-specific program guidance.

**Disadvantaged Business Enterprise (DBE) Program** - A Tribe (or any other FTA recipient) receiving planning, capital and/or operating assistance that will award contracts over \$250,000 in FTA funds in a Federal Fiscal Year (FFY) (excluding vehicle purchases) must meet [FTA's DBE program requirements \(49 CFR Part 26\)](#). The DBE program requirement applies to both Tribes that receive only Tribal Transit Program funds and to those that receive other FTA funds.

**Equal Employment Opportunity (EEO) Program** - Although Title VII of the Civil Rights Act of 1964 and Title I of the ADA exempt Tribes from the definition of an "employer," Tribes are subject to the provisions of FTA's nondiscrimination statute ([49 U.S.C. 5332\(b\)](#)). Therefore, Tribes that receive funds in any of FTA's grant programs are subject to FTA's EEO Program requirements ([49 CFR Part 21.5\(c\)](#)), even those that only receive Tribal Transit Program funds. With respect to a Tribe's employment rights ordinance, Tribes have the authority to include Indian preference in employment on projects located on or near reservations and may include Indian preference in any contracts or subcontracts under grants specifically for the benefit of Tribes such as the Tribal Transit Program.

## ADA (Americans with Disabilities Act)

The [Americans with Disabilities Act of 1990 \(ADA\), as amended, 42 U.S.C. Section 12101, et seq.](#), requires that accessible facilities and services be made available to individuals with disabilities. TTP recipients are covered by Titles II and III of the Americans with Disabilities Act of 1990 which provides 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 and the provision of service, including complementary paratransit service.

The [FTA Master Agreement](#) states that, while the requirements of the ADA are generally applicable to FTA recipients, only Titles II (Public services) and III (Public accommodations and Services by Private Entities) are applicable to Tribes. Title I (Employment) does not apply because it exempts Tribes from the definition of "employer." Since Tribes are not specifically exempt from the provisions of Title II, the FTA's requirements in [49 CFR](#) Parts [27](#) (Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance), [37](#) (Transportation Services for Individuals with Disabilities), [38](#) (Accessibility Specifications for Transportation Vehicles), and [39](#) (Transportation for Individuals with Disabilities: Passenger Vessels) do apply to Tribes that receive FTA funding.

The [FTA's TTP Assessment Guide's Americans with Disabilities Act \(ADA\) section](#) provides direction to TTP recipients on how to track, resolve, and respond to ADA-related complaints.

See the [ADA \(Americans with Disabilities Act\) section](#) of the Toolkit for an introduction to the [Americans with Disabilities Act of 1990 \(ADA\)](#) and Section 504 of the Rehabilitation Act of 1973. and ADA) are government-wide requirements that apply to all Federal programs, including TTP.

## Section Sources:

[Accessibility Specifications for Transportation Vehicles - 49 CFR Part 38](#)

[Americans with Disabilities Act of 1990 \(ADA\)](#)

[Enhancing Mobility of Seniors and Individuals with Disabilities - 49 U.S.C. § 5310 \(Section 5310\)](#)

[Federal Transit Administration \(FTA\) Civil Rights /ADA Programs and Requirements for Indian Tribes Fact Sheet](#)

[Federal Transit Administration \(FTA\) Formula Grants for Rural Areas Fact Sheet](#)

[Federal Transit Administration \(FTA\) FTA Master Agreement](#)

[Federal Transit Administration \(FTA\) Transit Asset Management Fact Sheet](#)

[Federal Transit Administration \(FTA\), FTA's Funding Opportunities for Tribal Entities, FTA's page for Tribal Governments, FTA Regional Tribal Liaisons](#)

[Formula Grants for Rural Areas - 49 U.S.C. § 5311 \(Section 5311\)](#)

[National Transit Database \(NTD\)](#)

[National Transit Database \(NTD\) Policy Manual Asset Inventory Data Requirements \(2023\)](#)

[Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance - 49 CFR Part 27](#)

[Rural Transit Assistance Program \(RTAP\), 49 U.S.C. Section 5311\(b\)\(3\)](#)

[Section 5311 Rural Areas Formula Program, 49 U.S.C. Section 5311](#)

[Transportation Services for Individuals with Disabilities - 49 CFR Part 37](#)

[Transportation Services for Individuals with Disabilities: Passenger Vessels - 49 CFR Part 39](#)



Tribal Self-Governance Act of 1994, as amended. Title 25 - Indians, Chapter 46 – Indian Self Determination and Education Assistance, Subchapter IV – Tribal Self-Governance – Department of the Interior, Section 5301 – Tribal Self-Governance Program (25 U.S.C. 5362 et seq.)

Tribal Transit Competitive Program, 49 U.S.C. Section 5311(c)(1)

Tribal Transit Formula Program, 49 U.S.C. Section 5311(j)

Tribal Transit Self-Governance Program (TTSGP)

Tribal Transportation Program (TTP), Public Transportation on Indian Reservations (Tribal Transit) Program (TTP)

Tribal Transportation Program Agreement (TTPA)

United States Department of Transportation (U.S. DOT)/FHWA's Tribal Transportation Delivery Guide – A Guide for Tribes with an FHWA Tribal Transit Agreement. March 2023

## Glossary

**Acceptance:** agreement to the terms of an offer.

**Accountable Executive:** the person who interacts with the board and executive leadership on plans, policies, purchasing decisions and daily operations that impact safety under the Federal Transit Administration's (FTA) Safety Management System model.

**ADA complementary paratransit:** comparable "origin to destination" transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems. The U.S. DOT requirements for this service are detailed in 49 CFR Part 37 Subpart F. The service is required to complement, or supplement, the fixed route service.

**Advisory Board:** a group of appointed or elected individuals who provide input on how an organization can better serve the community.

**Americans with Disabilities Act of 1990 (ADA):** A federal law that prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local services, public accommodations, commercial facilities, and transportation (Civil Rights Division of U.S. Department of Justice (DOJ)).

**Automatic vehicle location (AVL):** technology that tracks the current geographic location of fleet vehicles. AVL technology is used to assist in dispatching, maintaining schedules, and reporting vehicle activities. It can be used to see where each of the vehicles are throughout a service area.

**Bi-directional (also known as Out and Back):** the typical service design of fixed-route transit. If there is a bus stop on one side of the street, there should usually be a stop across the street.

**Bus driver or operator:** a person who safely operates and navigates the bus, collects fares, helps passengers (including those with disabilities), answers questions, performs vehicle inspections, maintains route schedules and trip logs, communicates with dispatchers and traffic controllers, and troubleshoots incidents and emergencies.

**Bus operations manager:** a manager that supervises drivers, dispatchers and other staff, oversees the operation of operations budget, manages operations staff hiring, retention and discipline, and implements policies. In smaller systems, the operations manager may also be responsible for managing the transit agency budget.

**Capacity:** with respect to ADA complementary paratransit, capacity refers to the ability of the transit agency to meet the demand for passenger trips by eligible individuals. For more information on capacity constraints on ADA complementary paratransit, see Section 8.5 of the [FTA ADA Circular](#).

**Capital assets:** in the context of transit asset management, refers to vehicles, other equipment, and facilities.

**Charter bus service:** transportation provided by a transportation provider at the request of a third-party for the exclusive use of a bus or van for a negotiated price (not including demand response service to individuals). Also includes transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and a premium fare is charged that is greater than the usual or customary fixed route fare, or the service is paid for in whole or in part by a third-party. See FTA's Charter Service regulations (49 CFR Part 604) for a more detailed definition of charter bus service.

**Checkpoint service:** a type of transit service in which vehicles serve designated stops at scheduled times but operate in demand responsive mode between stops. Also referred to as point deviation service.

**Chief Safety Officer:** typically oversees key safety functions and must report directly to the Accountable Executive for all safety concerns under the FTA's Safety Management System model.

**Cognizant Federal Agency:** for the purposes of indirect costs, the Federal agency responsible for reviewing, negotiating, and approving an organization's cost allocation plans or indirect cost proposals. This is generally whichever federal agency provides the most funding to an organization.

**Commercial Driver's License (CDL):** a license issued to an individual by a State or other jurisdiction of domicile, in accordance with the standards contained 49 CFR Part 383, which authorizes the individual to operate a class of a commercial motor vehicle.

**Commercial Motor Vehicle (CMV):** a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property weighing over 26,000 pounds or designed to transport 16 or more passengers including the driver or used in transporting hazardous materials.

**Competitive procurement:** formal procurement methods required for purchases that exceed the simplified acquisition threshold in the Federal Acquisition Regulations (48 CFR Subpart 2.1) or the State-specified threshold. Examples include sealed bids and competitive proposals.

**Competitive proposals:** A competitive procurement process in which proposals are publicly solicited (through a request for proposals), and a contract is awarded, generally, to the responsible offeror whose proposal is the most advantageous when price and other factors are considered.

**Coordination:** allows service providers to leverage all of the resources in a community to increase mobility for everyone.

**Customer Service Representative:** a person who assists passengers with questions and needs (fare and route information, directions, etc.), refers customers to an appropriate person for additional assistance, and may perform reception duties.

**DBE goal:** refers to a percentage goal for Disadvantaged Business Enterprise (DBE) participation in contracting opportunities.

**DBE liaison officer:** the individual responsible for the implementation of the Disadvantaged Business Enterprise (DBE) program.

**Defensive driving:** Driving in a manner to prevent accidents regardless of conditions or the actions of others.

**Demand responsive service:** A transit mode comprised of passenger cars, vans or small buses operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations [FTA National Transit Database (NTD)]. Also commonly referred to as demand response service.

**Demand responsive system:** any system of transporting individuals which is not a fixed route system ([U.S. Department of Transportation Americans with Disabilities Act](#) regulatory definition). Also commonly referred to as demand response system. As described in the [FTA ADA Circular](#), demand responsive systems encompass a wide variety of service types, including traditional dial-a-ride service, taxi subsidy service, vanpool service, route deviation service, and complementary paratransit.

**Deobligate:** release of the Federal Government's commitment to provide funds through a federal grant award (see also Obligation).

**Disadvantaged Business Enterprise (DBE):** a for-profit small business owned and controlled by a socially and economically disadvantaged individual, certified by a state's Unified Certification Program.

**Dispatcher:** staff who coordinate needs of riders with vehicle availability, communicate with passengers, drivers, and maintenance staff, ensure buses arrive on time to locations, alert drivers to delays, driving conditions, and traffic pattern changes.

**Dispatcher supervisor or manager:** a person who supervises and trains dispatch staff, prepares driving assignments and records of trips. In smaller organizations, the operations manager may serve as the dispatcher supervisor.

**Disposition:** the settlement of the federal interest in project property that is no longer needed for the originally authorized purpose. When a federal grantee agency seeks to sell (or otherwise dispose of) a property from a grant-funded project (such as a facility or vehicle funded by a federal grant), the grantee is subject to federal disposition requirements specified in 2 CFR Part 200.

**Diversity:** focusing on inclusion of people with different characteristics such as age, disability, ethnicity, race, religion, cultural identity, national origin, gender, gender identity, sexual orientation, and/or other characteristics.

**Endorsement:** with respect to a CDL, an authorization required to permit the individual to operate certain types of commercial motor vehicles (as detailed in 49 CFR Part 383). For example, a passenger endorsement is required for the CDL of a driver of commercial motor vehicles transporting passengers.

**Environmental Justice:** established by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, intended to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations; ensure the full and fair participation by all potentially affected communities in the transportation decision-

making process; and prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

**Equal Employment Opportunity:** refers to statutes and regulations that prohibit employment discrimination and provide employees and job applicants with protections and remedies against employment discrimination.

**Equity:** the fair and just distribution of benefits or burdens of transit services and infrastructure across communities to address the needs of the people it serves in a manner that considers and supports their unique circumstances and abilities and continues to evolve as these factors change.

**Equity analysis:** a planning requirement for transit agencies under Title VI, to prevent the effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, color, or national origin. An equity analysis must be conducted before determining the site or location of transit facilities, and by transit agencies exceeding a certain size threshold when planning a fare increase or major service reduction.

**Fixed route service with ADA complementary paratransit:** a system of transporting individuals, including designated public transportation service by public and private entities, including, but not limited to public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule. ADA complementary paratransit is comparable transit service required by the Americans with Disabilities Act (ADA) for people with disabilities who are unable to use fixed route transportation systems. ([U.S. Department of Transportation Americans with Disabilities Act, FTA ADA Circular](#))

**Fixed route system:** operates along a prescribed route according to a fixed schedule.

**Fixed schedule service:** a hybrid service that provides door-to-door service according to a schedule.

**Flag stop:** a type of fixed route service that allows the bus to stop at any location along the route upon request and at the driver's discretion.

**Flexible route service (Route deviation):** a blend of fixed-route and paratransit services that includes public fixed routes with published schedules that can flex off route up to a prescribed distance to pick up passengers that may not be able to get to a bus stop.

**FTA Circulars:** guidance to provide grantees with direction on program specific issues and statutory requirements.

**Governing board:** members are elected or appointed to fixed terms and have the authority to give the final opinion on matters concerning the organization.

**Government-to-Government Relationship:** the relationship between federally recognized Tribes and the United States is a relationship between sovereigns. While federally recognized Tribes generally are not subordinate to states, they can have government-to-government relationships with states as well.

**Head of Agency:** the person with final responsibility for all operations, who directs senior staff, leads meetings, represents the agency to all stakeholders, carries out board vision and policies, and ensures that quality and fiscal goals are met. Known in some organizations as the Executive Director or Chief Executive Officer.

**Headway:** the time between buses going in the same direction on the same route.

**Independent Cost Estimate (ICE):** the first price/cost analysis required in every procurement process, developed to establish a reasonable price range for the goods or services being procured.

**Indian Preference:** an exception to Title VII's general nondiscrimination principles that allows certain employers under certain circumstances to exercise an employment preference in favor of American Indians. ([Section 703\(i\) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2\(i\)\(1982\)](#))

**Indirect costs:** costs that are shared among all departments or programs in an organization. Also referred to as overhead.

**Information accessibility:** printed materials must be made available, upon request, in a format that is accessible to the person making the request, such as large print, Braille, sign language interpretation, or electronic files that can be read by screen reading technology.

**Intercity bus service:** as defined in FTA Circular C 9040.1G, regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

**Interlining:** a system of scheduling where two fixed routes meet at a designated transfer point and then become a second route (fixed route interlining). This reduces the need for transfers.

**Joint procurement:** refers to more than one agency collaboratively going through a competitive procurement that addresses the needs of all of the agencies involved.

**Legislation:** statutory law.

**Lift:** on a transit vehicle, a lift is a mechanical platform that raises from the ground to the vehicle so a person using a wheelchair or otherwise not able to climb stairs to board and alight the vehicle. Standards for the vehicle lift are found in 49 CFR Part 38, Section 38.23(b).

**Limited English Proficiency (LEP) persons:** persons for whom English is not their primary language, with limited ability to speak, understand, read or write English.

**Local match:** funds that are required to cover to part of the cost of grant-funded costs. For FTA grants, referred to as non-federal share and can include state funding.

**Maintenance supervisor or manager:** a person who supervises and trains maintenance staff, manages work schedules, prioritizes repair projects, reviews completed work, leads staff meetings, and prepares and delivers maintenance reports.



**Master Agreement:** the official FTA document containing FTA and other cross-cutting federal requirements applicable to the FTA recipient (i.e., the state for Section 5311) and its grant agreement.

**Mechanic:** a person who diagnoses and repairs problems with bus equipment, including electrical, hydraulic, engine, mechanical, brake, and/or other specialized systems.

**Micro-purchase:** a procurement method allowed for purchases that do not exceed the micro-purchase threshold in the Federal Acquisition Regulations (48 CFR Subpart 2.1).

**Microtransit service:** technology-enabled service that uses multi-passenger vehicles to provide on-demand services with dynamically generated routing. Microtransit services are traditionally provided in designated service areas (zones).

**Mission statement** - a statement that identifies why an organization exists.

**Mobility device:** a device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

**Mobility management:** an approach to designing and delivering transportation services that starts and ends with the customer. Common components include partnerships between multiple agencies and organizations; a customer-driven, market-based approach that provides customers with a variety of transportation options through individualized trip planning; and one-stop travel information and trip planning centers that provide information on available transportation options and coordinate requests for transportation services.

**Multi-year financial plan:** a financial plan that allows management to anticipate future year costs and apply for funding accordingly.

**National Public Transportation Safety Plan (NPTSP):** the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53. The plan guides the national effort in managing the safety risks and safety hazards within our nation's public transportation systems. It establishes performance measures to improve the safety of public transportation systems that receive federal financial assistance. FTA released the National Public Transportation Safety Plan in 2017.

**National Transit Database (NTD):** FTA database that records the financial, operating and asset condition of transit systems.

**Net project cost:** For FTA operating grants, net project costs are calculated by subtracting fares from the total project cost.

**Non-federal share:** non-federal funds that are required to cover to part of the cost of federal grant-funded costs. Commonly referred to as local match.

**Nondiscrimination:** prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, or age.

**Obligation:** with respect to a federal grant award, a commitment that creates a legal liability of the Federal Government by awarding federal assistance through a Grant or Cooperative Agreement.

**Offer:** a promise, in response to a solicitation, to provide goods or services according to specified terms and conditions in exchange for material compensation.

**Office manager:** a person who manages agency workflow and schedules, performs bookkeeping, plans events, procures office equipment repair and supplies, and may supervise support staff.

**On-time performance:** rate of vehicle runs completed as scheduled.

**Out and Back: (also known as bi-directional)** the typical service design of fixed-route transit. If there is a bus stop on one side of the street, there should usually be a stop across the street.

**Period of performance:** time span during which a grant project's costs are funded by federal grant funds.

**Piggybacking:** an assignment of existing contracts rights to purchase supplies, equipment, or services to another agency.

**Point deviation service:** see checkpoint service

**Procurement:** making a purchase or awarding a contract.

**Public Transportation Agency Safety Plan (PTASP):** PTASP means the documented comprehensive agency safety plan for a transit agency that is required 49 CFR Part 673. FTA released the final rule in July 2018 on the Public Transportation Agency Safety Plan (PTASP) requirements for Section 5307-funded urban transit systems.

**Ramp:** on a transit vehicle, refers to a mechanical platform that slopes from the passenger entrance to the curb or street so that riders using wheelchairs can roll on and off of the vehicle, and riders who are otherwise not able to climb stairs can more easily board and alight the vehicle. Standards for the vehicle ramp are found in 49 CFR Part 38, Section 38.23(c).

**Route deviation service:** A system that permits user-initiated deviations from routes or schedules [Section 37.3 of Appendix D to 49 CFR Part 37]. Transit service that operates along established routes that typically have designated stops. Between these stops, vehicles deviate (depart) from an established route to pick up or drop off riders within a defined off-route service area [FTA ADA Circular, Section 7.5.4].

**Rural area:** An area with a population below 50,000 people in the most recent decennial census.

**Safety-sensitive:** Under FTA Drug and Alcohol regulations, safety-sensitive functions include operating a revenue service vehicle, including when not in revenue service; operating a nonrevenue service vehicle that requires CDL; controlling dispatch or movement of a revenue service vehicle; maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service; carrying a firearm for security purposes.

**Sealed bids:** A competitive procurement process in which bids are publicly solicited through an invitation for bids, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price.

**Section 5307:** FTA's Urbanized Area Formula Program.

**Section 5310:** FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Program.

**Section 5311:** FTA's Formula Grants for Rural Areas funding program.

**Section 5339:** FTA's Bus and Bus Facilities Program.

**Securement area or station:** on a transit bus, a designated location for riders using wheelchairs, equipped with a securement system. Standards for the securement area are found in 49 CFR Part 38, Section 38.23(d).

**Securement device, equipment or system:** on a transit bus, equipment that is used to secure a wheelchair against uncontrolled movement during transport. Standards for securement equipment are found in 49 CFR Part 38, Section 38.23(d).

**Service animal:** any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing animal protection or rescue work, pulling a wheelchair, or fetching dropped items (U.S. Department of Transportation definition; U.S. Department of Justice has a different definition).

**Service availability:** a general measure of the distribution of routes within a transit provider's service area, such as the percentage of all residents in the service area are within walking distance to a route, or the maximum distance between stops.

**Simplified acquisition threshold:** \$250,000, except for certain exceptional procurements specified in (48 CFR Subpart 2.1).

**Small purchase:** a procurement method allowed for purchases that do not exceed the simplified acquisition threshold in the Federal Acquisition Regulations (48 CFR Subpart 2.1).

**Sole source:** a noncompetitive procurement method used when supplies or services are available from only one source.

**Solicitation:** a purchasing entity's request for offers, including a telephone request for price quotations, an invitation for bids, or a request for proposals.

**Spare ratio:** the total number of spare vehicles available for fixed-route service divided by the total number of fixed-route vehicles required for peak service, typically expressed as a percentage.

**Sponsorship:** designed to sell a service to both public and private organizations. Examples of sponsorship may include a company logo on rural transit maps and brochures, a bus wrap with a sponsor's logo, and dedicated shopper, tourist, or college shuttle service.

**State of good repair:** the condition in which a capital asset is able to operate at a full level of performance.

**State management plan:** a document that describes the state's policies and procedures in administering an FTA grant funded program, including the state's objectives, policies, procedures, and administrative requirements.

**Statewide Transportation Improvement Program (STIP)** - a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and metropolitan area Transportation Improvement Programs (TIPs)

**Strategic planning:** a deliberative, disciplined effort to produce decisions and actions that shape and guide what an organization is, what it does, and why it does it. It is commonly used by private and public entities to actively guide future activities and direction, rather than simply having to react to what may occur.

**Subrecipient:** recipient of FTA funding that is award by FTA to the state or other direct recipient, who then awards the funds to other entities. For the Section 5311 program, eligible subrecipients include local governments, tribes, transit authorities, and private nonprofit organizations that provide rural public transportation.

**Succession plan:** a plan that identifies positions within the organization and provides action plans for new individuals to assume those positions when they are vacated.

**Super Circular:** 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Office of Management and Budget (OMB) regulations that apply to federal grants and agreements.

**Timed transfer:** a system of scheduling where connecting routes meet at the same time.

**Title VI:** Title VI of the Civil Rights Act of 1964 states that “no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

**Transit amenities:** include items of comfort, convenience, and safety that are available to the general riding public, such as benches, shelters, signage, and trash receptacles.

**Transit development plan:** a short-range plan that reviews and updates a transit agency's goals, evaluates the existing conditions and needs, and identifies ways to meet near-term and long-term needs and goals.

**Transportation advisory committee:** formally appointed group that typically advise local elected officials on transportation needs within the community. Committee members speak on behalf of their stakeholder groups to give feedback as to whether the transit system is providing appropriate service for the community.

**Transportation manager or director:** a person who is responsible for fleet operations, provides oversight and management on transportation initiatives, coordinates agency activities and functions, manages budgets, hires, trains, supervises, and schedules transportation staff.

**Tribal Band Autonomy:** the belief that all Tribes are unique. There should be no expectation that any Tribal governments will function in the same manner.

**Tribal Employment Rights Ordinance (TERO):** sovereignty-based legislation enacted by a Tribal Government to enforce Tribally enacted Indian Preference law. TERO programs derive their authority from an individual Tribe's inherent sovereign status and its authority to enact and enforce Indian/Native employment preference law. A Tribal Employment Rights Office is also known as a TERO.

**Tribal Self-Governance:** the authority of a Tribe to self-administer certain federal programs and services for its Tribal members.

**Tribal Sovereignty:** the right of federally recognized American Indian and Alaska Native tribal entities to govern themselves. Sovereignty for Tribes includes the right to establish their own form of government, determine membership requirements, enact legislation, and establish law enforcement and court systems. (An Issue of Sovereignty, National Conference of State Legislatures, 2013 and Bureau of Indian Affairs, Frequently Asked Questions website)

**Tribal Transit Program (TTP):** a set-aside of the [Formula Grants for Rural Areas Program \(49 US Code Section 5311\)](#) with two main components: Formula funding (apportioned to Tribes who report transit data to the National Transit Database (NTD)) and Competitive funding (made available in a Notice of Funding Opportunity each year). ([FTA's Tribal Transit Formula Grants - 5311\(c\)\(1\)\(B\)](#) and [Public Transportation on Indian Reservations Program; Tribal Transit Competitive Program](#) web pages. 25 CFR 170.)

**Tribal Treaties:** preserve promises made to American Indian Nations or Tribes by the U.S. Government and are substantive federal law of equal importance to other federal laws and obligations. The U.S. Government no longer makes treaties with Tribes, relations with Tribes are now formalized and/or codified by Congressional Acts, Executive Orders, and Executive Agreements. (25 U.S.C., Chapter 3, Section 71)

**Unified Certification Program (UCP):** the state-level entity responsible for certifying eligible firms as Disadvantaged Business Enterprises (DBEs).

**Urbanized area:** An area with a population of at least 50,000 people in the most recent decennial census.

**Value statement:** describes core beliefs and principles that guide an organization.

**Vehicle assignment:** refers to how vehicles are assigned to routes.

**Vehicle headway:** a measure of the frequency of fixed route service, typically expressed as the amount of time between two vehicles traveling in the same direction on a given route.

**Vehicle load:** a measure of the level of crowding on a vehicle, typically expressed as the ratio of passengers to the total number of seats on a vehicle.

**Vision statement:** a view of an organization at its future best.

**Wheelchair:** a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors or outdoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

**Zone service:** a method of providing limited transit access over a large area that could not otherwise support service. Zone service can assign fixed route, demand response, or other types of service to certain zones or sectors on certain days.

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