

**Intercity Bus Sec. 5311(f)
Funding for SFY 2012 and 2013 (7/1/11 – 6/30/13)
Administered by the North Dakota Department of Transportation
Transit Office**

INTRODUCTION

APPLICATION RELEASE

The application for Intercity Bus Sec. 5311(f) funds is available on the NDDOT web site. Funding for the 5311(f) program is available from July 1, 2011 to June 30, 2013.

APPLICATION DEADLINE

Applications must be received at the North Dakota Department of Transportation, Transit Office by 3:00 p.m. CST **May 16, 2011**. Applications received after this time will not be reviewed. Early submittals are appreciated but not required.

APPROVED PROJECT LIST

The list of approved projects will be released on or about July 1, 2011

CONTRACTS

Contracts with applicants for approved projects will be executed on or about July 1, 2011. Contracts for operating assistance are for the period of July 1, 2011 to June 30, 2013. Capital, marketing or planning contracts may be up to two years starting July 1, 2011.

PROGRAM OVERVIEW

In FTA Circular 9040.1C the Section 5311(f) Intercity Bus Transportation is defined by Federal Transit Administration as "regularly scheduled bus service for the general public operating with limited stops over fixed routes connecting two or more urban areas not in close proximity, which has the capacity for transporting baggage carried by passengers, and which makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available. Package express service may also be included, if incidental to passenger transportation.

"Commuter service (service designed primarily to provide daily work trips within the local commuting area) is excluded from the definition. Intercity service is not limited by the size of the vehicle used or by the identity of the carrier. Air, water, and rail service are not included."

States are required to spend 15 percent of their Section 5311 apportionment to carry out a program to develop and support intercity bus transportation. Each state is

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responsible for implementing the 5311(f) program. This requirement is in effect until the Governor certifies intercity bus service needs are adequately met.

NATIONAL PROGRAM OBJECTIVES

- To support meaningful connections between nonurbanized areas and the regional or national system of intercity bus service;
- To support services to meet the intercity needs of residents in nonurbanized areas; and
- To support the infrastructure of the intercity bus network through planning, marketing assistance, and capital investment in facilities and equipment.

NORTH DAKOTA PROGRAM PRIORITIES

To support the National Program Objectives described above, the North Dakota Intercity Bus Sec. 5311(f) program will fund projects that most appropriately address connectivity for North Dakota and major metropolitan areas. The five areas for which applications may be made are:

- Operating assistance for existing routes at risk of being shutdown*
- Operating assistance for new routes*, particularly providing service to identified high need locations
- Capital assistance for the improvement of stations, terminals and shelters, vehicle accessibility retrofits, or other advanced technology.
- Capital assistance for the purchase of replacement or expansion vehicles for use on Section 5311(f) funded rural intercity services.
- Marketing/Planning studies

*NOTE: Requests for operating assistance must contain locally specific marketing activities regardless of whether assistance for a full marketing and/or market research project is applied for.

Priority will be given to those projects that demonstrate local support as well as coordination and connectivity with other transit providers or other modes of travel.

PROGRAM ELIGIBILITY

To be eligible to submit an application for funding under the Sec. 5311(f) program the applicant must be:

- A private, for-profit intercity carrier or provider;
- A private, non-profit intercity carrier or provider;
- A local public transit provider providing, or proposing to provide, feeder service to intercity carriers, or
- A public body proposing to provide intercity bus services.

Assistance must support intercity bus service in rural and small urban areas (rural places are defined as under 50,000 population). **Charter and tour services are not eligible for FTA assistance per 49 CFR Part 604. Commuter bus services are not eligible for funding under this program.** Services must be designed to provide for a

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meaningful connection with the national intercity bus network, including service to connecting points at times when passengers may make convenient connections. Services must be schedule, fixed-route services open to the general public.

Private for-profit applicants must submit a document showing evidence of organization. Private non-profit applicants are required to present proof of their non-profit status. A private non-profit applicant must also have the approval of its executive board and a resolution by the governing board must be submitted with the application.

A carrier in bankruptcy or court approved reorganization shall not be eligible to apply for funding under this program for a minimum of two years and until the company can exhibit financial stability and capability to meet the terms and conditions of this program. Any court ordered stipulations regarding a carrier must be followed. When a carrier is coming out of bankruptcy or court approved reorganization, NDDOT may conduct a final review of the carrier's financial records to ensure that any liability or tax obligation has been met.

A carrier that has operated service under contractual agreement with NDDOT must have done so with no penalties imposed. The carrier shall remain ineligible for two years from the date of such penalty being imposed.

PRELIMINARY APPLICATION REVIEW

The Transit Office will review applications individually to ensure that the applicant has met all the criteria of the application and include all required forms, exhibits and attachments. Applications may contain evidence of local support such as letters or resolutions from local or regional organizations such as county boards, city councils, Metropolitan Planning Organizations (MPO). **Applications found to be significantly incomplete after the submission deadline has passed will not be considered for funding.**

FUNDING AVAILABILITY

Projects must directly support the provision of intercity bus services in North Dakota. Projects may be recommended for complete, partial or no funding, based on application content and/or funding availability. NDDOT will notify applicants on or about June 16 about the status of their application.

If selected projects total less than the available amount, excess funds may be turned back and re-distributed to other IC providers.

TECHNICAL ASSISTANCE

NDDOT is committed to providing technical assistance to all carriers. NDDOT responsibilities include:

- Conducting a consultation process to seek input from intercity service stakeholders, including existing carriers.
- Providing technical assistance to intercity carriers while completing the application;

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- Facilitating coordination;
- Preparing a statewide comprehensive application for FTA; and
- Conducting ongoing evaluations and monitoring project results.

For questions about the 5311(f) program and application completion please contact Dawn Michel at dlmichel@nd.gov or 701-328-2191 or Bruce Fuchs at bfuchs@nd.gov or 701-328-2542.

PROPOSAL REVIEW AND RANKING

The Intercity Review Committee will meet after applications are received to review the applications and rank them in order of funding importance. Potential committee membership includes: NDDOT staff, MPO representatives, a public transit representative and other designated agency representatives. Should there be insufficient funding for all the projects determined to be eligible for funding, contracts will be awarded based on the ranking of the Review Committee.

Although each applicant may apply for funding in more than one category, it is possible that awards may be made for one proposed activity and not another.

APPEAL PROCESS

Applicants may appeal the recommendation to not fund their application. The applicant must use the following process to be recognized as a valid appeal.

The applicant's letter of appeal must clearly identify the contact person, address, telephone number, project description and grounds for appeal.

Letters of appeal must be postmarked no later than 14 calendar days from the postmarked date of NDDOT notice, about applicant's funding status. Send letters to:

Francis Ziegler, Director
NDDOT
608 E blvd Ave
Bismarck ND 58505-0700

The Transit Office will review appeals and provide a written response within ten working days of the receipt of the appeal.

REQUIREMENTS FOR AWARDING OF GRANT CONTRACTS

Approved recipients must agree to federal certifications and assurances as part of their grant contract execution process. Certifications and assurances include federal requirements for Disadvantaged Business Enterprise (DBE), Civil Rights, Lobbying, and Drug and Alcohol Testing. For more information contact Dawn Michel at dlmichel@nd.gov or 701-328-2191 or Bruce Fuchs at bfuchs@nd.gov or 701-328-2542.

Approved recipients must agree to conform to the Reporting Requirements described in the Application Instructions. This will include submission of a quarterly request for reimbursement of expenses incurred during the previous quarter. Each type of approved project may require additional reporting depending on the type of project undertaken.

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PRE-AWARD AUDIT

Approved recipients who have not previously received grants administered through the North Dakota Transit Office, may be required to undergo a pre-award audit visit from the NDDOT Office of External Audits. The purpose of the audit is to determine whether the recipient's financial practices are able to clearly reflect how the grant funds are accounted for.