

Federal Transit Administration  
5316 Job Access and Reverse Commute  
and  
5317 New Freedom

Program Management Plan

**Council of Fresno County Governments**

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## FRESNO URBANIZED AREA

### JOB ACCESS & REVERSE COMMUTE and NEW FREEDOM PROGRAM MANAGEMENT PLAN

#### **BACKGROUND**

With The passage of the Safe, accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), (Pub. L. 109-059), the Job Access and Reverse Commute program (JARC) [Section 5316] was changed from a discretionary funding program to a formula program and the New Freedom Program (Section 5317) was created. Congress has allocated JARC and New Freedom funds for use in the Fresno Urbanized Area, which is identified in the map at Exhibit 1.

JARC SCOPE / Eligibility: JARC provides formula funding to state and designated recipients to support the development and maintenance of projects designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to employment. Reverse Commute projects provide transportation services to transport residents of urbanized (over 200,000 in population and areas under 200,000 in population) to suburban employment opportunities. JARC funds can be used for capital, planning and operating costs.

New Freedom / Eligibility: The New Freedom Program provides for new public transportation services beyond those required by the Americans with Disabilities Act of 1990 (ADA) and new public transportation alternatives beyond those required by ADA that assists individuals with disabilities with transportation, including transportation to and from jobs and employment support services. New Freedom funds can be used for both capital and operating costs.

#### **PROGRAM MANAGEMENT PLAN**

The purpose of this program management plan is to document policies and procedures for administrating the JARC and New Freedom Programs.

The Federal Transit Administration (FTA) Circulars allow the designated recipient to establish arrangements to administer and conduct the competitive selection process. Fresno Council of Governments (Fresno COG) will issue the call for projects. Fresno COG has been designated by the State of California as the Designated Recipient for FTA Section 5316 and 5317 grant programs. Because of Fresno COG's designated recipient status and its desire to expedite the use of JARC and New Freedom funds, Fresno COG will submit grant program applications, receive the resulting FTA contracts, and manage both grant programs. Fresno COG may request reimbursement for administrative costs resulting from their program participation. Successful applicants will be subrecipient(s) to Fresno COG and will be subject to meeting the operational and reporting requirements for each FTA funding program.

Fresno COG will use the Fresno COG Social Services Transportation Advisory Council (SSTAC) to select projects for funding through a competitive process and recommend funding levels from the JARC and New Freedom Programs. Beginning in FFY 2008, projects selected for funding must be included in the applicable metropolitan Transportation Improvement Plan (TIP), Statewide Transportation Improvement Plan (STIP), and the Regional Coordinated Human Services Transportation Plan, locally developed by Fresno COG in collaboration with public transportation stakeholders in Fresno County.

## JARC AND NEW FREEDOM PROGRAM ADMINISTRATION

Fresno COG will be responsible for:

- Developing a project selection criteria;
- Issuing the Call for Projects;
- Mobilizing the Fresno COG Social Services Transportation Advisory Council (SSTAC) to review and select projects through a competitive selection process,
- Certifying that each project is derived from the Fresno County *Coordinated Human Services Transportation Plan* ;
- Incorporating the selected projects into the TIP and STIP;
- Notifying eligible recipients of program funding availability;
- Ensuring the fair and equitable distribution of program funds;
- Publishing a list of projects / sponsors selected for funding;
- Applying for and receiving the FTA grants for these programs on behalf of subrecipient(s) and performing on-going project management;
- Receiving, verifying, and submitting for reimbursement from FTA all eligible project expenses;
- Passing through the reimbursements received from FTA for all eligible project expenses;
- Receiving financial and progress reports from all subrecipients;
- Completing financial and progress status reports in the FTA's transportation electronic grants management system (TEAM); and
- Other such grant administrative actions as necessary to ensure project completion in accordance with the appropriate Federal rules, regulations and circulars.

## **PROGRAM GOALS**

The goals of the Fresno Urbanized Area JARC and New Freedom grant programs include but are not limited to:

- Fostering delivery of improved regional transportation services;
- Complementing or “filling-in” gaps in existing transportation services;
- Avoiding duplication of existing administrative or transportation services provided within the region; and
- Funding eligible projects that provide service within the scope of both the JARC and New Freedom program purposes.

Applications that do not support the above goals will be considered non-responsive and will not be evaluated.

## **ELIGIBLE SUBRECIPIENTS**

Any state or local government authority, private nonprofit organization, and / or operator(s) of public transportation are eligible for grant funding. Applicants must demonstrate and document committed availability and sources of local matching funds as part of the application process.

## **ADMINISTRATION, PLANNING and TECHNICAL ASSISTANCE**

Each subrecipient may include up to 10% (ten percent) of the net application project amount to fund administrative costs including administration, planning, and technical assistance (AP&TA). Administration cost may be funded at 100% Federal share. Allowable administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. Guidance on eligible costs can be found in the Office of Management and Budget (OMB) Circular A-87.

Applicants who choose to use the 10% AP&TA option must include separate documentation for these costs in the application (as outlined). Applicants who request reimbursement of allocated overhead must provide details on the overhead program’s approval by the appropriate Federal agency.

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

Federal funding for capital, planning and operating expenses that support the development and maintenance of transportation services designed to transport low-income individuals to and from jobs and activities related to employment is available in the JARC program at no more than 80% of the net cost of capital and planning costs. The Federal share of the eligible operating costs for the JARC program may not exceed 50% of the net operating costs of the activity.

New Freedom funds may be used to finance capital and operating expenses to provide new public transportation services beyond those required by the ADA. The Federal share of eligible operating costs for the New Freedom program may not exceed 50% of the net operating costs of the activity.

All of the local share must be provided from sources other than Federal Department of Transportation (DOT) funds. Possible sources of eligible local matching funds include: other non-DOT Federal funds, dedicated tax revenues, private donations, revenue from human service contracts, net income generated from advertising, and concessions. The non-cash share such as donations, volunteer services and in-kind contributions is eligible to be counted toward the local match. The value of any non-cash share should be documented as representing a cost which would otherwise be eligible under the program, and must be included in the net projects in the project budget.

Income from contracts to provide human service transportation may be used to reduce the net project cost (treated as revenue) or to provide local match for either JARC or New Freedom operating assistance, In case of either treatment, the cost of providing the contract services should be included in the total project cost.

Local share documentation is required as part of the grant application.

## **APPLICATION PROCESS**

At the time a call for projects is issued, Fresno COG will provide a grant application form to any person or agency requesting the form. A copy of the application will be available in an electronic format on Fresno COG's website: [www.fresnocog.org](http://www.fresnocog.org).

If project sponsors are unable to access the Internet, Fresno COG will mail a paper copy to the potential applicant. In addition to the grant application, project selection schedule, estimated available funds and this Program Management Plan will be posted on Fresno COG's website or forwarded to project sponsors, if requested.

Fresno COG staff will meet with applicants to explain program requirements, application process, and project selection process, as well as to provide an opportunity for project sponsors to ask questions about the application process. Fresno COG staff will also make themselves available to answer questions via e-mail or telephone calls.

After applications have been received and the submission deadline passed, Fresno COG SSTAC will receive a copy of each application, the selection criteria, project evaluation form, and this Program Management Plan. Fresno COG SSTAC will have a previously agreed upon amount of time to perform the technical evaluations, at the end of which they will meet to decide on final project scores.

## **APPROVAL PROCESS**

The Project Evaluation Team consists of members of Fresno COG's Social Services Transportation Advisory Council. Fresno COG SSTAC will determine project scores for the competitive selection process that will distribute the available funds.

When the scoring process is complete, Fresno COG's SSTAC will select projects for funding.

## **APPLICATION CYCLE**

Pursuant to directions in Section 5316 and Section 5317 circulars, Fresno COG will conduct a competitive selection process for projects seeking FTA JARC or New Freedom funds apportioned to the Fresno Urbanized Area. This competition will initially select projects to receive funding from the FY2006/2007 appropriations. In subsequent years, the competition will occur annually, with initiation of the application process approximately one-two (1 to 2) months after the publication of the Fresno Urbanized Area allocation in the *Federal Register*.

The competition selection process was developed by Fresno COG in cooperation with:

- Fresno County Transit Operators; and
- Fresno COG's Social Services Transportation Advisory Council.

## **PROJECT SELECTION CRITERIA AND METHODOLOGY**

### **Project Selection Criteria**

Projects will be scored on the following criteria.

1. **Project Definition /Implementation** – 60 points
  - a. Does the project provide new/expanded services for a currently unserved/underserved population (as defined in applicable FTA Circulars)?
  - b. Does the funding for existing activities expire on or before the end of the application calendar year?
  - c. Does the project duplicate existing regional *transportation* services?
  - d. Does the project meet or exceed current service in the geographic area?
  - e. Does the project duplicate existing existing regional *administrative* activities?
  - f. Does the performance time scheduled look reasonable for the work to be done?
  - g. Does the project include activities coordinated with other groups and/or transportation providers in the geographic area?
  - h. Are the activities supported by current grant funds scheduled to continue after the grant funds are fully spent?
  - i. If vehicles are used, does the plan include other uses to serve special needs populations to prevent idle down-time?

2. **Addresses an Area with Few or No providers and with existing Unmet Needs** – 20 points
  - a. Are the activities in the project new?
  - b. Does the proposed geographic service area have an existing similar service available?
  - c. Does the proposed project complement or expand existing services?
  
3. **Part of Long-Range Strategy or Package of Projects** – 10 points
  - a. Does the project meet one of the adopted goals and strategic objectives found in the *Fresno COG Coordinated Human Services Transportation Plan*?
  - b. Can the new transit service or alternative(s) proposed be adopted by other regional agencies?
  - c. Does the project have wide support as evidenced by matching financial contributions from other local agencies?
  
4. **Proposed Project is Cost Efficient** – 10 points
  - a. The proposed project combines multiple existing services.
  - b. The new transit service or alternatives cost per person appear to be reasonable for the type of service proposed.
  - c. The service can be sustained after JARC and/or New Freedom funds have been fully expended.

## **PROGRAM ADMINISTRATION REQUIREMENTS**

Subrecipients that are public or private providers of public transportation must follow the requirements of 49 CFR Part 18 for management of grant funds awarded. Private nonprofit organizations must follow 49 CFR Part 19 for management of grant funds awarded.

### **Procurement Requirements**

Quarterly reports are due to Fresno COG by the 15<sup>th</sup> of the month following calendar quarters ending in December, March, June, and September.

**Program Measures** – The subrecipient is required to gather and submit quarterly reports to Fresno COG on both quantitative and qualitative information on each of the following indicators:

#### **JARC**

- a. Increase in access to jobs to geographic coverage and/or service times that impact the availability of transportation services for low-income individuals as a result of the JARC project(s) implemented in the current reporting period.

- b. Increase in number of rides for reverse commute job access in the current reporting period.
- c. Number of rides for low-income individuals as a result of the JARC project(s) implemented in the current reporting period.

#### New Freedom

- a. Increases or enhances related to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom project(s) implemented in the current reporting period.
- b. Additions or changes to environmental infrastructure (e.g. transportation facilities, side walks, etc.), technology, vehicles that impact availability of transportation services as a result of the New Freedom project(s) implemented in the current reporting period.
- c. Number of rides provided for individuals for individuals with disabilities as a result of the New Freedom project(s) implemented in the reporting period.

**Milestone Activity Reports** – The subrecipient will notify Fresno COG of revised project milestone completion dates as each revision is made. An explanation as to why the date changes are necessary should be in the notification. The subrecipient will also submit (in memo format) a report of activities completed for the quarter being reported and activities scheduled for the next quarter, and contract modifications exercised during the quarter.

Subrecipients who report no progress toward completing the grant funded activities in a quarter will be cautioned to expedite progress/project implementation. A second consecutive quarter of no activity (without sufficient justification) will subject the subrecipient to forfeiture of the grant funds that will be re-awarded to the next highest ranked, unfunded project for the application period.

Additionally, surplus funds resulting from projects that do not use the entire assigned grant budget will be reprogrammed by Fresno COG SSTAC to qualified but unfunded or under-funded projects received during the call for projects.

**Reimbursement Requests** – The subrecipient must submit requests for reimbursement to Fresno COG no more often than monthly. Such requests shall include sufficient documentation to support reimbursement of the expenditure, including copies of vendor invoices and checks from the subrecipient for payments on the invoices, employee time sheets, etc. Fresno COG staff shall review the reimbursement request for compliance with the grant's scope, terms and conditions. If questions arise regarding some portion of the reimbursement request, Fresno COG staff will contact

the appropriate subrecipient project manager for additional documentation. Upon approval of the request for payment, Fresno COG will submit a reimbursement request to FTA. Upon receipt of the reimbursement from FTA, Fresno COG shall transfer the reimbursed funds to the subrecipient within three working days.

**Financial Status Report** – The subrecipient must submit to Fresno COG quarterly Financial Status Reports (FSR) for each active grant using OMB Form 269 (see Exhibit 2). The FSR must include by project by activity (i.e., services, equipment purchase, labor/fringes, allocated overhead, etc.) the following information:

- Total prior expenses;
- Total expenses for the quarter being reported;
- Total current period expenses;
- Federal share of total current period expenses;
- Matching share of total current period expenses;
- Unpaid contract balances (aka Unliquidated Obligations);
- Federal share of unpaid contract balances;
- Matching share of unpaid contract balances;
- Federal budget assigned; and
- Remaining unobligated federal funds.

A subrecipient that wishes to revise an activity's budget should report such revision in writing to Fresno COG with an explanation of the reason for the change and the amount of the change identified.

## **FTA APPLICATION**

As designated recipient for both JARC and New Freedom funds in the Fresno Urbanize Area, Fresno COG will complete the FTA on-line application(s) as separate grants, not as part of other FTA grant applications submitted by Fresno COG.

## **CIVIL RIGHTS**

Subrecipients will certify compliance with the requirements of Title VI, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE) law and regulations. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin for programs and activities receiving Federal financial assistance. Six Federal laws enacted between 1964 and 1991 comprise the Federal Equal Employment Opportunity (EEO) program; these laws prohibit job discrimination based on race, color, religion, sex, national origin, age, disabilities and provide monetary damages in cases of intentional employment discrimination. The Department of Transportation's Disadvantaged Enterprise (DBE) program, authorized by TEA-21 and continued in SAFETEA-LU, is intended to ensure nondiscrimination in the award and administration of DT-assisted contract.

Further information regarding Civil Rights compliance, laws and regulations (49 CFR, Part 21) is available at <http://www.fta.dot.gov/>.

## **DISCRIMINATION**

Over time, the Federal government has enacted several pieces of legislation that prohibit discrimination against people. Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities. The Americans with Disabilities Act of July 1990, has five subsections to provide accommodations to protect the rights of individuals with disabilities.

Subrecipients will be required to provide assurances to Fresno COG that certifies compliance with Section 504 and ADA regulations. Fresno COG will also have the right of subrecipient review for compliance with all Federal requirements associated with the JARC and New Freedom grants.

## **DRUG & ALCOHOL PREVENTION PROGRAM**

In compliance with certain DOT regulations, Fresno COG has a Zero Tolerance for drug and alcohol use; subrecipients must also comply with the relevant DOT regulations. Exhibit 3 provides information regarding Fresno COG compliance with FTA's "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations."

## **OTHER PROVISIONS**

The Federal Transit Administration has issued guidance circulars for both the New Freedom and Job Access and Reverse Commute programs; these circulars are available on its website at <http://www.fta.dot.gov/>. Chapter Eight of these circulars summarizes applicable FTA and other Federal requirements.

Each subrecipient of either JARC or New Freedom funds is expected to be in full compliance with these and other applicable Federal regulations.

## **DESIGNATED RECIPIENT COMPLIANCE**

Subrecipients will be required to comply with all appropriate federal rules, regulations and circulars, including but not limited to the regulations listed above. Fresno COG has policies and procedures in place and designated employees to confirm compliance with the rules and regulations that are part of FTA funding requirements, and will provide more detailed answers to any question(s) submitted regarding compliance with FTA or DOT regulations.



Exhibit 2

**Financial Status Report**

1. Federal Agency and Organizational Element To Which Report is Submitted Council of Fresno County Governments		2. Federal Grant or Other Identifying Number Assigned By Federal Agency		OMB Approval No.	Page	of
3. Recipient Organization (Name and complete address including ZIP code)						
4. Employer Identification Number		5. Recipient Account Number or Identifying Number		6. Final Report	7. Cash Basis	Accrual
8. Funding Grant Period From: (Month, Day, Year)		To: (Month, Day, Year)		Period Covered by This Report From:	To:	
10. Transactions				I Previously Reported	II This Period	III Cumulative
a. Total outlays				0	0	0
b. Recipient share of outlays				0	0	0
c. Federal share of outlays				0	0	0
d. Total unliquidated obligations						0
e. Recipient share of unliquidated obligations						0
f. Federal share of unliquidated obligations						0
g. Total Federal share (Sum of lines c and f)						0
h. Total Federal funds authorized for this funding period						0
i. Unliquidated balances of Federal funds (Line h minus line g)						0
11. Indirect   a. Type of Rate: Based on Cost Allocation Plan (OMB-87)						
Provisional		Predetermined		Final		Fixed
Expenses   b. Rate		c. Base		d. Total Amount		e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.						
Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purpose set forth in the award documents.						
Typed or Printed Name and Title					Telephone	
Signature of Authorized Certifying Official					Date Report Submitted	

### Exhibit 3

#### **DRUG & ALCOHOL PREVENTION PROGRAM**

Fresno COG, in accordance with 49 CFR Part 655, has a drug and alcohol testing program in place for all safety sensitive employees. The FTA-mandated drug and alcohol testing program is separate from and in addition to the provision of the Drug-Free Workplace Act (DFWA). Fresno COG must require its contractors and subcontractors with safety sensitive employees to have a drug and alcohol testing program.

Sub recipients will be required to submit their drug and alcohol policy to Fresno COG upon receipt of a JARC or New Freedom Grant. This procedure will be reviewed and approved by Fresno COG.

Fresno COG will monitor the sub recipient's drug and alcohol program proactively over the course of the sub recipient agreement. At a minimum, the FTA recommends that each contractor be required to provide a copy of its policy, employee and supervisor training documentation; name and location of the collection site, laboratory, MRO, SAP; a description of its random selection process; quarterly management report summarizing test results; and annual MIS reports. The information which Fresno COG requires will be clearly defined in the contract documents issued by Fresno COG and a conformed copy of the contract, including the specifications, maintained by Fresno COG.