



**TRANSIT GRANT
APPLICATION GUIDELINES**

**FOR
FEDERAL TRANSIT ADMINISTRATION
AND
STATE PUBLIC TRANSIT PROGRAMS**

Revised January 8, 2020

NDDOT Transit Program

TRANSIT FUND PROGRAMS

Bus and Bus Facilities Program (Section 5339)

Section 5339 - Bus and Bus Facilities program is a capital only grant. This capital program provides funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities. Section 5339 funds cannot be used for operating assistance. Section 5339 – Bus and Bus Facilities Formula Grant is further explained in FTA Circular 9300.1B located on the FTA website at <https://www.transit.dot.gov/research-innovation/circular-93001b>

Rural Area Formula Grants (Section 5311)

Section 5311 - This program provides capital (projects under \$5,000), maintenance, project administration and operating assistance to support public transportation in rural areas, with a population less than 50,000 where many residents often rely on public transit to reach their destinations. Funding is based on a formula that uses land area, population, and transit service. Eligible activities include planning, operating, job access and reverse commute projects and the acquisition of public transportation services.

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

Section 5311(c) authorizes direct grants to Federally recognized Indian Tribes for any purpose eligible under FTA's Rural and Small Urban Area Formula Program, 49 U.S.C. 5311 including planning, capital and operating assistance for rural public transit services, and support for rural intercity bus service. Formula factors include vehicle revenue miles and the number of low-income individuals residing on tribal lands.

Section 5311(f) Intercity Bus Program is administered by the NDDOT in accordance with the Federal Intercity Bus Assistance Program. According to the Intercity Bus Assistance Program, NDDOT may contract with private providers of the intercity bus service to support intercity bus routes for the provider or make grants to political subdivisions to support intercity bus service routes. Intercity bus service is defined as, "regularly scheduled public bus services that operates with limited stops between two urbanized areas or connects rural areas to an urbanized area."

Through this program, NDDOT conducts outreach with the goal of obligating approximately 15 percent of all annual 5311 funds for intercity bus projects. Service is requested through a grant application process with the intent of funding projects that meet the following objectives:

- The service has meaningful intermodal connections;
- The service project improves connectivity to, or between, major metropolitan areas that currently lack convenient or direct intercity bus service;
- The contractor demonstrates that they have the technical capacity, financial stability, marketing plan and requisite experience to be recipients of federal funds.

Section 5311 is further explained in FTA Circular C 9040.1F located on the FTA website at <https://www.transit.dot.gov/research-innovation/circular-9040-1f>.

Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310)

Section 5310 - Enhanced Mobility for Seniors and Persons with Disabilities Program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. This program supports transportation services planned, designed and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas – large urbanized, small urbanized, and rural. Eligible projects include both traditional capital investment and nontraditional investment beyond the Americans with Disabilities Act (ADA) complementary paratransit services. The program requires coordination of federally assisted programs and services in order to make the most efficient use of federal resources.

Projects selected for Section 5310 funding must be included in a locally developed, coordinated public transit- human services transportation plan. At least 55 percent of program funds must be used on capital or

“traditional” projects that could include: buses and vans, wheelchair lifts, ramps, securement devices, transit-related information technology systems or mobility management programs.

Section 5310 is further explained in FTA Circular 9070.1 F located on FTA website at

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/enhanced-mobility-seniors-and-individuals-disabilities>.

LOCAL MATCH REQUIREMENTS

- Administration, Operating, Maintenance, and Capital projects must have a local match
- Minimum Matching Ratios for each category is as follows:
 - Operating – 50% FTA and 50% Local
 - Administration – 80% FTA and 20% Local
 - Capital – 80% FTA and 20% Local
- Local Match can only be counted once.
 - Local Match cannot be used to match Federal funds for more than the single project for which they are dedicated
- All recipients are required to provide documentation showing sources and amounts of local match.

SOURCES OF LOCAL MATCH FOR TRANSIT PROJECTS

The local match may be provided from cash and service agreements with State or local human service agencies. Some examples of these sources include;

- State or local appropriations;
- Mill levy;
- Other Directly Generated Funds; and
- Medicaid reimbursements.

ELIGIBILITY AND PROJECT SELECTION

All applications for Federal Transit funding will be administered through NDDOT's BlackCat Transit Data Management System. Current transit agencies enrolled in the NDDOT Transportation program should go directly into the BlackCat Grant Management Transit Data Management System and complete their applications. Any new agency applying for funding should review the program eligibility information below and the State Management Plan for Public Transportation, <https://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm> . Contact the NDDOT Local Government Transit staff for assistance.

Federal Funding Program	Program Description	Program Eligibility
5310	Used for transit projects that meet the transportation needs of the elderly and persons with disabilities in rural and urban areas	Private Non-Profit Organizations, or public bodies that certify to NDDOT that no non-profit corporations or associations are readily available in an area to provide the service.
5311	Supports and improves public transit service in areas of less than 50,000 population	A state or local governmental entity, or private non-profit organization.
5311(b)	Provides funds for transit-related training for rural transit providers	Direct funds to NDDOT to provide training for private non-profit organizations, or state or local governmental entities.
5311(c)	Administered directly from FTA to Indian Tribes to improve public transportation on Indian Reservations	Tribal Government operating transit in ND.
5311(f)	Provides funds to inter-city transit providers	Commercial, for profit operators or private non-profit operators.
5339	Used to provide capital assistance for new and replacement buses, related equipment, and facilities in urban and rural areas	A state or local governmental entity, a private non-profit organization, or operators of public transportation services including private operators of public transit services.
State Aid	State aid for statewide public transit projects	Transit agency operating public transit in ND.

Section 5310 Project Evaluation Criteria

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

- Availability of funds;
- Qualifications of applicant;
- Service area;
- Cost estimate and local match availability;
- Identified needs to be addressed by the Capital request;
- Existing public transit services provided in the service area are identified;
- If requesting a replacement vehicle, must identify the vehicle to be replaced (to include: age; mileage and condition);
- If requesting an expansion vehicle, must describe a need (to include: service to new area, additional days and hours and increased number of passengers);
- Availability of the vehicle to the general public, if requesting vehicle;
- Current vehicle inventory program;
- 3-5 Year Program Plan;

- Provide documentation showing Public Participation;
- Participation in a locally derived Coordinated Human Services Transportation Plan;
- Current Maintenance Plan for equipment, vehicles, and facilities; and
- Must participate in a Transit Asset Management (TAM) Plan.

Mobility Management Evaluation Criteria

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

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

Section 5311 Project Evaluation Criteria

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

- Availability of funds;
- Addresses public transportation service in the community or service area;
- Addresses service area expansion, fares increases, extended service hours;
- Identify services area needs and goals to meet those needs;
- Demonstrates that the applicant has participated in a public participation effort;
- Provides a balanced and feasible budget and include the availability, and source of local match;
- Has met or exceeded compliance requirements in previous years;
- Has submitted a current Cost Allocation Plan (if applicable);
- Has submitted a 3-5 Year Program Plan;
- The application describes community benefits resulting from the funding request; and
- The application indicates the prospective grantee is attempting to improve or maintain program efficiency and effectiveness.

Section 5311/Statewide Rural Public Transit applications will be evaluated by the NDDOT Transit Grants Review Committee. Final funding decisions are made at the discretion of the NDDOT Director.

Section 5339 Project Evaluation Criteria

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

State Aid Project Criteria

In 1989, the North Dakota State Legislature enacted House Bill 1337 which initiated State Aid Funding for Public Transit in North Dakota. This state legislation established a State Public Transportation Fund to provide transportation aid payments to political subdivisions and nonprofit

transit providers in each county for the purpose of establishing and supporting public transit services. The State Aid for Public Transit program is listed in the North Dakota Century Code (NDCC) in Section 39-04.2-04.

Every two years, state aid is appropriated by the State Legislature to support and improve public transit services in North Dakota. The State Aid for Public Transit funds in North Dakota is obtained from the Highway Tax Distribution Fund. Transit receives 1.5% of the Highway Tax Distribution Fund (NDCC 54-27- 19). This amount goes into the State's Public Transportation Fund from which the State Legislature appropriates the State Aid for Public Transit Funds. The NDDOT will disburse the funds according to specific guidelines established by the legislation. The funds must be used by transportation providers to establish and maintain public transportation, especially for the elderly persons and persons with disability.

Funds may be used to contract public transportation as matching funds in order to procure money from other sources for public transportation and for other expenditures authorized by the Director.

Recipients for State Aid funding must comply with the same regulations as required for other FTA funding.

DRUG AND ALCOHOL PROGRAM

Providers of Section 5311/Statewide Rural Public Transit service are required to participate in the FTA Drug and Alcohol program. NDDOT has a model policy that providers should have adopted for use in their transit program that includes all safety-sensitive employees. This policy may be in addition to requirements for other employees. Safety-sensitive positions for this program are defined as:

- Drivers of Revenue Vehicles (this includes drivers in programs without a fare)
- Vehicle Maintenance Personnel (only if they are employees of your agency)
- Vehicle Control and Dispatch Personnel
- CDL Non-Revenue Vehicle Operators
- Armed Security Personnel

These employees are required to pass a pre-employment Drug and Alcohol test prior to performing any of the above functions. In addition to the pre-employment Drug and Alcohol testing, these employees are subject to random testing when performing the safety-sensitive functions. There are additional testing criteria established rates for Drug and Alcohol which are:

Drug	Alcohol
50%	10%

NDDOT TRAINING RECOMMENDATIONS FOR DRIVERS

NDDOT encourages all transportation providers in the State of North Dakota to take advantage of the training provided by the Dakota Transit Association (DTA) and other accredited organizations. NDDOT requires all 5311 award recipients to furnish proof of the minimum of driver and passenger training.

1. PASS & Safe Driver Training - The minimum training requirements for 5311/State Rural Transit providers is included below as training 1-3 for your reference. Contact information for DTA: **Linda Freeman, PASS Coordinator, (701) 848-6480, or email at lindaafreeman1@gmail.com** for information on PASS and Defensive Driving training.
2. Drug & Alcohol Awareness Training is required as per FTA Regulations.
3. First Aid/CPR Training can be obtained through an accredited organization. The American Red Cross, or ND Safety Council courses and other accredited agencies are acceptable. Recertification is due as required by certifying agency.
4. Commercial Driver's License (CDL) training for drivers of vehicles that carry 16 or more passengers, including the driver. Obtain through NDDOT.
5. Blood Borne Pathogens Awareness is required as per FTA Regulations.

TRAINING	INITIAL	RECERTIFICATION
Passenger Service Safety Training (PASS)	Within 6 months from date of hire – (average 20 hours a week)	Every two (2) years, 4-8 hour class
Defensive Driving – Maltreatment training	Within 6 months from date of hire – (average 20 hours a week)	Every two (2) years
Drug and Alcohol Awareness	Initially two (2) hrs. for supervisors and one (1) hr. for drivers	Annual review recommended, not required
First Aid	Within 6 months from date of hire	Typically every two (2) years
Cardio-Pulmonary Resuscitation (CPR)	Initial training in First Aid	Annual re-certification
Blood Borne Pathogens	Within 6 months from date of hire	Annual
Commercial Driver's License (CDL)	When hired, if necessary	Renew every four (4) years

TITLE VI PROGRAM

All applicants must have a NDDOT approved Title VI Plan prior to grant submittal. The Title VI Program is an FTA requirement, FTA Circular 4702.1B, Chapter III for FTA Subrecipients. The plan must include:

- Subrecipient Title VI and Non-discrimination Policy Statement;
- Complaint Form and Instructions;
- Complaint Log;
- Minority Representation on Planning and Advisory Bodies;
- Public Participation Plan;
- Limited English Proficiency (LEP) Plan; and
- Fixed Route Standards (required if you operate a fixed route);

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

All applicants will be required to submit semi-annual DBE reimbursement report through the BlackCat Transit Data Management System. The NDDOT Transit Section regularly receives FTA funds which generate in excess of \$250,000 in contracting opportunities in a federal fiscal year. This obligates the NDDOT Transit Section to develop and submit transit-specific overall three-year agency goals to FTA. NDDOT works with each transit agency to encourage the use of DBEs to operate their transit systems.

TRANSIT ASSET MANAGEMENT (TAM) PLAN

All applicants must comply with 49 CFR part 625 to ensure applicants participate in a group TAM plan sponsored by NDDOT. The plan must include:

- Asset Inventory;
- Condition Assessment of Assets;
- Decision Support Tools relating to TAM plans;
- Investment Prioritization; and
- Assigned Accountable Executive
- Maintenance Plans

NOTICE FOR CAPITAL AWARDS AND AGENCY PROCUREMENT

Applicants **SHOULD NOT** proceed to purchase the capital asset awarded through the grant application process until NDDOT gives written approval to purchase. Purchasing assets without the correct procurement process, prior approval, and a signed contract agreement between NDDOT and the applicant, may not be reimbursed with Federal or State funding.

- All grantees are required to comply with third-party contracting standards in accordance with FTA guidelines defined in FTA Circular 4220.1F, *Third-Party Contracting Requirements*, and adhere to standard procurement practices outlined by the FTA in the Best Practices Procurement Manual;
- All grantees, in accordance with 49 U.S.C. 5325(a), *Full and Open Competition*, agree to conduct all procurement transactions in a manner that provides full and open competition. Grantees must also ensure bidder compliance with the following (all may not apply based on award type and amount):
 - Americans with Disabilities Act;
 - Buy America;
 - Bus Testing;
 - Federal Motor Vehicle Safety Standards;
 - Davis Bacon Labor Standards;
 - Debarment and Suspension;
 - Lobbying;
 - Bonding Requirements; and
- All grantees are required to comply with all State of ND Procurement Guidelines;
- All grantees are required to generate and maintain a written record of procurement history to include procurement planning, specifications and pre-award and post-delivery audit requirements under FTA and State procurement regulations. The grantee's procurement records

must be sufficiently detailed to sustain an audit by FTA or NDDOT. FTA requires NDDOT and its grantees to maintain procurement files and grant files for a period of not less than three (3) years from closing of the grant. **All files relating to capital purchases must be maintained until notified by NDDOT.**

FACILITY REHABILITATION AND CONSTRUCTION

The information collected in the application is for project selection purposes. In completing the environmental and planning stages of the project, there may be obstacles that prevent or delay the building of the facility. The purpose of these funds is to house vehicles funded by FTA, and/or vehicles used for public transportation, or for transit facilities. Any other use of the facility must be requested in writing to NDDOT and granted prior to use in any other manner. These uses must not interfere with the intended use of the project.

If selected for a Facility Project, the NDDOT Transit Staff will work closely with the subrecipient to ensure that all Federal requirements are met on this project. Contractor agreements with any consultant or contractor regarding the project cannot be entered into without prior NDDOT transit staff authorization. Contractors may be asked to supply an estimate of costs associated with the project; however, this **should not** be construed as an offer for that contractor to construct the project if selected. Please contact Becky Hanson (701) 328-2542, Julie Small (701) 328-2194, or Darcy Karel (701) 328-2835 with any questions about this type of project.

Requirements needed for funds for the construction of a transit facility:

- Acquire the Transit Asset Management Software the State of ND uses to track all federally funded vehicles and other capital items over \$5,000;
- Must solicit and hire a Consultant to design and manage the project;
- Cat Ex
- Develop a Transit Asset Management Plan; and
- Develop a Facility Maintenance Plan.

COORDINATED HUMAN SERVICE TRANSPORTATION PLAN

All 5310 capital applicants must be part of a locally developed, coordinated public transit human services transportation plan or be approved to be part of a different project by NDDOT **prior** to submission of this application. The agency's plan must be uploaded into the BlackCat Transit Data Management System under Resources.

HOME DELIVERY MEALS

Vehicles funded with FTA money may **not be used exclusively** for meal deliveries. Public transportation service providers receiving funds may coordinate and assist in regularly providing meal delivery service for homebound individuals, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers. Costs associated with meal delivery must be kept separate and not charged as transit expenses.

FUNDING OPTIONS FOR VEHICLES

NDDOT 5310 and 5339 funding:

Applications are completed directly to NDDOT through the BlackCat Transit Data Management System for 80% of the vehicle purchase price. NDDOT will pay 80% of the vehicle purchase price using FTA funds and the subrecipient will supply the 20% local match.

Section 5310 and 5339 funds are not limited to the purchase of vehicles. Examples of allowable capital items include:

- Radios and communication equipment;
- Wheelchair lifts and restraints;
- Computer hardware and software;
- Video cameras and surveillance systems;
- Transit related Intelligent Transportation Systems;
- Purchase of passenger amenities such as passenger shelters and bus stop signs;
- Purchase of accessories and miscellaneous equipment such as mobile radio units, fare boxes, computers, shop and garage equipment; and
- Supporting new mobility management and coordination

If awarded funds for a vehicle project, the following requirements are necessary:

- List the NDDOT as lien holder on the title;
- Report a number of performance measures in the BlackCat Transit Data Management System;
- Acquire the Transit Asset Management Software the state of ND uses to track all federally funded vehicles and other capital items over \$5,000;
- Develop a Transit Asset Management Plan; and
- Develop a Vehicle Maintenance Plan.

Non-ADA Vehicle - NDDOT will not award Federal Funds for the purchase of non-ADA vehicles. A transit agency may use State Aid to purchase non-ADA vehicles upon approval from NDDOT. All State regulations will apply to the procurement of this vehicle.

Procurement – State Bids:

The NDDOT and the State of ND Procurement Office work together to make procuring transit vehicles a more efficient process. Once receiving a contract and written approval to proceed from the NDDOT, a transit agency can contact a vendor to order from an approved State Bid. Use this link to see the current State Bid Contracts

<https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm>

Available State Bid Contracts:

- 300 – Vehicles – 15 Passenger (including Driver) Cutaway
- 301 & 301B – Vehicles – Rear Lift ADA Transit Van
- 381 – Vehicles – Frontrunner – Low Floor Vehicle
- 382 – Vehicles – ADA Low Floor Mini Van
- 383 – Vehicles – Low-Floor Paratransit Ramp Bus

The above list is subject to change. Please contact the NDDOT with questions.

TRANSIT VEHICLE USEFUL SERVICE LIFE

NDDOT follows the FTA Useful Life Standards for replacement of vehicles. This is outlined in the table below.

Vehicle Type	# of Seats	FTA Useful Service Life
Small buses, vans, sedans and SUV's	3 - 14	4 years or 100,000 miles
20' to 25' light duty transit bus (body on chassis vehicles)	8 - 16	5 years or 150,000 miles
25' to 30' medium duty transit bus	16 - 30	7 years or 200,000 miles
30' to 35' heavy duty transit bus	24 - 35	10 years or 350,000 miles
35' to 40' or greater heavy duty transit bus	35 - 40 +	12 years or 500,000 miles

NDDOT TRANSIT CONTACT INFORMATION

- **Becky Hanson, Transit Program Manager, 701-328-2542, bhanson@nd.gov**
- **Darcy Karel, Transportation Management Officer, 701-328-2835, dkarel@nd.gov**
- **Julie Small, Transportation Management Officer, 701-328-2194, jsmall@nd.gov**
- **Connie Nelson, Office Assistant, 701-328-3720, conelson@nd.gov**