

2016

State Management Plan



COLORADO
Department of Transportation
Division of Transit & Rail

**For the Management of
Federal Transit
Administration and State
Transit Funds**

Revised January 27, 2016

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1 INTRODUCTION

1.1 PURPOSE

The purpose of the Colorado Department of Transportation (CDOT) State Management Plan is to describe the objectives, policies, protocols, and administrative requirements for managing both Federal Transit Administration (FTA) funding programs, as set forth in FTA Circulars 9040.1G, 9070.1G, and 9050.1d; and Funding Advancement for Surface Transportation and Economic Recovery (FASTER) as set forth in CRS 43-4-206 (3) and CRS 43-4-811.

While the Federal circulars specifically reference the FTA Sections 5310 and 5311 programs, this document applies to all FTA and state funding programs, as described in [Section 6](#) which are managed by the Division of Transit and Rail (DTR) unless otherwise noted herein. The state FASTER legislation is also complementary to FTA programs.

1.2 AUTHORITY

The Colorado Department of Transportation is the Designated Recipient (DR) for FTA rural and small urban transit funding under authority of the Governor. Except as specifically mentioned herein, all FTA programs for rural and small urban systems are administered through CDOT under this designation. In addition, CDOT has been designated the recipient of funds for the Denver/Aurora Urbanized Area for Section 5310 funds.

1.3 STATE MANAGEMENT PLAN DEVELOPMENT

This Revised State Management Plan was developed through the combination of the existing State Management Plan (dated 2012); CDOT Rules and Regulations for the administration of 49 USC 5304, 5310, and 5311 programs; and administrative policies related to the administration of state FASTER programs.

Future revisions to the State Management Plan will be managed through a formal process that combines the input and public comment methodologies in accordance with the CDOT public process policies and procedures further described in [section 8](#). Revisions to this document will be advertised through a public comment process that includes annual State Transit Town Halls and direct notification to affected parties through the Colorado Association of Transit Agencies (CASTA). The process will conclude with concurrence from the Colorado Interagency Council on Mobility and

Access (State Coordinating Council or SCC), the Division of Transit and Rail Advisory Committee (TRAC), and, for policy matters related to FASTER, the Transportation Commission's Transit and Intermodal Committee. At that point, the revised State Management Plan will be published and submitted to FTA.

The CDOT Transportation Commission (TC), before adoption, must authorize modifications to FASTER elements within the State Management Plan that are policy related.

2 DEFINITION OF TERMS

Adjusted Funding Request (AFR)	The amount determined by DTR staff to be a reasonable request for funding for each applicant under the specific funding program requested.
Administrative Expenses	Expenses related to the planning and/or administering of a local public transportation project and/or program.
Applicant	An organization which will potentially submit, or has submitted, an application for funding, but which has not yet been awarded a grant for the funding cycle under consideration.
Capital Expenses	Expenses directly related to the purchase of facilities or equipment used for public transportation purposes, including vehicles and related equipment. Capital expenses are limited to items that have a value greater than \$5,000 and a useful life of at least one year.
CASTA	Colorado Association of Transit Agencies
Census Designated Place (CDP)	A densely settled concentration of population that is not legally incorporated as a political subdivision but is identifiable by a name assigned by the decennial U.S. Census.
COTRAMS	Colorado Transit & Rail Awards Management System – the software program utilized by CDOT to manage its transit and rail grants.
Cost Per Passenger Trip	The total operating expense (including administration and maintenance) divided by the total annual number of passengers.

Designated Recipient (DR)	A "recipient" is an entity that receives a grant of formula program funds directly from FTA. The "designated recipient" (DR) is the entity selected by the State's chief executive officer, responsible local officials, and publicly owned operators of public transportation to "receive and apportion" the amounts made available by Congress and FTA.
Drug and Alcohol Testing	FTA provision found at 49 CFR Part 655, and 49 CFR Part 40 that requires recipients of certain FTA funding to conduct procedures for detecting the use of drugs and alcohol by safety sensitive employees.
FAST Act	Fixing America's Surface Transportation Act – the federal transportation bill that was signed by President Obama on December 4, 2015.
FASTER	Funding Advancement for Surface Transportation and Economic Recovery Act - a bill that was passed by the Colorado State Legislature in 2009 to improve roadway safety, repair deteriorating bridges, and support and expand transit. The bill generates about \$200 million every year for state transportation projects across Colorado with \$15 million of that set aside for local transit projects (\$5 Million) and statewide projects (\$10 Million).
Federal Interest	The amount of fiduciary involvement in capital equipment purchased with federal funds that is retained by the federal government. DTR will consider there to be a federal interest in capital equipment until its fair market value is \$5,000 or less.
Grant Partner	An organization that has applied for, and been awarded, funds and has executed a grant agreement with the CDOT/DTR. FTA refers to grant partners as "subrecipients."

In-Kind Contributions	Eligible property or services contributed to a grant partner and used for the purposes of the grant project without charge to the grant partner. An example of such would be the contribution of office space to a grant partner by another entity.
Interagency Advisory Committee (IAC)	Any one of the committees that evaluates and scores applications for FTA funding. The committee consists of representatives of state agencies, including but not limited to the Department of Local Affairs, the Department of Transportation, the Department of Human Services (Aging and Adult Services office, Developmental Disabilities Services office), and the Public Utilities Commission.
Intercity Bus Service (ICB)	Regularly scheduled bus service for the general public connecting two or more urban areas not in close proximity to each other over a fixed route with limited stops, making meaningful connections with scheduled intercity bus service to points that are more distant and providing the capacity for transporting baggage carried by passengers.
Large Urbanized Area	An urban area with a population exceeding 200,000.
MAP-21	Moving Ahead for Progress in the 21st Century Act - the funding and authorization bill to govern federal surface transportation spending that was signed by President Obama in July 2012.
Metropolitan Planning Organization (MPO)	An agency designated by law with the lead responsibility for developing transportation plans and programs within an urbanized area.

Mobility Management	A program that consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers. It includes personnel and technology activities, and, for matching ratio purposes, is considered by FTA as a capital project.
Multi-Year Application	A grant application, which covers a two-year or longer period.
Non-Urbanized Area	A non-urbanized area (herein also referred to as a rural area) is any area with a population of less than 50,000. It can also be defined as an area not included in an urbanized area.
Operating Expenses	Expenses directly connected with the provision of services, including but not limited to: driver and dispatcher salaries and fringe benefits, maintenance costs, fuel, insurance, and licenses.
Operating Deficit	A calculation of the difference between operating expenses and operating revenues.
Operating Revenues	Revenues derived through the operation of a public transportation program, which includes fares, passes, rider donations, concessions, and advertising placed inside or outside a service vehicle. In the case of Section 5311(b)(3) RTAP funds, this may include revenue from conferences and trainings.
Passenger Trips Per Capita	A measure derived from the total number of boardings divided by the service area population.
Passenger Trips Per Service Hour	A measure derived from the total number of passenger trips divided by revenue hours of service.

Persons with Disabilities

Individuals having a physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment; or is regarded as having such impairment. For transportation purposes, a person with a disability is one who is unable to board, disembark or navigate the transportation system without assistance.

Program of Projects (POP)

A list of projects the state intends to fund with FTA assistance. A POP consists of the name of the subrecipient (grant partner), a brief project description and the proposed amount of funding.

Project

The services to be provided, or the capital to be procured by a grant partner using the federal or state funds provided as described in a grant agreement's Scope of Work.

Public Transportation

Any transportation provided by bus, rail, certain shared-ride or user-side subsidy taxi programs, or other conveyance, either publicly or privately owned, which provides service to the general public on a regular and continuing basis. Public transportation does not include school bus, charter or sightseeing service, or any service to individuals or groups, which excludes use by the general public.

Regional Transportation Plan (RTP)

A technically-based, twenty-year plan designed to meet the future mobility needs for a Transportation Planning Region (TPR), including, but not limited to, anticipated funding, priorities, and implementation plans pursuant to, but not limited to, 43-1-1103(1) and (2) C.R.S. 1991, as further described in 43-1-1103(6) C.R.S. 1991.

Regional Transit Plan	A planning document developed by stakeholders that is designed to address the transit planning needs for a Transportation Planning Region (TPR) in concert with the Regional Transportation Plan (see above) that specifies visions and implementation strategies for the provision of transit within that TPR.
Rural Transit Assistance Program (RTAP)	A sub-program within the Section 5311 program, which provides funding for training and technical assistance for rural transit operators.
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users - the funding and authorization bill to govern federal surface transportation spending that was signed by President Bush in August 2005.
Service Area Population	The total non-urbanized population within the geographic areas where a Project is provided, herein limited to the population of incorporated areas and Census Designated Places.
Small Urbanized Area	An urbanized area with a population of 50,000 to 200,000.
State Administration	Expenses incurred and charged to an FTA grant by the state to administer the FTA grant in carrying out its responsibilities.
Statewide Transportation Plan (STP)	The twenty-year, comprehensive, intermodal state transportation plan, synthesized from the RTPs and adopted by the Colorado Transportation Commission (CTC) pursuant to the provisions of 43-1-1103(5), C.R.S. 1991, as further described in 43-1-1102(8) C.R.S.

Statewide Transit Plan	A planning document developed in concert with the Statewide Transportation Plan (see above) that specifies visions and implementation strategies for the provision of transit in Colorado. The plan is synthesized from the Regional Transit Plans.
Statewide Transportation Improvement Program (STIP)	A short-term programming document in which the state lists priority projects for which funds are being obligated. The document is regularly updated to reflect additional priority projects that are added, revised or removed. Projects in the STIP must be consistent with the STP.
Subcontractor	Any organization, which subcontracts with a grant partner to perform project activities under a grant.
TrAMS	Transit Award Management System – the system by which FTA manages its grant awards. This system replaced TEAM in 2016 as FTA’s grant award and management system.
Transportation Improvement Program (TIP)	A short-term programming document in which an MPO lists priority projects for which funds are being obligated. The document is regularly updated to reflect additional priority projects that are added, revised or removed, and it is incorporated into the STIP.
Transportation Planning Region (TPR)	A geographically contiguous area of the state, as defined by Section IV. – A. of the Rules and Regulations for the Statewide Transportation Planning Process and Transportation Planning Regions, and meeting some or all of the criteria for transportation commonality, and in which a regional transportation plan is required to be developed pursuant to the provisions of 43-1-1102 and 1103 C.R.S. 1991. A TPR consists of a defined set of counties.

Urbanized Area

A contiguous metropolitan area with a population of 50,000 or more and meeting the urban density requirements of the U.S. Census Bureau.

Vehicle Rehabilitation

Major mechanical overhaul, which would include all or many of the following replacement components: new engine, transmission, drive shaft, axle, differential, brakes, wheel bearing, fuel system, suspension system, steering system, electrical system, coolant system, exhaust system, and heating/air conditioning of a vehicle, which may include but not be limited to cosmetic body or interior work.

Vehicle Refurbishment

A series of efforts prior to the expiration of a vehicle's useful lifespan that 'refresh' the vehicle for an additional two - three years of operation. This process can include refurbishment of existing equipment including engines, transmissions, suspension, exhaust, heating/air conditioning, and cosmetic interior/exterior repairs/replacements. Refurbishments are distinct from vehicle rehabilitation in that most componentry is overhauled but not replaced.

3 TRANSIT PROGRAM GOALS & OBJECTIVES

3.1 PROGRAM DESCRIPTIONS

Effective as of the current revision date, CDOT and DTR are responsible for managing and/or processing the following FTA funding programs:

- Section 5303 – Metropolitan Planning (Pass through to MPOs)
- Section 5304 – Statewide Planning
- Section 5310 – Enhanced Mobility for Seniors and Individuals with Disabilities
- Section 5311 – Rural Public Transportation
 - Section 5311(b)(3) – Rural Transportation Assistance Program
 - Section 5311(f) – Intercity Bus
- Section 5339 – Bus and Bus Facility
- Sections 5309/5312 – Specialized programs

DTR is also responsible for managing the State's FASTER (Funding Advancement for Surface Transportation and Economic Recovery) transit program.

- Local Pool as defined by CRS 43-4-811, and
- Statewide Pool as defined by CRS 43-4-206 (3)

3.2 PURPOSE, VISION, & MISSION

The purpose of the Colorado Department of Transportation (CDOT) is to Provide Freedom, Connection and Experience through Travel.

CDOT's vision is: To enhance the quality of life and the environment of the citizens of Colorado by creating an integrated transportation system that focuses on safely moving people and goods by offering convenient linkages among modal choices.

CDOT's mission is: To provide the best multi-modal transportation system for Colorado that most effectively and safely moves people, goods, and information.

The Division of Transit & Rail strives to achieve this vision by working together with local and regional grant partners to develop, fund, and provide guidance to serve our mutual end customer: the passenger.

3.3 GOALS AND OBJECTIVES

To accomplish its mission, the Division of Transit & Rail will:

- Fund safe and efficient public transportation services throughout Colorado that meets the needs of our residents and tourists alike
- Preserve and maintain existing transportation services and infrastructure
- Facilitate the interconnectivity of our systems to provide seamless access from one end of the state to the other
- Increase communication, collaboration, and coordination within the statewide transportation network
- Provide meaningful access to the national intercity bus network and support regional and interregional connections
- Support and foster the coordination of services across all modes of transportation from pedestrian and bicycle to human services and medical transportation
- Encourage new and innovative means of providing mobility to all Coloradans
- Develop a framework of a transit system that is environmentally beneficial over time
- Create a transit system that will contribute to the economic vitality of the state, its regions, and its communities to reduce transportation costs for residents, businesses, and visitors
- Create a transit system in which travelers feel safe and secure and in which transit facilities are protected

4 PLANNING

4.1 PROGRAM AND PROJECT COORDINATION

Effective stewardship of federal and state monies requires DTR to work with its grant partners to make the most of the available funding. Staff in DTR routinely communicate and cooperate with other agencies within the state, including the Colorado Interagency Coordinating Council for Access and Mobility and United We Ride participants, whose clientele have transportation needs. Participating agencies include the Colorado Departments of Employment, Education, Local Affairs, Human Services, and Health Care Policy and Financing. Coordination efforts extend to federal agencies (including Health and Human Services, HUD and the Veterans Administration), to Colorado's transit providers, and to agencies that serve populations of interest, including welfare recipients, low-income persons, seniors, and persons with disabilities.

Coordination with agencies at the state and federal level is under the auspices of the Federal Interagency Transportation Coordinating Council on Access and Mobility (CCAM) and the United We Ride model. Coordination activities are oriented largely to statewide interests, policy development, and communication. The provision of human services in Colorado is conducted primarily at the local level. Human service transportation coordination efforts occur at the county or regional level and must be orchestrated and managed by interested local individuals, agencies, and organizations.

DTR staff regularly meet with human service transportation providers throughout the state to encourage and/or establish local coordinating entities, committees, authorities, etc., to build new, or expand existing, communication links. DTR staff will support local coordination efforts by providing technical assistance, educational or instructional references, workshops, or other training, as local coordinating bodies may request.

4.2 STATEWIDE LONG RANGE PLANNING PROCESS

Statewide transportation planning is required by federal and state regulations and provides a direction and framework for decision making at CDOT. The statewide planning process, with an extensive public involvement component, utilizes a broad spectrum of disciplines within DTR to develop innovative and informed approaches for decision-making. These approaches support sound investment choices that promote responsible and effective use of taxpayer dollars.

4.3 FEDERAL AND STATE REQUIREMENTS

Federal requirements for multimodal transportation planning are embodied in national transportation bills that are reauthorized approximately every six years. In 2005, the Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), included provisions for consideration of environmental issues in transportation planning, and encouraged linkages between the transportation planning and National Environmental Policy Act (NEPA) processes.

SAFETEA-LU was superseded by the passage of Moving Ahead for Progress in the 21st Century (MAP-21) in 2012. MAP-21 revised planning processes, focused on “National Goals,” and included a stronger emphasis on operations, freight, asset management, performance-based planning, and progress reporting.

On December 4, 2015, President Obama signed the Fixing America’s Surface Transportation (FAST) Act into law. Overall, the FAST Act largely maintains current program structures and funding shares between highways and transit. History suggests that the FTA will not begin implementing new guidance related to the FAST Act until FFY 2017.

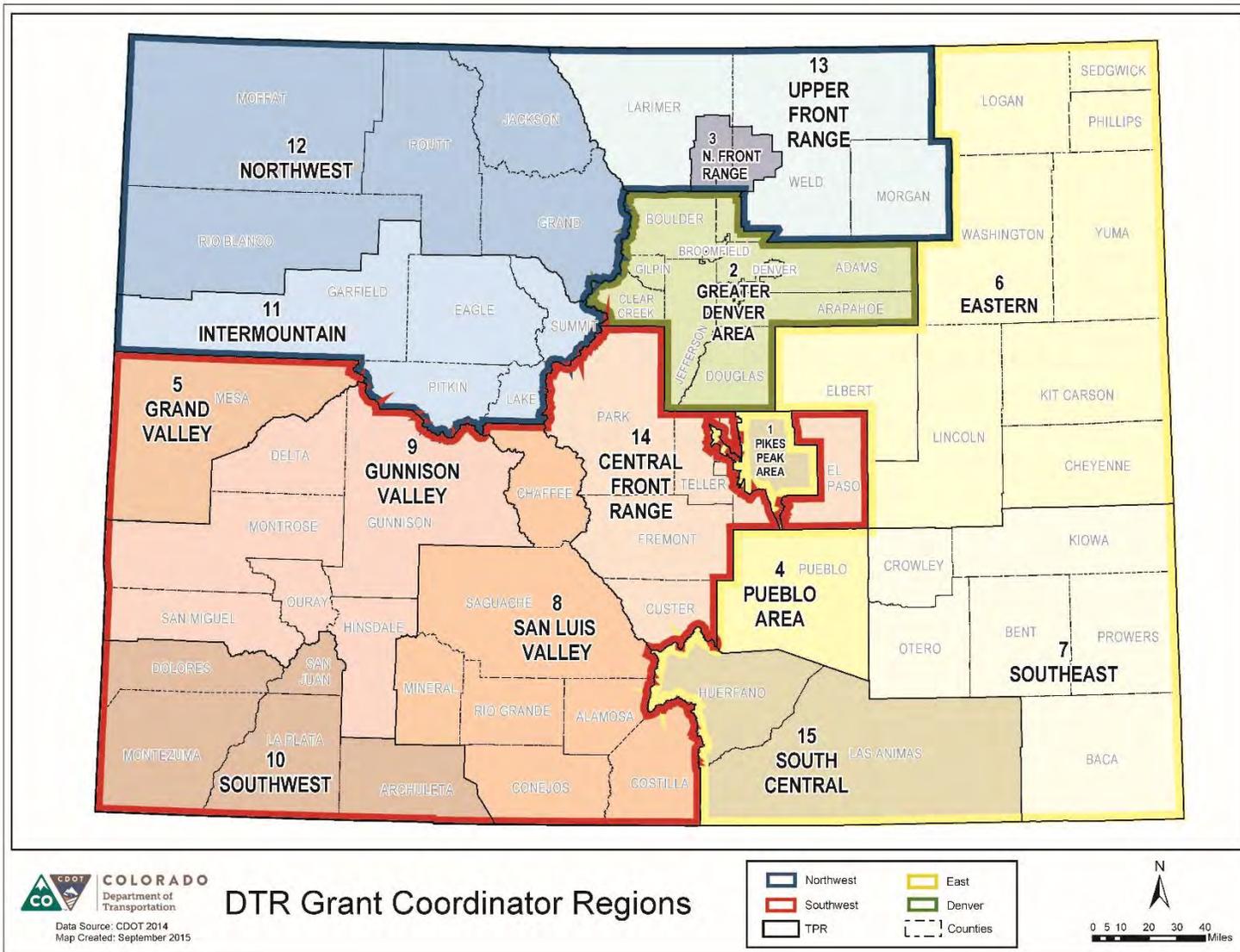
Colorado's transportation planning law is codified in 43-1-1103, Colorado Revised Statutes (CRS) with additional regulation outlined in 2-604-2, Colorado Code of Regulations (CCR), the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions.

In 2009, the Colorado General Assembly passed Senate Bill (SB) 09-108 (Funding Advancement for Surface Transportation and Economic Recovery (FASTER)): [http://www.leg.state.co.us/clics/clics2009a/csl.nsf/billcontainers/636E40D6A83E4DE987257537001F8AD6/\\$FILE/108_enr.pdf](http://www.leg.state.co.us/clics/clics2009a/csl.nsf/billcontainers/636E40D6A83E4DE987257537001F8AD6/$FILE/108_enr.pdf). Elements of this bill supersede previous sections related to planning in 43-1-1103, CRS.

The Colorado Transportation Commission’s Rules for Governing the Statewide Transportation Planning Process and Transportation Planning Regions (2-604-2, CCR) guide the Department in developing and implementing Colorado’s Statewide Transportation Plan. Projects are selected through competitive application processes and are then identified for funding by listing them in the Statewide Transportation Improvement Program (STIP), which must be consistent with the Statewide Transportation Plan.

4.4 TRANSPORTATION PLANNING REGIONS

For transportation planning purposes, Colorado is divided into 15 Transportation Planning Regions (TPR). Ten of these are rural and five are urban. The urban areas are designated as Metropolitan Planning Organizations (MPOs). Each planning region comprises municipalities and counties within its given boundaries and is responsible for preparing a long range Regional Transportation Plan (RTP) to address the long-term transportation needs within that area. The RTPs form the basis for developing the Statewide Transportation Plan as well as the Regional and Statewide Transit Plans.



The State of Colorado's 15 Transportation Planning Regions

4.5 STATEWIDE TRANSPORTATION PLAN

The Statewide Transportation Plan represents the people of Colorado's vision for the transportation system. Prepared by CDOT's Division of Transportation Development (DTD), this 20-year multimodal plan integrates Transportation Commission policies with input from a variety of stakeholders. It also outlines the state's transportation needs from both an unconstrained vision and fiscally constrained perspective.

In addition, the Statewide Transportation Plan guides project selection and the development of the Statewide Transportation Improvement Program (STIP) that identifies projects for funding. After projects from the STIP are funded, they move to project development, subsequent permitting, and eventual construction.

Colorado's Statewide Transportation Plan may be accessed at:
<http://coloradotransportationmatters.com>

4.6 STATE AND REGIONAL TRANSIT PLANS

In 2014, DTR completed a multi-year project to develop Regional Transit Plans that were then rolled up into a singular Statewide Transit Plan. These plans focus on the regional planning process for mobility and include all stakeholders involved in the mobility of individuals in the region. Projects funded by CDOT must be referenced in some manner in the Regional Transit Plan.

4.6.1 Human Services/Public Transit Coordination Plans

CDOT must certify that:

- (1) Projects selected for funding under the 5310 program are included in a locally developed, coordinated public transit-human services transportation plan, and,
- (2) that the plan was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, nonprofit transportation and human services providers, and other members of the public.

CDOT has developed regional transit plans as an element of the regional transportation plans and is integrating the requirements of the Coordinated Public Transit-Human Services plans to streamline the planning and coordination process. The result is a single regional transit plan that encompasses all aspects of public transportation including the coordination of public transit and human services transportation.

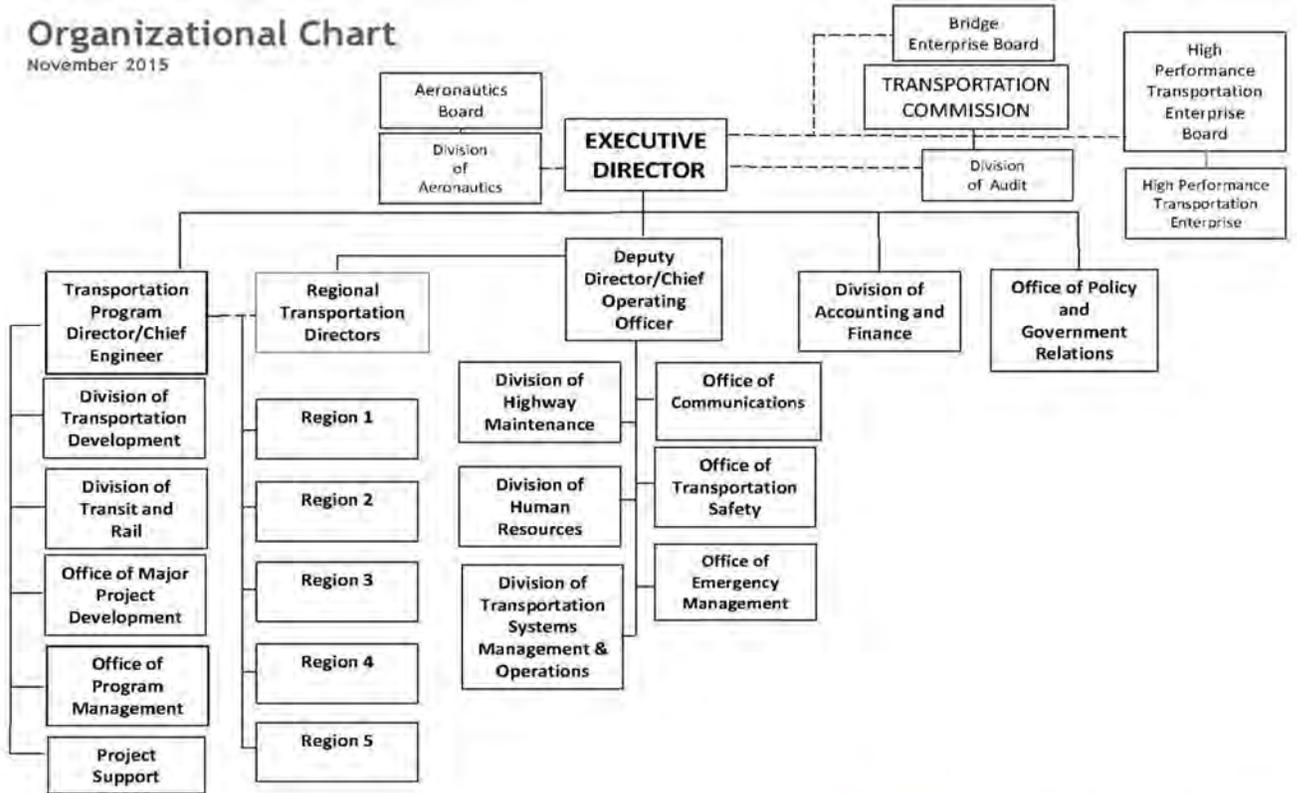
5 ROLES & RESPONSIBILITIES

5.1 ORGANIZATIONAL CHARTS

The Division of Transit & Rail (DTR) and the Civil Rights Business Resource Center (CRBRC) are two divisions within CDOT which have routine reporting and supervision through the Transportation Program Director / Chief Engineer, and which also have direct access to the CDOT Executive Director. (See the CDOT organization chart below.) DTR's direct access to the CDOT Executive Director is established in state law CRS 24-1-127.7(3)(e), CRS 24-1-103 through 105, and CRS 43-1-117.5 to perform duties and functions under the department and the executive director. The CRBRC's direct access to the CDOT Executive Director is required by federal law, 49 CFR 26.25, stating that the Disadvantaged Business Enterprise Liaison Officer (DBE Liaison Officer or DBELO) will have direct, independent access to the Chief Executive Officer concerning DBE program matters.

Organizational Chart

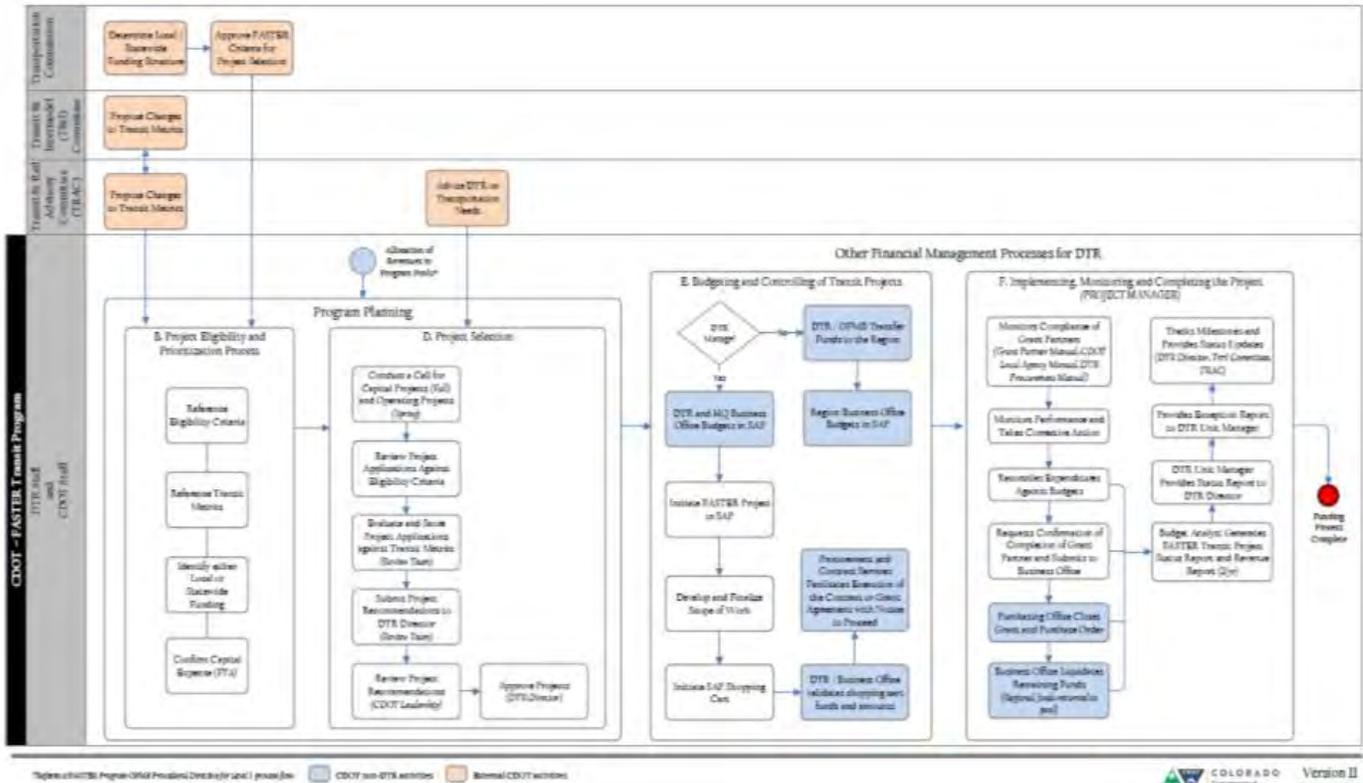
November 2015



Colorado Department of Transportation

Organizational Chart

As shown in the next chart, the CDOT Transportation Commission (TC) and its Transit & Intermodal Committee (T&I) approve high-level policy criteria and transit metrics by which transit funds are allocated. DTR staff in consultation with other parts of CDOT, administers the process by which individual projects are determined to meet eligibility criteria for applicable funding sources, and are determined by evaluation criteria to be the most worthwhile projects.

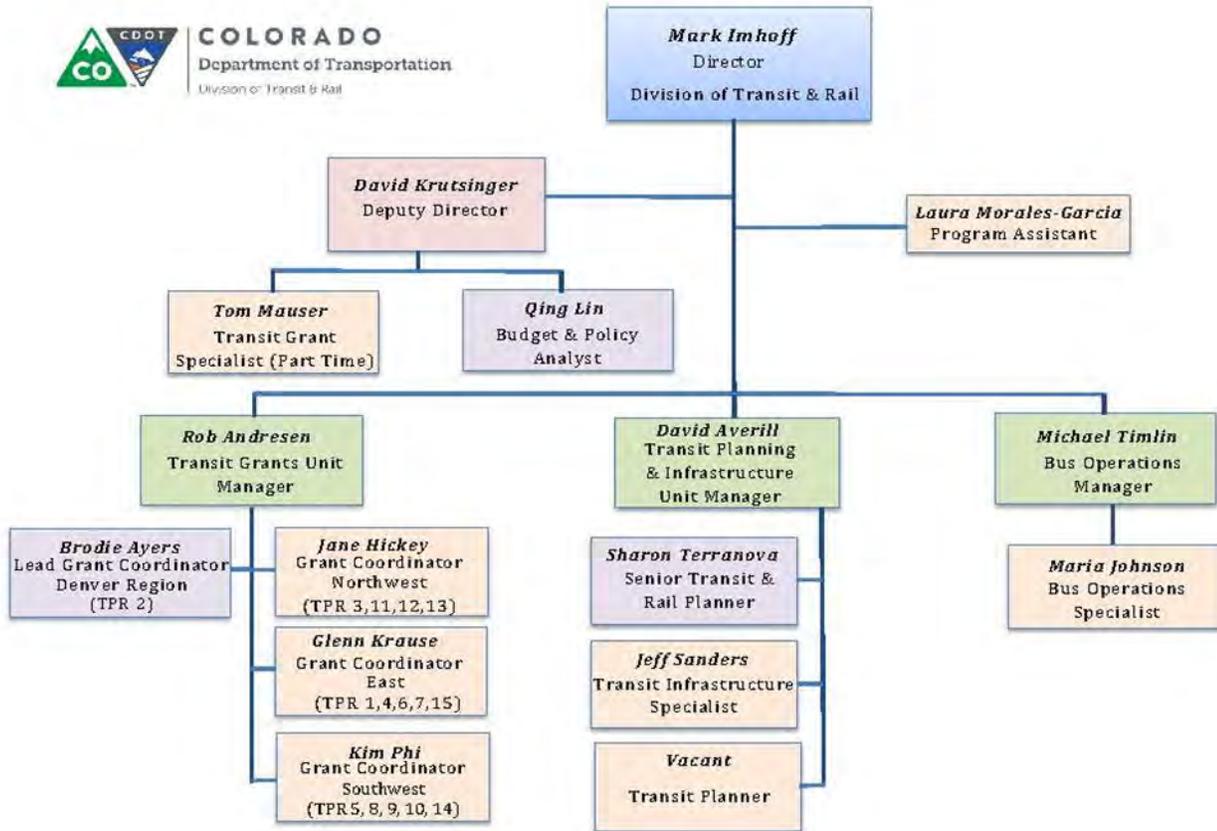


Colorado Department of Transportation
 FASTER Transit Program Administration Flow Chart

DTR works closely with the Division of Accounting & Finance (DAF). The Business Office within DAF and the Budget Office (OFMB) within DAF apply for and budget both Federal Transit Administration (FTA) revenues and FASTER revenues. The Office of Procurement Services within DAF completes sub-recipient agreements and consulting contracts.

DTR and DAF-Business office are the primary caretakers of projects while they are on-going, including invoicing, milestone reporting, and site visits or other inspections of work. DTR monitors performance throughout and closes projects upon completion. Reporting both to the FTA and to the T&I Committee provides accountability to the original revenue sources.

Within DTR, there are three units: Transit Grants, Transit Planning & Infrastructure, and Bus Operations. The Transit Planning & Infrastructure unit is responsible for long-range transportation planning, up to 25-year horizon, and for carrying projects through evaluation and selection ("pre-award"). The Transit Grants Unit is responsible for post-award activities: agreement or contract finalization, project monitoring while it is on-going, and project close-out. The Transit Grants Unit is responsible for almost all types of projects/funding categories. The Bus Operations Unit is responsible for the remainder, including Bustang Operations, FASTER Operating assistance, and FTA 5311(f) programs.



Rev: November 9, 2015

*Colorado Department of Transportation
Division of Rail and Transit (DTR)*

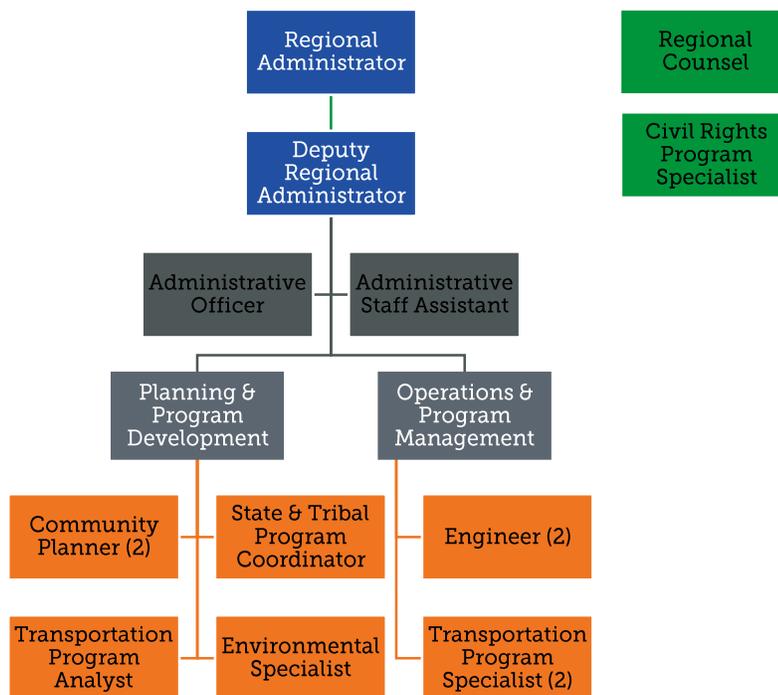
5.2 FEDERAL RESPONSIBILITIES

5.2.1 FTA Administrative (HQ)

The Federal Transit Administration provides overall policy and program guidance for all FTA funded programs in Colorado. The FTA is responsible for apportioning funds annually to CDOT; developing and implementing financial management procedures; initiating and managing program support activities; and conducting national program review and evaluation.

5.2.2 FTA Regional (TRO-8)

Ten FTA Regional Offices work with local transit officials in developing and processing grant applications. CDOT reports to FTA Region VIII (TRO-8) located in Denver, Colorado. Region VIII works with the following states: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.



FTA Region VIII Organizational Chart

5.3 GRANT PARTNER RESPONSIBILITIES

As funding recipients, grant partners are responsible for:

- Meeting the requirements for applying for appropriate funding
- Having the technical capacity for managing and implementing the projects
- Ensuring availability of the required match
- Working with CDOT/DTR to develop an appropriate scope of work
- Contracting with CDOT/DTR for the project
- Meeting all grant agreement requirements
- Maintaining appropriate and accurate records
- Submitting reports and invoices in a timely manner
- Complying with all state and federal regulations pertaining to the grant

To assist grant partners in meeting their obligations, DTR has developed and is distributing a Grant Partner Manual (GPM), a companion manual to this State Management Plan, designed to provide guidance and direction.

6 TRANSIT PROGRAMS OVERVIEW

The Division of Transit & Rail within the Colorado Department of Transportation is responsible for management and oversight of funding designed to promote and enhance the provision of public transit in Colorado. It receives funding from the Federal Transit Administration (FTA) of the United States Department of Transportation (USDOT), as well as state Funding Advancement for Surface Transportation & Economic Recovery (FASTER) funds. This chapter describes and outlines these programs.

6.1 FTA SECTION 5310 – ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM

The Section 5310 Program, *Enhanced Mobility for Seniors and Individuals with Disabilities*, provides funding for eligible agencies to meet the mobility needs of individuals aged 65 and over, and persons with disabilities. The funding is distributed to CDOT in three separate pots: Large Urbanized, Small Urbanized, and Rural.

6.1.1 Urban 5310 Designations

With the passage of MAP-21, federal Section 5310 funds for the urban areas were shifted to the designated urban recipients of the Regional Transportation District, (RTD) Denver; the City of Fort Collins Transfort; and the City of Colorado Springs Mountain Metro. In 2014, the RTD asked to be removed as the designated recipient for the Denver urbanized area, and CDOT assumed responsibility for distribution and oversight of the FTA Section 5310 urban funds for the region.

As the designated recipients, the Cities of Fort Collins and Colorado Springs manage their Section 5310 programs in coordination with their Metropolitan Planning Organizations, under the oversight of FTA Region VIII. DTR coordinates with these entities to ensure that state managed funds do not compete with or supplant these regionally managed funds.

6.1.2 Program Goals

The following goals were established for CDOT in its Section 5310 policy and programs for transportation serving seniors and individuals with disabilities. They were used as a guide to develop this State Management Plan.

- Provide quality transportation in Colorado to meet the needs of seniors, persons with disabilities, and other transportation disadvantaged persons, especially those without ready access to other means of transportation.
- Preserve and upgrade existing transportation services and facilities, and encourage new and innovative forms of transportation.
- Ensure that private sector transportation operators, minority organizations, disadvantaged business enterprises, and the public have the maximum feasible opportunity to participate in the design, provision and evaluation of public transportation services.
- Maximize the degree of coordination at both the state and local level in the provision of transportation services.
- Ensure a fair and equitable distribution of the Section 5310 funds across the state.
- Encourage services to be made widely available and not directly or indirectly limited to a particular client or population group.

6.1.3 Eligible Recipients

Historically, Section 5310 funding was primarily provided to private nonprofit organizations for transportation services. Federal guidance was changed to allow public entities to be recipients of Section 5310 funding under two circumstances: when the public entity;

(1) is approved by the state to coordinate services for seniors and individuals with disabilities; or,

(2) when the public entity certifies to the state that there are no nonprofit organizations readily available in the area to provide the service.

Because of its emphasis on coordination, DTR has emphasized usage of the first criterion, relying on its planning processes to allow communities to identify a lead, coordinating operator within their geographic area, whether it be a private or public entity. Where the capital operating funding is for the capitalized cost of contracted services, only a governmental agency is eligible for the funding.

Under MAP-21, large urbanized areas were given the opportunity to name the designated recipient for funding under Section 5310. In 2014, the Governor designated CDOT as the designated recipient of Section 5310 funds for the Denver/Aurora large UZA after receiving a request for such designation by the Denver Regional Council of Governments, with the concurrence of the Regional Transportation District (RTD). In carrying out this responsibility, DTR will enlist the assistance of the Denver Regional Council of Governments (DRCOG) in the process of soliciting, evaluating and selecting projects.

In order to avoid duplication of effort, and maintain a statewide standard, DTR will coordinate with the MPOs of the other two large UZAs by sharing information about grant requests, given that some projects eligible for Section 5310 funding are also eligible for state FASTER funding. This effort can help avoid duplicative awards and enable all parties to better address a fairer and more equitable distribution of funds.

6.1.4 Coordination

Title 49 U.S.C. 5310, as amended by MAP-21, requires a recipient of Section 5310 funds to certify that projects selected for funding under this program are included in a locally developed, coordinated public transit-human service transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, nonprofit transportation and human service providers; and other members of the public. FTA strongly encourages coordination and consistency between the local coordinated public transit-human service transportation plan and metropolitan or statewide transportation planning processes, as described in 23 CFR part 450 and 49 CFR part 613 and previously described in [section 4.6.1](#).

6.1.5 Eligible Projects

Section 5310 provides funding for operating, capital and mobility management expenses. Up to 45% of the funding (after deducting funds for State Administration) may be awarded for operating expenses of local projects. Projects that were eligible under the former Section 5317 New Freedom program are also eligible under Section 5310. At present, operating assistance is primarily awarded to the Large Urbanized and Small Urbanized service areas, where Section 5311 operating funding is unavailable and where operating projects funded under the discontinued Section 5317 program have been “grandfathered in” with Section 5310 funds.

DTR currently awards the majority of its Section 5310 rural funding to capital projects. The need for operating funds far exceeds the limited amount available, so DTR believes it would be inefficient to make a large number of very small operating awards, particularly if made to existing Section 5311 grant partners who would somehow have to separate Section 5310 eligible services from their Section 5311 program. Furthermore, DTR is sensitive to the fact that once an award of operating funds is made, it is difficult to reduce or eliminate that award in the event that others submit worthy requests for the same funds.

Mobility management projects, which generally include travel training and brokerage programs, are considered capital projects when funded through the Section 5310 program, and therefore provide for an 80% federal share. However, they work more

like operating expense grant agreements in that these projects normally have regular, ongoing expenses and salary costs, rather than the one-time purchase of equipment or construction of a facility.

The same is true of projects that provide capitalized contracted services. They reimburse contractors, other than the grant partner, for services provided with the contractor's equipment, but are considered capital projects with an 80% federal share.

These types of projects have monthly milestone reporting and invoicing requirements and include requirements for coordination. These projects are opened for application at the same time as the other operating programs.

DTR allows the use of Section 5310 funded vehicles in a coordinated setting with Section 5311 funded programs, so long as the service being provided is primarily for seniors and persons with disabilities, and provided that ridership by the general public is at an incidental level, which DTR would consider to be approximately no more than 20%.

The grant partner is responsible for ensuring compliance with this requirement and for tracking ridership data to support this assertion. DTR believes this allowance promotes greater coordination and consolidation. Furthermore, DTR seeks to award Section 5310 capital equipment to no more than one organization within a geographic area. Exceptions can be made in more heavily populated communities where there are multiple providers that agree to work closely together under a coordination agreement. An exception can also be made when a provider requesting a capital grant applies through the lead agency and the two parties agree to a formal coordination arrangement for that grant.

6.1.6 Geographical Distribution

As part of the update process to the Statewide Transit Plan, DTR undertakes a geographic equity analysis to ensure that each part of the state receives an equitable share of FTA funding. In addition to this formal effort that is part of the Statewide Transit Plan development, DTR considers geographic equity in making awards during each annual call for projects.

6.1.7 Transfer of Funds

CDOT/DTR may transfer Section 5310 to the Section 5311 or Section 5307 programs if the funds will remain un-obligated at the beginning of the 90-day period before the end of the federal fiscal year.

Surface Transportation Programs (STP), Congestion Mitigation and Air Quality (CMAQ) funds, and other eligible flexible funds may be transferred from the Federal

Highway Administration to the Section 5310 program for capital needs. DTR will make the decision in conjunction with local area transit providers, the area MPO, and the State Highway Engineer's office, pending final approval by the CDOT Executive Director.

All contractual, procurement and payment procedures will follow state and federal guidelines. Notification to FTA of the intent to transfer funds will be in accordance with FTA Circular 9070.1G.

6.1.8 Sliding Scale Match (5310)

Higher federal share rates for capital costs under the 5310 program are available to fourteen states as described in 23 U.S.C. 120(b). Colorado is one of those states. However, these rates may only be applied upon transfer of funding from the Federal Highway Administration (FHWA). As a result, due to the limited amount of funding available and the fact that the state faces an increased demand for capital and operating assistance, CDOT policy is to not request such a transfer and limit the federal share of all capital projects to 80% and all operating projects to 50% of the total project cost.

6.2 FTA SECTION 5311 – RURAL PUBLIC TRANSPORTATION PROGRAM

The Section 5311 Rural Public Transportation program, including its sub programs, the Section 5311(b)(3) Rural Transportation Assistance Program and the Section 5311(f) intercity bus program, are designed to provide administrative, operating, and capital assistance to transportation providers in rural areas.

6.2.1 Eligible Recipients

Funding eligibility is open to any agency that provides general public transportation services within a recognized rural area. CDOT requires that these services must operate at least three days per week for no less than 50 weeks per year to be eligible for funding.

6.2.2 Program Goals

The federal goal of the Section 5311 program is to enhance the access of people in rural areas to health care, shopping, education, recreation, public services and employment by encouraging the development, maintenance, improvement, and use of public transportation services.

In order to ensure that Colorado achieves these goals, DTR has established the following policies for its programs for general public transportation in rural areas. They were used as a guide to develop this State Management Plan.

- Provide quality public transportation in Colorado to meet the needs of the general traveling public, especially those without ready access to other means of transportation.
- Provide for transit needs of special groups, particularly seniors, persons with disabilities, minority and low-income persons, and other transportation disadvantaged persons.
- Preserve and upgrade existing transportation services and facilities, and encourage new and innovative forms of transportation.
- Ensure that private sector transportation operators, minority organizations, disadvantaged business enterprises and the public have the maximum feasible opportunity to participate in the design, provision and evaluation of public transportation services.
- Maximize the degree of coordination at both the state and local level in the provision of transportation services.
- Ensure a fair and equitable distribution of the Section 5311 funds across the state.
- Ensure that services are made widely available and not directly or indirectly limited to a particular client or population group.

6.2.3 Eligible Projects

CDOT/DTR will make funds available for capital, operating and administrative assistance to projects in non-urbanized areas. Operating project budgets will have priority over capital and administrative project budgets. The budget submitted by the grant partner through the application process will define the category and amount of funds the grant partner wishes to receive. Any variation will require prior approval DTR.

Eligible project costs under the Section 5311 Program will be determined in accordance with OMB Circular A-875, OMB Circular A-122, and 2 CFR PART 200 subparts A-F, FTA Circular 9040.1G and guidance issued by DTR. Project expenditures will be categorized as capital, operating, or administrative expenses.

6.2.4 Geographical Distribution

As part of the update process to the Statewide Transit Plan, DTR undertakes a geographic equity analysis to ensure that each part of the state receives an equitable share of FTA funding. In addition to this formal effort that is part of the Statewide

Transit Plan development, DTR considers geographic equity in making awards during each annual call for projects.

6.2.5 Transfer of Funds

The Governor of the State of Colorado or his/her designee (CDOT/DTR) may transfer funds from the Section 5307 Program for non-urbanized areas under 200,000 people. Funds from the Section 5311 Program may also be transferred to Section 5307 systems with populations under 200,000.

DTR staff will determine the need for flexibility to utilize both funding sources. DTR will consult affected area transit providers when considering transfer decisions. When Section 5307 funds are transferred to Section 5311, all Section 5311 requirements apply.

Surface Transportation Programs (STP), Congestion Mitigation and Air Quality (CMAQ) funds, and other eligible flexible funds may be transferred from the Federal Highway Administration to the Section 5311 program for capital needs. DTR would make this decision with local area transit providers, the area MPO, and the State Highway Engineer's office, pending final approval by the CDOT Executive Director.

All contractual, procurement and payment procedures will follow state and federal guidelines. Notification to FTA of the intent to transfer funds will be in accordance with FTA Circular 9040.1G.

6.2.6 Sliding Scale Match (5311)

Higher federal share rates for capital costs under the 5311 program are available to fourteen states as described in 23 U.S.C. 120(b). Colorado is one of those states. However, there is no additional federal funding attached to this option so due to the limited amount of funding available and the fact that the state faces an increased demand for capital and operating assistance, CDOT policy is to limit the federal share of all capital projects to 80% and all operating projects to 50% of the total project cost.

6.3 FTA SECTION 5311(F) – INTERCITY BUS

States are required to commit 15% of their Section 5311 funding to develop, support, and promote a network of intercity bus (ICB) transportation services, unless its governor submits a valid waiver demonstrating that intercity bus needs are being met in its state. Colorado submitted such waivers in the past, when insufficient or unacceptable ICB requests were submitted. Presently DTR is committing at the 15% or

higher level and expects to do so into the future. These funds are awarded through a competitive process to companies and organizations who serve routes designated through the state Intercity and Regional Bus Plan.

CDOT also provides some limited operational funding assistance to regional bus service providers through its state FASTER program. These regional bus services are expected to coordinate with the DTR-funded ICB projects as much as possible. The Bus Operations Unit of the DTR manages these programs.

In 2014, CDOT updated its Colorado Intercity and Regional Bus Network Plan. This update emphasized the development of regional services that meet a wide range of needs, including connections to the national intercity bus network and air, or rail, modes of travel, employment travel requiring regional travel, and essential travel needs from the far corners of Colorado.

In 2009, FASTER was passed which provided state funding for regional and interregional transit services. During that same timeframe, the DTR was established within CDOT to oversee and administer transit related projects.

There have been a number of changes to the intercity and regional bus network over the past few years, including the addition of FLEX regional bus service between Fort Collins and Longmont, and the elimination of the Front Range Express (FREX) regional bus service between Colorado Springs and Denver. In addition, Regional Bus Rapid Transit (BRT) on the Highway 82 corridor between Glenwood Springs and Aspen opened in September 2013.

The 2014 update focused on the next steps of refining a network plan for both intercity and regional bus routes and building a foundation to support financing and implementation of these services. The plan must have:

- Identified goals for the development of the intercity and regional bus networks
- Identified station and connectivity needs
- Defined preferred networks for intercity and regional bus services
- Identified a phased implementation plan for the intercity and regional bus networks
- Identified policy, performance, and financing issues associated with implementing the preferred networks

There is some overlap between the terms intercity bus and regional bus, and their definitions have changed over time. Thirty years ago, Greyhound and other carriers operated a comprehensive network of intercity services, but today they focus only on connecting key cities. Regional services have been developed to provide connections that are no longer provided by private intercity carriers. The two types of bus services are defined below:

Intercity Bus Service is regularly scheduled bus service that connects two or more urban areas and serves passengers traveling long distances. It serves the general

public, can transport passengers' baggage, and makes meaningful connections with national intercity bus service to points that are more distant. Intercity bus generally operates with only a few trips each day, but usually operates every day. Greyhound is a major provider of intercity services.

Regional Bus Service also crosses jurisdictional lines, but may operate within rural regions or connect to an urban area. Regional services are generally 20 - 60 miles in length. Regional services are often geared around certain markets (e.g., workers or airport shuttles) and operate on schedules geared to these markets. Regional services may also be designed to serve people who need to travel long distances to access government services, medical trips, or other destinations. Some regional services operate only one to two trips each day, while others have robust schedules.

Regional services in Colorado include many routes operated by RTD connecting suburban communities to the Denver Central Business District (CBD), services operated to resort communities, and services providing access to medical and other services.

6.3.1 Eligible Recipients

Eligible recipients include all public, nonprofit, and private for-profit carriers that possess Federal Motor Carrier Safety Administration (FMCSA) operating authority and maintain proper liability insurance. Private for-profit carriers must maintain a \$5,000,000 automobile liability policy, per occurrence, regardless of vehicle size. Public and nonprofits must maintain minimum state mandated coverage. Insurance pools are not accepted by FMCSA.

For-profit recipients must maintain an interline agreement with the legacy national intercity bus carriers via the National Bus Traffic Association (NBTA- intercity industry bus industry ticket clearinghouse). Nonprofit and public transit entities have the option of joining forces as a "sponsored" member with a "legacy" national intercity carrier such as Greyhound Lines, Inc. While any recipient's services may operate solely within the state of Colorado, connecting with interstate carriers and serving interstate passengers qualifies these recipients as interstate carriers, requiring them to have FMCSA operating authority.

Note: Carriers such as Burlington Trailways, MegaBus, BoltBus, Los Angeles – El Paso Limo, and Los Paisanos, to name a few, do not belong to the NBTA. Providers that operate from street corners are not considered legacy carriers.

6.3.2 Eligible Projects

Eligible operating projects must include a rural connection to the legacy national intercity bus network. The grant partner's service must operate a minimum of five (5) days per week. Projects could be eligible for reimbursements of up to 50% of the grant

partner's net operating deficit. Some legacy intercity carriers, such as Greyhound Lines, can offer some unsubsidized revenue miles to CDOT, as in-kind match, if the service meets a seven (7) day a week operating requirement, and meets a rural "meaningful" connection criteria of no more than 2 ½ to 3-hour connecting time, along with some marketing requirements. The result for the grant partner could be a reimbursement of greater than 50% of its net deficit by CDOT, up to a maximum 0% net deficit.

6.3.3 Program Goals

Legacy intercity Bus service is a vital link between otherwise isolated communities and the rest of the nation. The main objectives are to:

- Support the connection between nonurbanized areas and the larger regional or national system
- Support Services to meet the intercity travel needs of residents in nonurbanized areas
- Support the infrastructure of the legacy intercity bus network through planning and marketing assistance and capital investments in facilities.

Collaboration with the legacy intercity carriers through Colorado is imperative to meet the intercity travel needs of Colorado rural residents. Many of the intercity routes, through Colorado and the western United States, operate on a daily basis - with a few exceptions. Some carriers have very infrequent (usually no more than two round-trip routes each day) and serve Colorado at inconvenient times. Many routes operate in the middle of the night, not meeting essential travel needs for rural residents to the regional urban areas to access services for such things as medical appointments, shopping, etc.

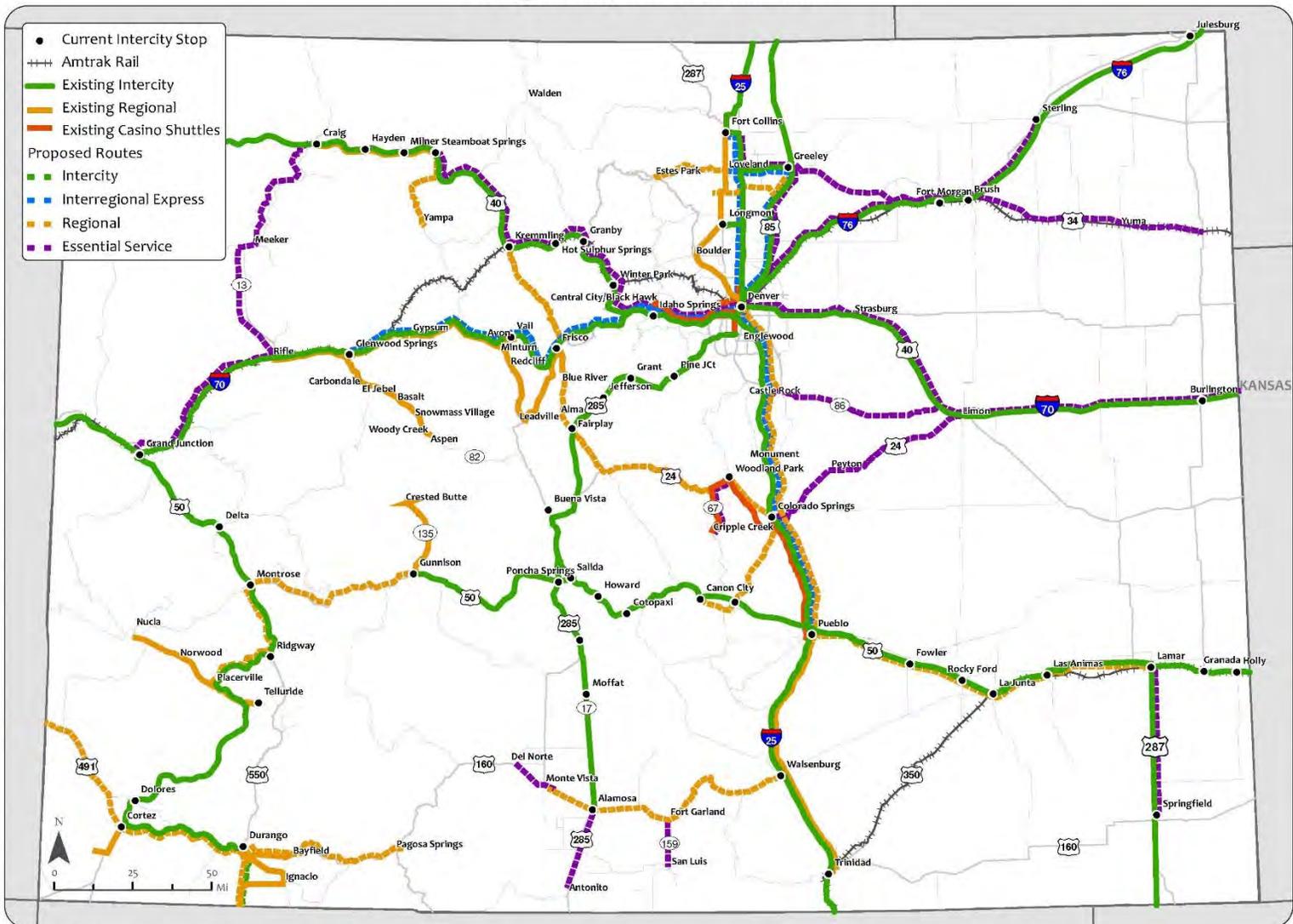
In 2018, Colorado hopes to transition its Section 5311(f) program into a coordinated, meaningful program that will provide rural residents with a more convenient, economical, and coordinated transit choices, as further described in 6.11.

Additional eligible recipients and projects types are discussed in section 6.11. Program goals are outlined in the Colorado Intercity and Regional Bus Network Plan. More information about CDOT's Intercity and Region Bus Network, including schedules, may be found at:

<https://www.codot.gov/projects/intercityregionalbusnetworkstudy/intercity-and-regional-bus-network-plan>

On the next page is a map of Colorado's Intercity Bus Service – Existing and Proposed Routes.

Existing and Proposed Statewide Routes



Date sources: ESRI Census 2010 base map files, ACS 2007-2011, Census 2010, and provider bus schedules as of Jan. 2013.

6.4 FTA SECTION 5311(B)(3) - RURAL TRANSPORTATION ASSISTANCE PROGRAM (RTAP)

CDOT is responsible for providing technical assistance, support, and training to its rural providers through the Rural Transportation Assistance Program (RTAP). It publishes a Request for Proposals every five (5) years to identify a company or organization to assist CDOT with this program.

The goal of the RTAP program is to:

- Promote the safe and effective delivery of public transportation in rural areas and to make more efficient use of public and private resources
- Foster the development of state and local capacity for addressing the training and technical assistance needs of the rural transportation community
- Improve the quality of information and technical assistance available through the development of training, technology, and technical assistance resource materials
- Facilitate peer-to-peer self-help through the development of local networks of transit professionals
- Support the coordination of public, private, specialized, and human service transportation services
- Build a national database on the rural segment of the public transportation industry

To achieve these goals, CDOT provides the following:

- A statewide transit resources library, housed at the Colorado Association of Transit Agencies (CASTA)
- Training opportunities by providing regional and statewide training courses, including at the CASTA Spring and Fall conferences
- Scholarship opportunities for rural providers to attend in- and out-of-state training opportunities
- Peer-to-peer networking opportunities for sharing best practices, developing mentoring opportunities, and encourage regional sharing of resources
- A statewide transit & transportation resource directory to encourage and facilitation networking opportunities

To assist in ensuring that these efforts meet the needs of its rural transit providers, CDOT has established an RTAP Committee, composed of rural area members, which meets at least four (4) times per year to provide guidance on training topics, discuss issues of importance to rural providers, and maintain input on policy decisions relevant to the FTA 5311 program.

6.5 FTA SECTION 5303 – METROPOLITAN PLANNING

These programs provide funding to support cooperative, continuous, and comprehensive planning for making transportation investment decisions in metropolitan areas and statewide to the State Departments of Transportation (DOTs) and Metropolitan Planning Organizations (MPOs). Federal planning funds are first apportioned to State DOTs. CDOT then allocates this planning funding directly to the MPOs. Funds are available for planning activities. Section 5303 is MPO planning funds and Section 5304 (discussed in the next section) is available for statewide planning and coordination.

Colorado Metropolitan Planning Organizations are listed below:

[Denver Regional Council of Governments \(DRCOG\)](#)

[Grand Valley MPO \(GVMPO\)](#)

[North Front Range MPO \(NFRMPO\)](#)

[Pikes Peak Area Council of Governments \(PPACG\)](#)

[Pueblo Area Council of Governments \(PACOG\)](#)

6.6 FTA SECTION 5304 – STATEWIDE PLANNING

CDOT is the designated agency responsible for managing the federal Section 5304 program for Statewide Transportation Planning and Technical Assistance. DTR is dedicated to providing assistance to agencies for planning activities that address the following goals:

- Support the economic vitality of the region, especially by enabling global competitiveness, productivity, and efficiency
- Increase the safety of the transportation system for motorized and non-motorized users
- Increase the security of the transportation system for motorized and non-motorized users
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns
- Enhance the integration and connectivity of the transportation system across and between modes
- Promote efficient system management and operation

- Emphasize the preservation of the existing transportation system.

Requests for funding under this program are evaluated by CDOT/DTR based on the Statewide Transit Plan and the applicability of the proposed activity. Colorado's Rural Transportation Planning Regions (TPRs) are listed below:

[Central Front Range \(CFR\)](#) - administered by Upper Arkansas Area Council of Governments (UAACOG)

Eastern (EA)

[Gunnison Valley \(GV\)](#) - administered by Region 10 League for Economic Assistance and Planning

Intermountain (IM)

Northwest (NW)

San Luis Valley (SLV)

[South Central \(SC\)](#) - administered by South Central Council of Governments (SCCOG)

[Southeast \(SE\)](#) - administered by Southeast Colorado Enterprise Development (SECED)

[Southwest \(SW\)](#) - administered by the Region 9 Economic Development District of Southwest Colorado

Upper Front Range (UFR)

6.7 FTA SECTION 5339 – BUS AND BUS FACILITIES FORMULA GRANT

The purpose of the Section 5339 program is to provide capital funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities.

This program replaces the former Section 5309 - Bus and Bus Facilities program under MAP-21.

Section 5339 funds are eligible to be transferred by CDOT to supplement urban and rural formula grant programs (Section 5307 and Section 5311, respectively).

6.7.1 Eligible Recipients

Eligible recipients of Section 5339 funds include designated recipients and states that operate or allocate funding to fixed-route bus operators.

Grant partners that are public agencies, or private nonprofit organizations engaged in public transportation; including those providing services open to a segment of the general public, as defined by age, disability, or low income, are also eligible recipients of Section 5339 funding.

6.7.2 Eligible Projects

Section 5339 funds may be used to subsidize capital projects to replace, rehabilitate and purchase buses, vans, and related equipment, and to construct bus-related facilities. These projects may include:

- The acquisition of buses for fleet and service expansion
- Bus maintenance and administrative facilities
- The acquisition of vans for fleet and service expansion, including specialized vans and related facilities used to provide ADA complementary paratransit service
- Transfer facilities
- Bus malls
- Transportation centers
- Intermodal terminals
- Intercity facilities which are part of a joint development project
- Park-and-ride stations
- Acquisition of replacement vehicles
- Bus rebuilds
- Bus overhauls
- Passenger amenities such as passenger shelters and bus stop signs
- Accessory and miscellaneous equipment such as:
 - mobile radio units
 - supervisory vehicles
 - fare boxes
 - computers
 - shop and garage equipment
- Clean Fuels projects
- Introduction of new technology; Examples of transit-related ITS projects include:
 - real-time bus arrival information available to passengers through electronic displays at bus stops

- automatic vehicle locators
- automated passenger counters
- vehicle component monitoring (diagnostics)
- advanced fare payment methods
- computer-aided dispatching and real-time ridesharing
- automated information for travelers using more than one mode of transportation
- Costs associated with environmental compliance
- Design and art in transit.
- Leasing of capital assets
- Capital cost of contracting

NOTE: Planning activities, preventive maintenance activities (other than bus overhauls), and mobility management activities are not eligible under the section 5339 Program.

6.7.3 Program Goals

CDOT awards grants under the Section 5339 program to the designated recipients in small UZA's and rural providers for the purpose of financing capital bus and bus-related projects that support the continuation and expansion of public transportation services in the United States.

6.7.4 Construction

Construction projects each have a specific schedule and milestones as part of the grant agreement. The grant partner/contractor must follow the requirements set forth in the Grant Partner Manual and Local Agency Manual, as it applies.

Project managers, working with their grant partners, will confirm on a regular basis that the project is performing on schedule. If the project falls behind schedule, the project manager will notify the Unit Manager and the DTR Director of the underperforming project. At that point, a plan will be developed to remediate or terminate the project.

6.8 FTA SECTION 5309

Under SAFETEA-LU, Section 5309 was the Capital Investments Program. It was primarily a discretionary program that was distributed through Congressional

earmarks. CDOT/DTR is still managing a few Section 5309 grants under the authorization of SAFETEA-LU.

6.8.1 Eligible Recipients

Eligible recipients under the Section 5309 program are states and local governments, as well as subrecipients, such as public agencies, private companies engaged in public transportation, and private nonprofit organizations.

Private companies engaged in public transportation are eligible subrecipients of FTA grants. Private operators may now receive FTA funds as a pass-through without competition if they are included in a program of projects submitted by the designated public authority acting as the direct recipient of a grant.

6.8.2 Capital Investments Program (SAFETEA-LU)

Under SAFETEA-LU, the Capital Investment Program funds provided assistance for bus and bus related facilities, establishment of new rail transit projects, and improvement and maintenance of existing rail transit and other fixed guide-way systems. There is an 80%/20% federal-local match required for this program.

CDOT/DTR has historically utilized 5309 funds for a local vehicle replacement program for those vehicles that have reached or exceeded useful life and/or to enhance or construct transit facilities/infrastructure. At the discretion of CDOT, toll credits may be allowed for the local share.

6.8.3 Fixed Guideway Capital Investment Grants – New Starts (MAP-21)

Under MAP-21, Section 5309 funding provides grants for new and expanded rail, bus rapid transit, and ferry systems that reflect local priorities to improve transportation options in key corridors. This program defines a new category of eligible projects, known as core capacity projects, which expand capacity by at least 10% in existing fixed-guideway transit corridors that are already at or above capacity today, or are expected to be at or above capacity within five years. The program also includes provisions for streamlining aspects of the New Starts process to increase efficiency and reduce the time required to meet critical milestones.

6.9 FTA SECTION 5312 – RESEARCH, DEMONSTRATION, & DEPLOYMENT

The purpose of Section 5312 funding is to support research activities that improve the safety, reliability, efficiency, and sustainability of public transportation by investing in

the development, testing, and deployment of innovative technologies, materials, and processes; carry out related endeavors; and to support the demonstration and deployment of low-emission and no-emission vehicles to promote clean energy and improve air quality.

6.9.1 Eligible Recipients

Eligible recipients of Section 5312 funds are federal government agencies, state and local governments, providers of public transportation, private or nonprofit organizations, technical and community colleges, and institutions of higher education. Federal share is 80% with a required 20% non-federal share for all projects (non-federal share may be in-kind).

6.9.2 Eligible Projects

Eligible projects fall under the following categories:

Research; Public transportation research supporting the development and deployment of innovative ideas, practices and approaches that improve public transportation. These focus areas could include research on performance management, capital and operating efficiencies, alternative fuels, safety improvements, energy efficiency, data and communication systems, and other topics that advance the interests of public transportation.

Innovation and Development: Projects that seek to improve public transportation systems nationwide by developing, testing, and evaluating technologies, materials, and processes that may provide more efficient and effective delivery of public transportation services.

Demonstration, Deployment and Evaluation; Activities that promote the early deployment and demonstration of innovation in public transportation that have broad applicability to the transit industry. Project evaluation is required within two years of award. This activity also includes a Low or No Emission Vehicle Deployment program that includes eligibility for acquiring or leasing low- or no-emissions vehicles, constructing or leasing facilities and equipment, and rehabilitating or improving existing public transportation facilities to accommodate low- or no-emission vehicles.

6.10 STATE FASTER (FUNDING ADVANCEMENT FOR SURFACE TRANSPORTATION & ECONOMIC RECOVERY) PROGRAM

The state's FASTER statute allocates \$15 million per year to public transit projects. \$5 million is allocated to a "Local Pool," which is intended to fund local programs. From this pool, Fort Collins and Colorado Springs are allocated \$0.9 million in funds for capital projects, at \$0.2 million and \$0.7 million, respectively, based on being large urbanized areas that also receive an allocation of FTA Section 5339 and 5307 funds directly. The remaining \$4.1 million from the Local Pool is made available for competitive capital projects of a local nature throughout the remainder of the state.

The remaining \$10 million is allocated to a "Statewide Pool" and dedicated to projects with a statewide or regional focus. The funds are suballocated into a variety of subprograms, as follows:

- Approximately \$1.0 million for DTR administration, which is used for administration of the FASTER grants, planning, match for federal grants, and technical assistance programs; the amount used for DTR administration may vary slightly, depending on need in any given year
- \$3.0 million for operating, administrative or capital expenses of CDOT's Interregional Express (IX) bus service, dba Bustang
- \$3.0 million for RTD for capital projects, based on being a large urbanized area. Up to \$1.0 million for Regional/Interregional bus services on a competitive basis anywhere in the state; if the full amount is not awarded to projects, the remainder is made available in the statewide competitive capital pool that year
- \$2.0 million for a statewide competitive capital pool

Funding is made available on July 1 of each year (The first day of Colorado's fiscal year). Funding decisions for the Local and Statewide competitive capital pools are made during the annual consolidated capital call for projects each fall. (See Appendix C – Sample Call for Capital Projects)

When projects are selected for funding, the source of the funding is also determined by DTR, whether it be FTA or FASTER. When the best fit for funding is the FASTER program, the grant partner is notified and funding is made available in the following state fiscal year.

6.10.1 Eligible Grant Partners

Projects proposed by local public and private nonprofit entities and tribal governments that offer either public transportation or Open Door Specialized Transportation may be funded by FTA funds, the Local FASTER pool or Statewide pool

of FASTER funding. Projects proposed by state agencies may only be funded by FTA funds or the statewide share of FASTER. While all local agency projects are eligible to receive FASTER funding, those applicants that do not directly provide transit services must apply for FASTER funds through the transit provider that serves their jurisdiction.

6.10.2 Eligible Projects

FASTER and FTA funding may be used for any items defined as capital expenses by the Federal Transit Administration, including:

- Rolling stock (buses, vans, train cars, gondola cabins)
- Transit stations, transfer facilities, bus storage and/or maintenance facilities
- Multimodal facilities; i.e., facilities that accommodate some combination of services of multi-regional or statewide significance
- Park-and-ride facility construction or improvements
- Technology improvements that enable enhanced transit services in high priority corridors, including signal prioritization and ITS
- Technology improvements that significantly improve the coordination of human services transportation by means of mobility management tools
- HOV, HOT, queue jump, and bus pull-out lanes, Bus Rapid Transit projects, and bus lanes
- Bike racks, lockers and bike parking at multimodal stations
- Enhanced modal connections, including but not limited to trails, sidewalks and bike lanes leading to major transit stations, provided they have a transit connection and enhance transit ridership
- Planning projects, transit technical assistance, service planning, research projects and special studies; however, no more than 10% of the total available FASTER funding will be made available for such purposes, because planning funds are available through FTA Section 5303 or 5307 (in urbanized areas) or Section 5304 funding (rural areas).

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6.10.3 Program Goals

DTR's objective is to assist with the planning, maintenance, development, operation, implementation, and integration of transit into the statewide transportation system. DTR will ensure that state transit funds are used effectively and in accordance with legislative requirements and intent by providing oversight and establishing sufficient controls within the DTR related to both state FASTER and federal FTA transit revenue and projects.

6.10.4 Semi-Annual Reporting

Twice a year, including prior to the call for projects, DTR staff will generate a Transit Project Status Report that contains the status of all Transit Projects (inception/in process/on time/underperforming/closed).

Twice a year, including prior to the call for projects, the DTR budget analyst will generate a Transit Revenue Report that will; 1) contain a detailed justification of all FASTER and FTA revenues allocated and expenditures incurred in a fiscal year, 2) list the recipients of all FASTER and FTA revenues, and 3) an estimate of the FASTER and FTA revenues that will be returned to DTR if the estimated cost exceeded the actual cost of the project. The report will also include a reconciliation of FASTER and FTA revenues and expenditures to date. The report will first be presented for review to the DTR Deputy Director and/or the DTR Director.

6.11 REGIONAL/INTERREGIONAL BUS SERVICE

Projects that are funded under the FASTER Regional/Interregional bus service program are applied for under a separate application process during the Administration & Operating Call period. In order to be eligible, projects must meet the following criteria:

- Services must cross jurisdictional boundaries (i.e. outside a local agency's service area and generally also crossing a transportation planning region boundary)
- Services must be included in the Colorado Intercity and Regional Bus Network Plan
- Services may not already be funded through FTA Section 5311(f)

The Bus Operations Unit of the DTR manages projects funded through this program. A \$1.0 million sub-pool is established to provide opportunity for state partnerships in supporting and creating fixed-route regional and interregional services. Operating assistance will be offered for regional and interregional fixed-route services operated by local transit agencies.

Local entities can apply for operating assistance where the local entity provides a regional or interregional fixed-route service, with a FASTER contribution of up to 50% of operating costs or \$200,000 cap (whichever is lower). The annual operating assistance will continue as long as the regional or interregional service maintains the minimum threshold for performance and success. To make the best use of FASTER funds, existing services meeting eligibility and evaluation criteria are funded at 50% for one year, then must meet farebox recovery rate or load factor goals shown in the table below. New services meeting eligibility and evaluation criteria are funded at 50% for two years, then must meet farebox recovery rate or load factor goals.

Step	Farebox Recovery Rate OR Load Factor*	Eligible Share of FASTER Funding
0	<20%	Not Eligible
1	20% - 29%	30% FASTER Share to \$100,000
2	30% - 39%	40% FASTER Share to \$150,000
3	40%+	50% FASTER Share to \$200,000 (maximum)
<p>*Note: Farebox recovery will be used as the standard, except for systems that, by policy, do not charge a fare or that have purposely set below-market-rate fares. In the case of fare-free or below-market-fare systems, load factors will be used.</p>		

By 2018, CDOT's goal is use unallocated FASTER operating funds to augment Section 5311(f) funds to develop, with public and stakeholder input, a Rural Regional bus system that is consistent with the Statewide Transit Plan and will:

- Connect rural residents to services, goods, and institutions located in the regional centers
- Provide meaningful connections to the national legacy intercity bus network
- Operate cost-effective services that:
 - Supports local communities and their programs
 - Support local businesses and institutions
 - Supports, local, regional, and statewide human service programs.

As described in [section 6.3](#), the national legacy intercity bus network operates seven (7) days per week, but with infrequent, and somewhat inconvenient service times. For example, while the legacy intercity bus system does provide rural residents service to out-of-state destinations such as Chicago or Dallas, the current service level requires residents of Las Animas, Colorado to spend two nights in a hotel to visit their doctor in Pueblo, Colorado, an 85-mile one-way trip.

A coordinated system will still support and maximize the legacy intercity bus service by transporting rural resident to Pueblo, Colorado, but returning them home the same day by augmenting the 5311(f) 'in-kind' match that Greyhound was unable or unwilling to provide with state "FASTER" funds.

6.12 DISCRETIONARY FUNDING

From time to time, funding may become available, either from the FTA or through state funding sources, to target specific transit needs. It is the goal of DTR to ensure that any funding made available through this mechanism be used to further the vision embodied by the Statewide Transit Plan and the Statewide Transportation Plan. These projects will generally be administered following the timeline and selection criteria established by the particular funding source and program, rather than through this SMP.

7 STATE ROLE IN PROGRAM ADMINISTRATION

CDOT/DTR shares a partnership role with local governments, or its representatives, nonprofits, private carriers, and transit agencies, committed to operating rural public transportation programs. CDOT may use program funds for capital projects, operating assistance, planning, and the acquisition of public transportation services, including service agreements with private providers of public transportation, as prescribed by each of the funding programs identified and described in [section 6](#) – Overview of Transit Programs. CDOT, as the designated recipient for federal funds, is responsible for:

1. Creating a vision for public transit in the State of Colorado
2. Developing a Statewide Transit Plan as a companion to the Long and Short Range Statewide Transportation Plans
3. Applying for FTA grants
4. Publicizing the availability of federal and state funds
5. Creating and managing a fair and equitable application program
6. Determining applicant eligibility
7. Fairly evaluating applications for funding and communicating the evaluation criteria to potential applicants
8. Contracting with agencies awarded funding to provide the goods and/or services funded
9. Providing clear direction, guidance, and support to grant partners that have been awarded funds
10. Ensuring that the grant partners have the capacity to implement the grant funding
11. Working with grant partners to identify areas for improvement
12. Ensuring that grant partners comply with all local, state, and federal requirements under the program.

In order to achieve these goals, DTR is divided into the Bus Operations Unit, the Planning and Infrastructure (TPI) Unit, and the Transit Grants (TGU) Unit.

DTR is tasked with the larger scale grant requests from the FTA and managing the funding as it is transferred. The TPI Unit is responsible for receiving the applications for capital and operating funding; managing the application review process; and awarding the funding.

The TGU is responsible for each project from the moment it is awarded, through close of the grant agreement, including project scoping; oversight of the procurement process (when appropriate); monitoring and tracking of grant partner performance to the grant agreement; authorizing reimbursement request validity; tracking to the

project budget; and working with the grant partner to close out the project (further detailed in [section 10](#)).

In the past, CDOT has maintained Rules and Regulations as an internal duplication of the State Management Plan. Effective with this revision dated March 11, 2016, those Rules and Regulations are being eliminated and the State Management Plan is replacing them as the formal administrative framework for the management of state and federal funds.

7.1 ADMINISTRATION

As administrator of FTA and state funds, CDOT/DTR assumes responsibility for the organization and management of the programs. In its capacity as administrator, CDOT/DTR functions as a conduit for funds and financial programming. DTR develops criteria for application approval, notifies eligible local recipients of the availability of program funds, reviews and selects applicants for funding, ensures compliance with federal requirements, and monitors project activity. Details of these processes are discussed in sections [6](#) and [11](#).

7.2 PLANNING

Annually, CDOT prepares and submits to FTA a program of projects as an outcome of its planning process; as described in [section 4](#) - Planning. The state's program of projects (POP) must provide for fair and equitable distribution of funds within the state. The state may pass through much of its program funds to grant partners that are state or local governmental authorities, nonprofit organizations, operators of public transportation services, or intercity bus operators.

7.3 TECHNICAL ASSISTANCE

CDOT/DTR uses portions of its eligible administrative program funds to administer the programs and provide technical assistance to grant partners. Technical assistance is provided in the areas of project planning, program and management development, public transportation coordination activities, and research CDOT considers appropriate to promote effective delivery of public transportation in rural area.

As an element of its grant partner technical assistance, DTR has contracted with a drug and alcohol program consultant that works directly with Section 5311 grant partners. This consultant monitors the grant partners' drug and alcohol programs throughout the year, and provides refresher training (i.e., reasonable suspicion, post-accident testing) biannually at the CASTA Conferences.

DTR also provides regular training for grant partners through the Colorado Transit & Rail Awards Management System (COTRAMS). Grant partners must use COTRAMS to submit grant applications, invoice CDOT/DTR for reimbursements, and update FTA and state funded inventory records.

CDOT/DTR will provide technical assistance to existing, new, and future projects including but not limited to the following areas:

- Preparation of project grant applications
- Preparation of transportation development plans
- Transportation coordination issues
- Private sector transportation provider service delivery
- Grants management functions including invoicing, record keeping and accounting issues
- System operations and management
- Procurement and third party contracting
- Development and provision of driver training and preventive maintenance programs
- Development and review of vehicle specifications
- Development and evaluation of service routes and schedules
- Participation in local planning issues
- Development of local financing strategies
- Establishment of programs for providing service to the Older adults and people with disabilities
- The establishment of programs to comply with civil rights requirements
- Procedural matters relating to facility construction
- Other issues/requests and needs, which may arise from time to time.

8 PRIVATE SECTOR PARTICIPATION

The FTA requires that the public become involved in the application process for all FTA grant programs. FTA law also requires the public to be involved in the transportation planning process and specifically requires the private providers be offered an opportunity to be consulted in developing transportation plans and programs in both urban and rural areas.

Each year (or as often as there is a call for applications) the CDOT/DTR will run an advertisement, to ensure applications are competitive. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

Under the requirements of 49 U.S.C. 5323(a)(1), states or local governmental authorities may use FTA funds to operate public transportation service in competition with or in addition to transportation service provided by an existing public transportation company, only if the grant partner “provides for the participation of private companies engaged in public transportation to the maximum extent feasible.”

The most comprehensive FTA document regarding private enterprise requirements is a report titled *Private Enterprise Participation in Transportation Planning and Service Delivery*. The report is available on FTA’s website at:

http://www.fta.dot.gov/documents/Private_Enterprise_Brochure.doc

8.1 PUBLIC PROCESS

In CDOT’s continued commitment to the involvement of private enterprise in the provision of mass transit services, to the maximum extent feasible, the following applies:

- Applicants must provide reasonable notice to transportation providers regarding proposed services and opportunities for their participation in such services.
- Applicants must provide, in each application, certified receipts of letters that Applicant sent to private for-profit transportation providers notifying them of all applicable Public hearings and coordinated meetings.
- To ensure that all interested persons, businesses, and agencies have been notified of an applicant’s intention to provide transportation services, and that they have adequate opportunity to comment, Applicant must issue a public notice describing its proposed services. The notice should invite any interested

private operator within the service area to comment, or request a public hearing, on the proposed services by written notice to the grant partner. A minimum of a 15-day response time must be provided.

- Grant partners may purchase service from private sector transportation providers as well as public providers. Under such arrangements, certain special conditions apply to the purchase of service agreement.
- Grant partner must ask permission, in writing, from CDOT/DTR to use Purchase Service Contracts. CDOT/DTR will approve the proposed purchase of service contracts prior to execution by the grant recipient.

Please refer to Appendices B and C for samples of Funding Availability notices.

9 ANNUAL PROGRAM DEVELOPMENT & PROJECT APPROVAL

CDOT/DTR makes program announcements for all FTA applicable programs throughout the calendar year, depending on the program. In general, calls for operating and administrative assistance projects (5310, 5311, 5311(f), FASTER Operating) are held in the spring. The call for planning assistance projects is generally held in the summer. The call for capital programs (5310, 5311, 5311(f), 5339, FASTER Capital) is generally held in the fall. (Please refer to Appendix C – Sample Call for Capital Projects.) CDOT also updates all member agencies of the Colorado Association of Transit Agency during its semi-annual meetings of the upcoming availability of funds.

The program period of performance is based on the State of Colorado Fiscal Year (July 1 – June 30). The announcements provide information on available funds and solicit applications from eligible agencies.

Selected projects comprise the annual program of projects, and when approved will serve as the basis for the State Transportation Improvement Program update, as well as the state's annual application for funds to the Federal Transit Administration (upon STIP approval).

The program of projects will identify each local grant partner approved to receive funds for that year, inclusive of a brief description, funding level (federal and non-federal), and the amount of funds identified for state administrative expenses and intercity bus - as applicable.

CDOT/DTR strives to allocate all available funds made available from the FTA and from FASTER on an annual basis.

9.1 NOTICE OF THE AVAILABILITY OF FUNDS

The statewide announcements publicizing available funding for Sections 5304, 5309, 5310, 5311, 5312, and 5339, are widely disseminated through the CDOT website, email, trade publications, and in person, to the following:

- Existing public transportation providers
- County government administrators
- Metropolitan Planning Organizations (MPOs)
- Other local planning agencies
- Colorado Association of Transit Agencies
- Other interested agencies and operators of public transportation service

9.2 PUBLIC HEARING REQUIREMENTS

The Notice and Public Hearing requirement for capital projects that could substantially affect a community or the public transportation service of a community under 49 USC Chapter 53, Section 5323 (General Provisions) was repealed under MAP-21. The Notice and Public Hearing are no longer a requirement for capital projects. However, there are other requirements for a public hearing as part of the environmental review process and Title VI equity analysis.

The law associates more clearly the public involvement and hearing requirements for capital projects with the environmental review required by the National Environmental Policy Act (NEPA) and its implementing regulations. It also broadens the requirement to apply to all capital projects (as defined in 49 U.S.C. 5302).

The applicant must provide an adequate opportunity for public review and comment on a capital project, and, after providing notice, must hold a public hearing on the project if the project affects significant economic, social, or environmental interests. These requirements will be satisfied through compliance with the NEPA requirements for a public scoping process, public review and comment on NEPA documents, and a public hearing on every draft environmental impact statement (EIS). A public hearing on environmental assessments (EAs) that have a high probability of being elevated to EISs is also required, ensuring that the applicant has complied with the public hearing requirement to include in the environmental record for the project.

Section 5307 grant partners can follow the procedures of the public involvement process of the Metropolitan Planning Organization (MPO) to satisfy the public participation requirements associated with development of the Program of Projects. Section 5311 systems, as well as Section 5307 systems, must hold a public hearing for any fare increase or for major service changes.

9.3 PUBLIC NOTIFICATION

CDOT/DTR publicly advertises availability of funds to potential applicants through the CDOT web sites, via email, through publications having general circulation across the state, and through CASTA conferences. Grant partners are required to have public hearings/coordination meetings on their application for funds in their communities.

9.4 FUNDING

9.4.1 Preliminary Distribution of Funds

When funding is provided from the FTA, the Colorado Department of Transportation makes certain allocations from the funding for dedicated programs before the remainder is offered for competitive awards.

The first allocation is for State Administration. These funds are used for contract administration, regulatory compliance, project management, and technical assistance provided by DTR to its grant partners. No more than 10% of FTA funds are permitted for use as State Administration funds. DTR draws down what it believes is needed for administrative services, not automatically drawing the maximum allowed percentage. As a general practice, DTR initially commits less than the allowed percentage so that when a grant is near closure any smaller amounts of unspent funds remaining in an operating or capital grant could be shifted to State Administration, where they could be more readily and quickly spent, with DTR drawing the full allowable percentage or closer to it.

Once the State Administration allocation has been taken, the remaining funds are distributed into operating or capital projects as defined in the specific program. Distribution guidelines were identified in the specific program descriptions in [section 6](#) – Overview of Transit Programs.

Once the funding has been allocated to its specific program area, DTR announces the anticipated amount of funding available, announces a notice of funding availability and applications are taken as outlined in 9.4.5 – Application Process and Timeline, scored and evaluated before awards are made.

9.4.2 Local Share and Local Funding Requirements

CDOT follows the matching funds guidelines set forth in FTA Circular 9040.1G and generally applies these ratios when funding projects under the state FASTER program as well:

- Administrative expenses are reimbursed at 80% federal with a 20% local match required
- Operating expenses are reimbursed at 50% of the net operating deficit with a 50% local match required
- Capital project expenses are reimbursed at 80% federal with a 20% local match required

As referenced in [section 6](#), higher federal share rates for capital costs are available to Colorado. However, these require potential fund transfers and do not come with any additional funding. CDOT has chosen to maintain the match ratios at 80% federal for capital and 50% federal for operating.

DTR does reserve the right to modify its match requirements for FASTER funded projects where such modifications have a direct benefit to the state.

FASTER Operating Assistance for Regional Bus Service has a merit match ratio based on the grant partner's farebox recovery rate and ranges from 35% to 50%. Specific

information on these match ratios was contained in [section 6.10](#) – State FASTER Program.

To further promote human service transportation coordination, per FTA guidelines, DTR will allow federal funds, not derived from USDOT, to be used for up to one-half of the local match for projects. Any application proposing to use non-USDOT federal funding for match must provide specific documentation from the federal source confirming that those funds may be used by the applicant to match the grant. The documentation would normally be a letter from the local or state agency that controls those funds.

9.4.3 In Kind Match

In-kind contributions can be used for up to one-half of the local match for some programs. This includes operating assistance under Sections 5310 and 5311 programs.

DTR will also allow in-kind contributions to be for up to 50% of local match for eligible Mobility Management projects. In-kind contributions must be aligned with the purpose of the project, meaning there must be a logical relationship between the match claimed and the project proposed.

A cash match is required for all capital equipment purchases.

Interagency funding agreements, such as when a county provides fuel for operations in the form of a contribution to the transit system, may be excluded from the 50% limitation on in-kind match. This is only allowed when the commodity being provided has a direct operational connection to the service, such as fuel or maintenance services, and where the financial accounting for this agreement would consist of a virtual transfer of funds.

Any in-kind portion of an agency's local match must be referenced in the application for funding, be approved by CDOT/DTR, and documented clearly in the agency's financial management system, as well as identified in any reimbursement request.

9.4.4 Funding Notices

DTR will distribute a Notice of Funding Availability (NOFA) when funding is available under its various programs. In general, operating and administration projects will have a call for applications in the spring while a consolidated capital call for applications is issued in the fall. Local coordinating council projects are usually opened for application in the first quarter of each year. Additional programs may have a call for projects at any time throughout the year.

DTR will notify all known transit operators in Colorado of the availability of FTA funds, instructions for requesting an application package, and the deadline to submit an application to the Department for FTA funds. The notification will be sent by email to all known public and specialized transportation providers, to the Colorado Association of Transit Agencies (CASTA), Area Agencies on Aging, MPOs and TPRs, and to State Coordinating Council members, among others. The application package will contain instructions and guidelines for completing the application. The application package and this SMP will be available upon request 45-days in advance of the application deadline. It is the responsibility of any interested party to request an application package, and the SMP, from the DTR.

An application must be submitted by the deadline. The application must be completed as described in the application package. If an application is received by the DTR after the deadline or is incomplete, it will be rejected and not considered for funding.

9.4.5 Application Process and Timeline

Applications are announced with a submission deadline that is at least forty-five (45) calendar days after the NOFA announcement date. In order to meet deadlines, applications must be announced at least one hundred thirty five (135) calendar days prior to the expected grant agreement execution date.

Other grant agreements must also meet the 135-day timeline if there is a deadline for execution. If there is no set deadline, then the forty-five (45) day submission period remains as the only requirement.

When funding is made available, eligible applicants have the opportunity to apply for funding through DTR's electronic grant awards management system, COTRAMS. New applicants will be offered an alternate method of application including a paper format option.

Applications are specific to the type of funding being offered and include all information required by the selection committee to make an informed and objective funding decision.

Applications are either for one year or for multiple years. Applications for administrative, operating and mobility management funding are for two year cycles beginning in even years (e.g., 2016 and 2017). The two-year cycle reduces the time grant partners spend on the application process. Given that significant changes in the operations of most grant partners are rare, DTR awards funds for the first year of the cycle but does not award funds for the second year at the same time, since there could be changes in federal commitments.

However, administrative, operating and mobility management awards for the second year can generally be expected to be at least as much as the first year's award,

assuming federal funding remains at the same approximate level. In advance of the second year of the two-year cycle, DTR merely asks those awarded funding in the first year to submit an Application Update that identifies any significant changes to their original application, including to the scope, milestones, and/or budgets. Adjustments to awards could be made based on that information but are rare.

The consolidated capital call for projects is done every year. Projects must meet eligibility requirements and standards to be considered for funding.

The table below indicates the general project award timeline process by type:

Project Award Phase	Admin & Operating	Capital Projects
Call-for-Projects	April	September
Applications Due	May	October
Preliminary Evaluation	June	November
Final / Panel Evaluation	July	December
Awards Announced	August	January/February
Contracting Process Begins	September	March
Contracts Fully Executed	December	Varies: June to September
Valid Contract Period	January – December Calendar Year	Varies by Project; Schedule is per Milestones in Contract

9.5 APPLICATION REVIEW AND APPROVAL SCHEDULE

Once all applications have been reviewed and evaluated, and final internal approval is given for awards, an award announcement is made. Projects that are awarded funding are identified, along with the specific funding program (as applicable), the amount of funding, and any special conditions or contingencies applied to those awards.

Applicants not awarded funding are also notified. They are provided a list of projects that were selected, as well as, for transparency purposes, comments indicating the primary reasons their application or project may have received an insufficient score. These applicants will be told they may reapply in the future for project requests that were denied.

All applicants will be notified of the procedures for appealing DTR's decisions. Specifically, if an application is denied, the grounds therefore will be given to the

applicant. Reduced awards or conditions placed on awards may also be appealed. An applicant that is aggrieved by a Department determination may request a hearing pursuant to the provisions of Section 24-4-104, C.R.S., as amended, of the State of Colorado Administrative Procedures Act. If a hearing is requested, it will be conducted in accordance with 24-4-105 C.R.S., as amended. The request for a hearing must be made within 60 calendar days after an applicant is notified of the Department's decision. If a subsequent hearing overturns a decision of DTR, it will take action to modify its decision and awards, which may include revisions to other awards if necessary to comply with the ruling.

9.6 PROJECT SELECTION CRITERIA AND FUND DISTRIBUTION METHODOLOGY

The evaluation of grant applications consists of a threshold criteria and then a scored evaluation of their application based on project type.

9.6.1 Threshold Criteria

In order to qualify for consideration, the applicant agency must meet the following threshold criteria:

- They must meet the eligibility criteria for at least one grant program depending on the particular funding program. Those criteria are listed in [section 6](#) – Transit Programs Overview.
- The proposed project must be described in, and be consistent with, the areas locally adopted RTP. All RTPs are adopted by their respective Regional Planning Commission (RPC) after extensive public involvement during plan development and a formal public hearing. The Department has deemed that as long as the project for which an applicant is submitting an application is described in and generally consistent with the locally adopted RTP, the application has met RPC certification requirements.
- Applicants must demonstrate the fiscal and managerial capability necessary to manage the grant being requested. To determine compliance with this criterion, DTR will consider the following factors:
 - Experience managing public funds
 - Ability to maintain an accounting system that is consistent with generally accepted accounting principles and that segregates funds.
 - Ability to establish reasonable safety and risk management procedures

- Demonstrated ability to comply with regulations and contractual requirements
- Any other relevant factor
- Applicants must assure they will comply with all applicable federal statutes and regulations. The appropriate corporate officer must sign all application forms and certifications & assurances.
- Applicants requesting capital equipment must demonstrate the ability to follow the manufacturer's minimum maintenance requirements, provide regularly scheduled and unscheduled maintenance, and maintain records of all maintenance.
- The applicant must demonstrate that the required local match will be available.
- Applicants must submit complete applications to the Department no later than the announced deadline.
 - On time applications are defined as submitting all electronic documents by the deadline and postmarking all mailed documents by the deadline. Late applications will not be accepted, but DTR reserves the right to do so under extenuating circumstances, such as a natural disaster, provided the applicant had demonstrated a good faith effort.
 - Complete is defined as including all certifications and assurances, along with any other required attachments.
- The applicant's project must be for eligible project services or equipment as defined in the application instructions.
- The applicant must demonstrate participation in a locally-developed coordinated human service-transportation plan (as directed in detail under the relevant FTA circulars). The applicant's proposal must meet identified needs or otherwise further the coordination goals, objectives, or strategies as identified through the coordinated human service-transportation planning process.

Projects that do not comply with one or more of these requirements may not be considered for funding. Compliance by an applicant with all threshold eligibility criteria does not obligate the DTR to award funds, but only allows the applicant to be evaluated by the DTR for consideration for available funding based upon the evaluation criteria and available funding.

9.6.2 Evaluation criteria for Capital Projects

The following process applies to the evaluation of capital projects.

9.6.2.1 Prioritization Criteria

The need for funding almost always exceeds the available funds. As a result, some programs and projects may be prioritized during the selection process. Each type of request is evaluated based on the current grant agreement year's capital priorities (e.g., vehicle replacement or major facilities).

For Section 5310 programs, agencies that provide closed-door services - those services that only serve a specific facility or population - are given a lower priority than those agencies whose services are open to any eligible individual. Closed-door services are not eligible for FASTER funding.

For capital requests, CDOT will determine and announce priorities for Vehicle Capital, and Capital Facility project requests in the call for projects. In general, due to the nature of the request and timing, mobility management projects are solicited and selected separately, at the same time as Operating and Administrative projects. Appendix B and C are sample call for projects documents for both capital and operating funding availability.

Unless otherwise stated in the call for projects, capital vehicle applications for expansion are prioritized lower than requests for replacement or refurbishment/rehabilitation, and equipment requests are ranked below all vehicle requests.

9.6.2.2 Evaluation Scoring

Capital projects are rated on a scale of 1-10 points. 1 - 7 points are awarded based on the application, either through performance metrics (for vehicles) or an assessment of the evaluation committee for other capital items. 3 points are awarded for special considerations such as: financial need, adherence to a vehicle maintenance plan, or vehicles being in poor or marginal condition.

For the priority area of vehicle replacements, staff evaluate the performance metrics of vehicle(s) scheduled for replacement. This evaluation scores a vehicle based on age and mileage relative to FTA minimum useful life standards and develops a general ranking from these scores. FTA useful life standards are used for both FTA and FASTER funds.

For facilities, equipment, and expansion vehicles, a committee performs the 10-point scoring. The committee is made up of representatives from DTR, the Division of Transportation Development, the CDOT Civil Rights Business Resource Center, and the CDOT Policy office. DTR may also choose to select additional members to represent the general transit community, including representatives from CASTA, local MPOs and TPRs, and from the health and human services field. The committee scores the applications based on the type of project, as follows:

A. Requests for Expansion Rolling Stock or Facilities

Criteria 1: Demonstrated Need and Readiness (7 possible points out of 10)

- A. Higher scoring will be awarded to projects that clearly demonstrate the need for the expanded service or facility in terms of documented ridership studies and community support;
- B. Higher scoring will be awarded to projects that make an effective business case for the expansion that outlines anticipated costs, revenues and sustainability; a formal business plan is preferable;
- C. Higher scoring will be awarded to projects that demonstrate they are truly ready to go.

Criteria 2: Special Considerations (3 possible points out of 10)

- A. For vehicle requests--applicants with a lower spare ratio will generally be scored higher than those with a higher spare ratio;
- B. Higher scoring will be awarded based on whether an applicant has and follows a capital replacement plan as part of a broader asset management plan; stronger plans are those that are formalized within the overall organization;
- C. Financial capacity--Is there an institutional commitment, funding, financial capacity, and capability to sustain the service and project over time, given that this program will provide capital assistance but no operating assistance?
- D. Financial need-- Have other sources been tried? Is other funding being leveraged, or is the project totally dependent on the FASTER or FTA funds? If the applicant has the financial and revenue capacity to pay for a larger portion of the project, is it doing so?
- E. Project impacts--Would the project increase ridership? Would it reduce traffic on the State system? Improve service delivery?

B. Requests for Facilities, Design, Equipment

Criteria 1: Readiness and Demonstrated Timetable (4 possible points out of 10)

- A. Higher priority will be given to those that are shovel ready (NEPA clearance finalized, at least 30% design completed, and site location selected and purchased);
- B. The completion of existing projects would be a higher priority than the first stage of a long-term project; projects that are long-term score higher if a reasonable phasing plan is identified;

Criteria 2: Project Purpose, Cost Savings, and Efficiency (4 possible points out of 10)

- A. Reasonableness of the financial request relative to the amount of funding available;
- B. Higher priority will be given to those projects that clearly demonstrate that the project would produce real cost savings for the transit program or create service efficiencies;
- C. Higher priority will be given to those projects that can clearly demonstrate that the project could increase ridership rather than merely maintain existing ridership;

Criteria 3: Special Considerations (2 possible points out of 10)

- A. Higher priority will be given to those projects that demonstrate they were developed in partnership with the local community and have a high degree of support;
- B. Expansion of existing facilities will be considered if backed by a strong, defensible business case that demonstrates the need for the facility and for growth in the program it supports.
- C. Financial capacity--Is there an institutional commitment, funding, financial capacity, and capability to sustain the service and project over time, given that this program will provide capital assistance but no operating assistance?

Members of the committee score each application in the areas of Demonstrated Need, Project Purpose, Cost Savings and Efficiency, and Special Considerations. Discussion on the agencies justification of need and financial capability; their demonstrated ability to manage construction projects (for facilities); their need for and ability to maintain equipment; and their justified need for expansion (for expansion vehicles) are all factors that are reviewed by the committee to generate a score.

9.6.2.3 Award Determination

Based on funding availability, all application scores are ranked into a preliminary award list and specific grant program eligibility is identified, showing from which programs the project could be funded. This list is then processed for award.

CDOT uses a consolidated selection model for awarding funding to projects. First, projects eligible only for a particular funding program (such as Section 5310) are identified and funded until no funds remain. Second, projects eligible for more than one source are placed in the most appropriate funding program list, based on its score. This continues until each source of funding has been exhausted or no more eligible projects remain. This list comprises the current cycle award list.

If requested funds exceed available funds, DTR may give consideration to the desire to distribute funds around the state rather than inequitably awarding funds to a limited number of applicants disproportionate to the size of their total fleet—provided the scores of those being considered are not greatly divergent.

In accordance with CDOT policy, projects that have been recommended for funding through the FASTER transit program are approved by the Director of the DTR and reviewed by the CDOT Executive Director. FTA funded projects are reviewed by the Director of DTR and approved for submittal to the FTA.

9.6.3 Evaluation Criteria for Administration, Operating, and Mobility Management Projects

Administration, Operating, and Mobility Management projects are reviewed based on three primary criteria:

- Financial need, which will be considered to be the extent to which the applicant demonstrates justification for funding, based upon:
 - The costs to operate and administer the project (excluding capital costs)
 - The amount of revenue historically available to the applicant, including contract revenue and earmarked funds
 - The maintenance of existing local funding commitments
 - The proportion of project costs covered by local funds
 - The concerted, good faith effort to obtain funds for the project from other sources
- The economic condition of the project area
- Other relevant factors
- Service Need and applicant performance, which will be considered to be the extent to which the applicant demonstrates justification for funding, based upon:
 - Lack of appropriate general public transportation alternatives as demonstrated in the RTP.
 - The transit need of the population in the geographical area of the Project including, but not limited to elderly, disabled, low income, and other transit dependent persons
 - Whether the Project includes services provided by the applicant on behalf of other organizations. The type(s) and total number(s) of transit riders served and trips provided
 - In the case of mobility management projects, whether the project is provided in an area with a variety of types of providers (relative to the size of

the service area), whether service arrangements are complex and require extensive collaboration, and whether trips outside of the service area are common

- Other relevant factors.
- Coordination, which will be considered to be the extent to which the applicant demonstrates coordination of services, based upon:
 - Level and type of coordination of Project services with other public and private transit providers, social services agencies, and community organizations
 - Reduction of the total amount of miles traveled, operating expenses incurred, number of vehicles used, and lead-time for passenger scheduling in administering and operating the Project, because of such coordination. This sub-criterion applies only to a Project which primarily offers curb to curb, demand responsive services
 - The absence of duplication or overlap of the Project and transit services provided by others
 - For mobility management projects, whether the Project demonstrates close collaboration with a number of providers and human service agencies
 - Other relevant factors

9.6.3.1 Scoring of Administration, Operating, and Mobility Management Projects

Interagency Advisory Committee (IAC) members will assign quantitative scores to the applicants based upon:

1. An evaluation of applicants' responses to the criteria described above, using the values assigned to such criteria.
2. Scores of 0, 1, 2, or 3 (and fractions thereof) will be assigned by the IAC members to each criterion based upon their judgement of whether and the extent to which each application meets and satisfies such criterion. The scores assigned by IAC members will be averaged to arrive at a final score.
3. An applicant must receive a final score of 1.45 out of a maximum score of 3 to be considered by DTR for funding.

Final applicant scores will be weighted as follows: 40% of the final applicant score will be based on the Coordination criterion, 30% on Financial Need and 30% on Service Need.

9.6.3.2 Allocation of Section 5311 Funds within Categories

States have some flexibility in determining how much is spent within various spending categories. Below is a description of the deliberative process that will be used by DTR in allocating funds within categories.

Within the Section 5311 program, DTR will determine how much funding to allocate into the following categories: State Administration, Capital Expense Awards, Intercity Bus Service Awards, Service Area Population Awards and Merit Awards.

DTR will use the following procedures to determine how much to allocate into the five general categories.

1. DTR will first deduct from the anticipated available FTA funding the amount needed for State Administration, which will not exceed the percentage allowed by FTA (currently 10%).
2. DTR will then deduct from the remaining FTA funds an amount for capital Expense Awards. In so doing it must consider the projected capital needs of rural operators, as indicated from its capital inventory and associated decisions support tools, as well as the relative needs for operating/administrative and capital funds, given that DTR will not solicit capital projects until at least four months after operating/administrative projects have been solicited. This means DTR will have to determine at least three months in advance how much to set aside for capital projects.
3. DTR will then deduct from the remaining FTA funds an amount for Intercity Bus Service Awards. Currently the FTA requires that at least 15% of the Section 5311 state apportionment be dedicated to such purpose and that the state conduct a formal consultation process with intercity bus operators prior to making that determination. DTR has the option of committing less than 15% after it conducts the consultation and if it obtains a waiver letter from the governor certifying that intercity bus needs of the state are being met relative to all rural needs.
4. The Department will then use the remaining FTA funds for Service Area Population Awards and Merit Awards, collectively referred to as the operating/administrative awards. 30% of the operating/administrative awards allocation will be awarded based on service area population, as set forth below, while the remaining 70% will be awarded based on merit.

DTR will recommend awards from the above categories based upon the following procedures, considering certain factors to determine whether to make either Capital, Intercity Bus Service, Service Area Population, or Merit Awards to: a particular eligible applicant; the amount of such award(s); and whether to allocate funds to any of the five general categories. Such factors are:

1. Total amounts of FTA funds expected to be available
2. Total amounts requested by eligible applicants from the respective categories
3. Total number of eligible applicants in that year
4. Need to provide for a fair and equitable distribution of available FTA funds within the state

DTR will make Service Area Population Awards to applicants that have received at least the passing score, based upon each applicant's prorated share of the total Service Area Population of all applicants receiving the passing score. The Service Area Population for each applicant will consist of the population, as set forth in the most recent U.S. Census Bureau decennial survey, of non-urbanized areas that receive regular and continuing public transportation services.

Population will further be limited to incorporated areas and unincorporated areas of concentrated population specifically defined by the Census Bureau (e.g., Census Designated Places), as agreed upon by both the applicant and DTR. Applicants will not normally be allowed to claim an entire county's population, given DTR's assumption that providers cannot regularly afford to serve sparsely settled unincorporated areas.

DTR will grant Merit Awards to applicants that have received at least the passing score, based upon the rank of each applicant's evaluation score, relative to the evaluation scores of all eligible applicants.

Awards for continuing operations funding are generally maintained at past years' levels unless;

- (1) there are additional funds available, and/or
- (2) the applicant has recently been unable to fully spend an award provided to them, and/or
- (3) the applicant demonstrates that there is an exceptional need for additional funding or adjustment based on performance.

All decisions are fiscally constrained by both the available funding and the scoring of the above criteria.

Scores are used primarily to determine whether grant partners receive additional funds, are maintained at prior year levels or will receive reduced funding.

9.6.3.3 Allocation of Section 5310 Funds within Categories

DTR has some flexibility in determining how much is spent within various spending categories. Below is a description of the deliberative process that will be used by DTR in allocating funds within categories.

Within the Section 5310 program, DTR will determine how much funding to allocate to the following three categories: State Administration, Operating Awards, and “Traditional” Awards, which consist of Capital Expense projects and Mobility Management projects.

DTR will use the following procedures to determine how much to allocate to the three categories:

- DTR will first deduct from the anticipated available FTA funding the amount needed for State Administration, which will not exceed the percentage allowed by FTA (currently 10%).
- DTR will then deduct from the remaining FTA funds an amount for Traditional awards. As required by the FTA, at least 55% of the available funding must be allocated to Traditional awards.
- In determining how much of the remaining funding to allocate to Operating Awards, DTR will consider the projected capital needs of eligible Section 5310 applicants, as indicated by its asset management tools, as well as the relative needs for operating, mobility management and capital projects, given that DTR will not solicit capital projects until at least three months after operating and mobility management projects have been solicited and selected. This means DTR will have to determine at least three months in advance how much to set aside for capital projects.

DTR will also consider the following factors in determining whether to make either Capital, Mobility Management, or Operating awards to a particular eligible applicant, the amount of such award(s), and the amount to be allocated to any of the three categories:

1. The total amounts of FTA funds expected to be available
2. The total amounts requested by eligible applicants from the respective categories
3. The total number of eligible applicants in that year
4. The need to provide for a fair and equitable distribution of available FTA funds within the state
5. The likelihood that an applicant awarded operating or mobility management funding will have an expectation of receiving ongoing funding in future year

MAP-21 makes separate allocations of Section 5310 funds to large urbanized, small urbanized, and rural areas. Unused funds may be transferred from rural to small urban or large urban and from small urban to large urban but may not be transferred “down” from urban to small urban or rural or from small urban to rural. DTR will keep these funds separated. DTR will likewise make separate decisions on how to allocate

funds into the three funding categories based on the needs of each population category, rather than utilize one allocation plan for all three population categories.

Awards for continuing operations or mobility management funding is generally maintained at past years' levels unless;

- (1) there are additional funds available,
- (2) the applicant has recently been unable to fully spend an award provided to them, or
- (3) the applicant demonstrates that there is an exceptional need for additional funding.

All decisions are fiscally constrained by both the available funding and the scoring of the above criteria.

Scores are used primarily to determine whether grant partners receive additional funds, are maintained at prior year levels or will receive reduced funding.

9.6.3.4 Grant Awards

Once the evaluation process has been completed, and awards have been approved, a list of awarded projects is generated for processing. The responsible grant administrator (usually the TP&I Unit Manager) then officially records the applications into awards using COTRAMS.

An Awards Report is then generated to inform the grant partners that they have successfully been awarded a grant for their application. This awards list is the starting point for the grant agreement process. The Awards Report is then officially published to the public.

For those grant partners who were not successful, their denial and the reason for the denial is communicated to them via email. Grant partners who were unsuccessful may work with their assigned grant coordinator to improve their applications for future grant cycles.

9.7 FTA APPROVAL

Upon approval or pre-award authority by FTA of the state's program of projects, and after a grant partner application review and approval, DTR staff will transmit, under the cover letter of project authorization, one copy of approved grant agreement(s) for execution by the grant partner. Each grant agreement will contain:

- The approved project budget

- The detailed scope of services to be performed in accordance with the budget
- Required federal and state contract provisions and regulations (Terms and Conditions)

The grant partner should review and execute the grant agreement, returning the original copy to DTR by the due date, as prescribed in the cover letter. CDOT/DTR will sign the original grant agreement and forward an executed copy of the agreement to the grant partner.

9.7.1 Certifications and Assurances

Grant partners must annually assure CDOT/DTR that they meet certain requirements.

Each fiscal year, FTA publishes the required certifications and assurances in the Federal Register and updates the certifications and assurances in the TrAMS system (formerly known as TEAM). This notice indicates which certifications and assurances apply to all grantees and subrecipients (grant partners).

Grant partners will submit the appropriate original signature certifications and assurances each fiscal year for all programs for which they will be funded. Grant partners should use the most recent version of certifications provided by DTR during the annual application process. No grant agreements will be authorized until the required signed certifications and assurances have been submitted and reviewed by DTR.

9.8 PERIOD OF PERFORMANCE

The period of performance for grant agreements is dependent on the type of agreement. In an effort to streamline the grants management process and ensure that funds are available for use during the agreement period, all grant agreements issued by DTR end on December 31 of the appropriate year.

For operating agreements, the period of performance is January 1 through December 31 of the agreement year. This includes not only 5310 and 5311 operating but also those capital programs that operate as operating programs such as mobility management and travel training.

For capital projects, the grant agreement begins with the agreement execution date (date signed by the State Controller) and concludes on December 31 of the second (2) full calendar year thereafter, three (3) full calendar years thereafter for heavy duty transit coaches and over the road coaches and five (5) full calendar years thereafter for construction projects.

For example, a grant agreement for a body on chassis bus that was executed on June 15, 2010 would have an expiration date of December 31, 2012. A grant agreement for

an over the road coach executed on November 3, 2011 would have an expiration date of December 31, 2014. This process ensures that the grant funds are available to the grant partner in the event of delays during construction, chassis transition periods, and other potential delays affecting the delivery of vehicles and equipment.

10 PROJECT FINANCIAL MANAGEMENT

As primary recipient of FTA funds described in [section 6](#) - Transit Programs Overview, and as the state agency designated to administer such funds for public transit activities in Colorado, CDOT/DTR will manage the fiscal elements of these programs in accordance with its existing procedures, FTA guidelines, and other applicable state and federal regulations. FASTER funds are administered and managed with FTA funds, as a comprehensive transit program. FASTER funds largely have the same procedures, with minor nuances per state regulations.

10.1 PROJECT IDENTIFICATION

Using goals and related performance measures, the Statewide Transit Plan guides project selection processes and the development of the Statewide Transportation Improvement Program (STIP) that ultimately identifies projects for funding. After projects from the STIP are funded, through the selection process identified in [section 9.6](#) - Project Selection Criteria and Fund Distribution Methodology, they are assigned individual project numbers, for identification purposes, for the life of the project/ grant agreement.

10.2 PRE-AWARD REQUIREMENTS

Upon initial approval of a grant partner's project, DTR will review each project for the following elements:

- Establish that the grant partner has the financial capability to complete the grant agreement for capital projects and/or operating services as required
- Determine that the grant partner's accounting system is adequate and capable of segregating, recording, and maintaining allocable and allowable costs as they apply to the project and/or grant agreement; and that might be needed as identified in past audits
- Ensure that grant partners that charge indirect costs have a cost allocation plan approved by its cognizant agency, when required, or if applicable, are not charging more than the 10% de minimum rate
- Establish that proposed costs are reasonable and in line with those that the grant partner is currently incurring
- Determine that the grant partner has an inventory procedure to assure that equipment purchased with federal and/or state funds can be accounted for at any time (documentation of the inventories should be on file at all times)

- Assure that the grant partner can comply with the provisions of 2 CFR PART 200, Subparts A-F
- Assure that applicant's policies are in compliance, and current, with Civil Rights; including Title VI, EEO, DBE, and ADA
- Assure that proper record retention will be maintained after project completion.

For all financial and programmatic records, supporting documents, statistical records, and other records of grant partner, retention and access requirement must apply to grant partner contractors, subcontractors, and grant partners. Records must be retained for three years from the starting date or three years after completion of any grant agreement, litigation, claim, negotiation, audit, or other action involving the records and started before the expiration of the three-year period and including resolution of all issues that arise from these actions. Maintenance records for FTA-funded assets will be maintained during the entire life of the asset.

10.3 ESTABLISHMENT OF PROJECT ACCOUNTS

10.3.1 Standards for Accounting

CDOT/DTR and the grant partner will establish and maintain, as a separate set of accounts, or within the framework of an established accounting system, accounts for the project in the manner consistent with Office of Management and Budget (OMB) procedures.

Grant partners and subgrantees must maintain records that adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. Actual expenditure or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If the unit cost data is required, estimates based on available documentation will be accepted whenever possible.

DTR and the grant partner must establish and maintain an adequate financial management system that provides for:

1. Accumulation and reporting of accurate, current and complete financial information for each grant award
2. Records that identify the source and application of funds for grant-supported activities

3. Control and accountability for all funds, property, and other assets, including safeguards against unauthorized use
4. DTR will compare the actual outlays with budgeted amounts for each grant funded project
5. DTR will assure the shortest elapsed time between U.S. Treasury deposits and CDOT/DTR disbursements
6. Grant partner must comply with 2 CFR Part 200, Subparts A-F and the following procedures for determining reasonableness, eligibility, and proper allocation of costs:
 - OMB Circular A-87 revised “Cost Principles for State and Local Government”
 - A-122 “Cost Principles for Nonprofit Organizations”
 - Common Rule 49 CFR Part 18; Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Government
 - Common Rule 49 CFR Part 19; Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations
 - Complete source documentation that supports accounting records
 - Procedures that assure timely and appropriate resolution of audit findings and recommendations
 - CDOT/DTR and the Grant partner must meet the following accounting system standards:
 - The accounting system must be complete and reliable. It must embrace and accurately represent the status of all funds, property, assets and liabilities, obligations, receipts and revenues, expenditures and costs.
 - Grant partner must support and show documentation for financial transactions in the grant partner’s files, with pertinent documents available for audit. All transactions must be recorded when made, and in a way that readily permits them to be traced from originating documents through summary records and financial reports.

10.4 REQUESTS FOR PAYMENT

10.4.1 Invoicing

CDOT operates on a reimbursement basis for all federal and state grant funds. The grant partner must show proof of payment of expenses to be reimbursed for those expenses. In addition, grant partners must be registered as a vendor with CDOT and may not obligate any funds under a grant agreement until that agreement has been executed. The only exception is for FTA grants that may contain a 60-day retroactivity

clause to allow the grant partner to bill retroactively up to 60 days from the date of execution.

Reimbursement requests are submitted electronically, either through the COTRAMS system or via email. There are specific forms that are to be used when submitting via email. These forms are duplicated in COTRAMS. Grant partners must submit supporting documentation with their invoice (request for reimbursement).

Supporting documentation includes, but is not limited to, accounting records such as cancelled checks, paid bills with receipts or other proof-of-payment, payroll, time and attendance records, contracts, and sub-award documents.

The State of Colorado "Procurement Code" governs the administrative procedures for reviewing and accepting all requests for reimbursement, and is stricter in some instances than required by Federal Law. The Federal Super Circular, formally known as "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," is the guiding document for Federal (i.e. FTA) awards.

Upon receipt, the project manager is responsible for reviewing the invoice to confirm that the charges are appropriate under the specific grant agreement and valid for the project being funded. The invoice is then reviewed by the CDOT Business Office for financial approval and to ensure that the backup documentation is valid and accurate.

Once approved by both the project manager and the Business Office, the invoice is paid through CDOT's financial management system. Federal and State policy have both set a goal that all reasonable requests for reimbursement, having adequate documentation, should be paid within 30 calendar days.

10.5 REVISIONS AND AMENDMENTS TO THE APPROVED GRANT AGREEMENT

10.5.1 Grant Agreement Amendment

During the course of the grant agreement, it may become necessary to make modifications to the project in the form of amendments. An amendment constitutes a change in the scope or purpose of a grant agreement, or the federal and/or state participation. A grant agreement amendment is required when proposed changes fall under any of the following circumstances, including a need to:

- Alter the scope or purpose of the approved project
- Increase the project amount or a change in the federal/state/local matching ratio.
- Increase the federal and/or state financing of the project
- Add or delete a project budget category from the grant agreement
- Change the size, or physical characteristics of items being purchased that are originally under the grant agreement

- Increase or reduce the number of units to be purchased or constructed where the change exceeds the greater of one unit or 10% of the number approved in the line item
- Extend the period of availability of funds

Any change that DTR concludes is significant; e.g., modifications to a category, project description, or the size of items specified in any grant agreement, will require an amendment.

10.5.2 Budget Revisions

Changes may be made in the form of a budget revision in the purpose, scope and amount of the grant agreement, providing changes will remain consistent with the applicable approved project budget. This may include a transfer of funds between or among budget categories within an approved grant agreement. A budget revision cannot be used to change the purpose, scope, total dollar amount or terms and conditions of the grant agreement. The grant partner may not make budget revisions without the prior approval of DTR. FTA approval may also be needed for any substantial changes to projects funded with federal program dollars.

10.5.3 Procedures

Grant partners are subject to these procedures for any grant agreement change or budget revision.

- All requests for grant agreement amendments or budget revisions must be submitted in writing to DTR along with appropriate justifications.
- DTR will notify the grant partner in writing regarding approval, modification, or rejection.
- In order for grant agreement amendments to be effective, it must be fully executed by both the grant partner agency and CDOT/DTR.

10.6 CLOSE-OUT AND AUDIT PROCEDURES

10.6.1 Grant Agreement Closeout - Timelines

Grant projects are closed at the end of the grant agreement period. DTR will determine at what point a project is ready to close. When a capital Section 5310/5311/5309/5339 project has reached the end of the grant agreement period and there is a balance of funds, the responsible DTR Project Manager will prepare a letter to

the grant partner agency stating that this project will be closed. In some instances, capital agreements may be extended by six (6) months/or longer with sufficient justification and documentation from the grant partner.

The decision to extend the period of a grant will be made by the DTR Project Manager, in concert with the grant partner and the CDOT Procurement Office. A grant agreement amendment will be necessary to extend the period of a grant agreement. All closeout documentation should be maintained in the project file. In case of a finding of overpayment as a result of the audit report, the Project Manager will seek a refund from the grant partner. The Director will direct fiscal staff to process the refund within the CDOT financial system and the appropriate grant fund. These funds are immediately re-programmed within the federal grant scope or are returned to the appropriate FASTER grant pool.

At the end of the Section 5311 operating grant year, the Project Manager must determine whether all revenues earned by the system have been properly documented and utilized or whether a refund of federal funds is required. Any excess contract revenue must have DTR approval to be placed back into the grant partner's system for "mass transit purposes only." It is preferred for grant partners to maintain sufficient cash and/or receivables to pay obligations and demonstrate Operational Financial Stability (OFS).

The total amount of transit operating expenses from the first three months of the grant's past year will be used to determine the agency's Operational Financial Stability (OFS). The total (before farebox) amount of transit operating expenses incurred during the previous year (July-August-September) will be the amount of excess revenues, if available, to maintain solvency or OFS. Section 5311 federal operating dollars may not be accessed until a grant partner's excess revenues are equal to or less than OFS amount. Any excess revenues carried forward must have written approval from CDOT/DTR. Section 5311 financial assistance is to assist areas that have a "demonstrated financial need."

Capital projects are not closed by DTR until the equipment has met its useful life, as found in Table 13-1 on page 102. There are three "close outs" recognized:

- State "subgrantees" (grant partners) close out per project period
- State/federal close out recognized by FTA. Federal approval is required after an entire grant is closed
- Final state closeout: This recognizes all equipment in a grant. The retention period must have been met and all files are archived or disposed

10.6.2 Audits

CDOT/DTR and grant partner will permit the Secretary and the Comptroller General of the United States, or any of their duly-authorized representatives, to inspect all work, materials, payrolls, and other data and records with regard to the project, and to audit the books, records, and accounts of CDOT/DTR and grant partner with regard to the project. To the extent the charges for such audits are necessary for the administration and management of functions related to the project, the costs of such audits are allowable. CDOT/DTR and grant partner will comply with the requirements of 2 CFR Part 200 – Uniform Guidance.

Each grant partner that expends \$750,000 or more in federal awards in its fiscal year must submit two copies of its single audit to the CDOT Internal Audit Division by March 31st of each year, or thirty days after the completion of the project - whichever comes first. DTR will log each audit received and submit the audit report to the Internal Audit Division to perform a desk review in accordance with generally accepted auditing practices.

The DTR will conduct a financial and grant review of the audit report. If the Internal Audit Division or DTR discovers a finding, a letter or follow-up asking for an explanation on the finding will be made. The Federal Audit Clearing House (FAC) must receive a copy of the Standard Form – Single Audit Collection (SF-SAC) by March 31, of each year or 30 days after completion of the report, whichever comes first. DTR will go by the Audit Report date (letter the auditor issued the report) unless otherwise documented to the actual date the grant partner had receipt of the audit report submitted to the grant partner agency from its Independent Auditor. The thirty days will begin from the Audit Report Letter issued.

11 PROGRAM MANAGEMENT

The DTR Grants Unit vision is to assist grant partners to be successful in serving its ultimate customer: the passenger. The goal of DTR is to assist its grant partners in reaching compliance with all federal and state regulations and guidelines, rather than to punish or criticize them for failing to be in compliance. In order to meet this goal, DTR is developing several mechanisms to achieve this:

- Using COTRAMS to track projects, including reimbursements and capital inventory
- Developing an Oversight module to perform scheduled Agency Reviews, Site Visits and ad hoc assessments
- Creating operational reports that will track performance to identify issues in advance of required annual reporting
- Developing asset management protocols to meet state goals
- Identifying and meeting grant partner training needs
- Enhancing programs for oversight of grant partner Title VI, LEP, Drug & Alcohol, and DBE programs
- Creating comprehensive plans for improving transit in Colorado.

These mechanisms are designed to ensure that grant partners meet or exceed the requirements under the federal and state funding programs and are providing high quality transit services.

11.1 OVERSIGHT OF GRANT PARTNERS

CDOT is responsible for the oversight of its subrecipients. In order to provide ongoing oversight and support to its grant partners, CDOT employs several methods:

1. **Annual certifications.** CDOT requires annual certifications from all of its grant partners. These include the FTA Certifications and Assurances as well as annual lobbying certifications, annual school bus and charter bus certifications, and, for Section 5311 recipients, an annual labor certification. In addition, grant partners are required to submit a set of documents to CDOT that must be reviewed at least once every three years. These include the grant partner's procurement policy, Title VI Plan and LEP Plan (as applicable), an ADA Service Plan for fixed route programs, Drug and Alcohol program (if applicable), copies of Asset Management and Safety and Security Plans, and, as needed, DBE and EEO plans. These are reviewed when submitted by the grant partner for compliance, and documented with a tracking date in COTRAMS. If there are

any concerns, the grant partner's coordinator will schedule the appropriate review or visit, as appropriate, to help with compliance concerns.

2. **Agency Reviews.** Once every three years, each grant partner will undergo a complete Agency Review using a module of the COTRAMS application. Modeled on the FTA State Management and Triennial Reviews, this visit is a comprehensive compliance review covering all aspects of the grant partner operations. It is scaled to address the specific areas for which the grant partner receives FTA or state funding. For direct recipients, these Reviews are usually limited to capital related reviews.
3. **Program Reviews.** These reviews target a specific area within the operations of the grant partner. The most common is the Section 5311 Drug & Alcohol Review. CDOT contracts with a specialist to conduct triennial D&A Program reviews of all Section 5311 and 5311(f) recipients. Other program reviews include such areas as; finance Title VI ADA DBE, and so forth. Program reviews are usually performed if there is a concern about the capabilities of any grant partner to execute a grant, or a grant partner has gone through a significant change, such as the replacement of key personnel. These program reviews are tracked using the oversight module in COTRAMS.
4. **Site visit.** These are ad hoc opportunities for the grant coordinator to check in with the grant partner to see if there are any issues or concerns. While visiting the grant partner, the grant coordinator performs various observations of its operations. If anything is noted at that time, the grant coordinator may perform a program review or schedule a review for a future date. These site visits are often the best way for CDOT to check on the operations of a grant partner and use the opportunity to confirm compliance and/or provide technical support, training, and guidance to assist the grant partner.
5. **Mini-Review.** These reviews are performed annually when a grant partner indicates that it provides some type of school service, whether exclusive or tripper; or charter service, and to confirm that the grant partner is operating its service in compliance with federal regulations. Mini-reviews are tracked by saving a certified copy in the grant partner's folder on the DTR shared drive.

In addition to these methods, CDOT uses several means to communicate important information to its grant partners:

1. **Regular newsletters.** Utilizing several outlets, including newsletters issued by the Colorado Association of Transit Agencies (CASTA) and a pending email communication tool within COTRAMS, CDOT regularly distributes information to its grant partners. This information could be new, updated, or best practices as appropriate.

2. **Regular communication.** One of the key tasks assigned to the grant coordinator position is communication with assigned grant partners. Aside from regular site visits and scheduled reviews, the grant coordinators work with the grant partners to identify a communication schedule that works best for both agencies. This may range from quarterly visits to weekly conference calls or email updates. CDOT determines the grant partner's level of risk to facilitate this.
3. **State Transit Town Halls.** In keeping with the requirement for public input, CDOT hosts Town Halls each March to present proposed policy changes, changes to the State Management Plan, and other issues requiring public input and comment. These Town Halls are scheduled around the state and while open to the public, are specifically marketed to current grant partners.
4. **Annual grant partner meeting.** During the Fall CDOT/CASTA conference, CDOT holds a half-day session specifically for its grant partners and requires that all grant partners send at least one representative. This session allows CDOT to provide an annual update on policies and protocols for working together. The session also allows grant partners the opportunity for questions and answers regarding operations.
5. **Website.** CDOT/DTR maintains a website (www.codot.gov) that provides access to all of the relevant information. The Civil Rights & Business Resource Center maintains all documents related to Title VI, LEP, DBE, EEO, and ADA. The DTR maintains all other documents and forms including the State Management Plan, the Grant Partner Manual, COTRAMS documentation and related information. DTR also includes links to the CRBRC information to ensure grant partners have easy access to all of the relevant information needed to work with the Department.

In the event that a grant partner experiences difficulty with a project, be it an annual operating grant, or a specific capital project, the assigned project manager is responsible for evaluating the impact of the difficulty on the overall project.

If the project is going to be delayed by more than 90 days, the matter is escalated to the project manager's direct supervisor, or the grants unit manager, as appropriate. If the project's delay is more substantial, the issue is brought to the Division Management Team for discussion and resolution. Resolution is based solely on the specifics of the issue but may range from modifying the milestones to canceling the project and reallocating the funds. For some projects, additional support resources may be provided such as targeted technical assistance or directed training.

CDOT strives to resolve issues promptly and with the intent of completing the project within a reasonable timeline. Where this cannot be achieved, CDOT will work with the grant partner to develop an acceptable resolution.

11.2 CERTIFICATIONS AND ASSURANCES

CDOT is required by the FTA to ensure that grant partners subawarded federal funds meet all applicable federal requirements, including the Lobbying requirements under 49 CFR part 20. In order to comply, CDOT has developed a process for annual certification and collection of documentation related to subrecipient oversight.

Upon receipt of the annual federal certifications and assurances from the FTA, CDOT/DTR will generate a request to all of its grant partners for the following:

- Annual FTA Certifications and Assurances – all agencies receiving FTA funds
- Annual School bus and Charter certifications
- Annual labor certification – for 5311 recipients
- For documents which have review dates which are 30 months or older:
 - Title VI Plan
 - LEP Plan – when appropriate
 - ADA Service plan – for fixed route services
 - Drug & Alcohol Testing policy – for 5311 recipients
 - Procurement policy
 - Fleet Maintenance Policy – includes warranty plan
 - Asset Management Plan
 - Safety and Security Plan
 - DBE Plan – when appropriate
 - EEO Plan – when appropriate
 - Form LLL Lobbying Disclosure – after substantive change

Grant Partners will have 45 calendar days to return the signed certifications and assurances, as well as any documents that meet the review threshold. For school bus service, it is if a grant partner certifies that it provides any school related services. For charter, it is if the grant partner provides any charter services. The review is CDOT's method for ensuring the grant partner is in compliance with these regulations. In the event that a grant partner fails to supply the required documentation, it may not be eligible for any federal funding from CDOT.

Annual certifications and assurances are maintained electronically in a designated folder on a shared hard drive within the Division of Transit & Rail organized by year.

All other documentation is stored on the shared drive in a folder organized by CDOT Transportation Planning Region (TPR) and then by grant partner, including lobbying disclosure forms (LLL). In addition, review dates for these documents are entered into CDOT's electronic awards management system, COTRAMS, which provides alerts when the dates reach the 30-month mark for requiring an update. DTR will use a monthly report/dashboard process to track revision dates for its grant partners' documents.

11.3 REPORTING

FTA requires CDOT/DTR to provide quarterly reports on the progress of its Sections 5310 and 5311 DBE programs and annual reports on the progress of the Drug & Alcohol Testing Programs (Management Information System - MIS), Section 5311 ADA Paratransit Plans, and National Transit Database statistics.

11.3.1 Milestone Progress Report (MPR) Procedures

DTR is responsible for reporting on the status of the projects under each of the federal grants it holds with the FTA on an annual basis. As a result of findings from the 2015 State Management Review, this requirement has been increased by FTA to quarterly reporting of the MPRs.

Immediately following the close of the reporting period, the Grants Unit begins collecting information on the status of open projects. For state administration and operating grants, these updates reflect that the project is ongoing and continues to draw down funds.

For capital and construction projects, these updates reflect the current and expected status of the project moving forward. There are six specific milestones upon which DTR reports:

- Grant agreement execution
- Procurement Concurrence Request (RFP/IFB/RFQ issued)
- Procurement Authorization (Purchase order issued after vendor selection)
- First invoice (First vehicle/equipment delivered)
- Last Invoice (Final delivery)
- Project Closeout

During each quarterly MPR reporting period, DTR will determine where on the milestone spectrum each project is sitting, determine whether the existing milestone dates remain accurate, and make adjustments as appropriate. DTR will then supply a narrative in the federal program of projects (POP) to describe the status and any changes to milestone dates.

For planning projects, a short narrative describing the status of the project is provided along with milestone updates as appropriate.

All milestone progress reports are submitted in advance of the due date of 30 days, after the end of the reporting period (federal quarter).

11.3.2 Federal Financial Accountability & Transparency Act Report (FFATA)

FFATA is the Federal Funding Accountability & Transparency Act (FFATA) of September 26, 2006. The intent of the FFATA law is to empower every American with the ability to hold the federal government accountable for each spending decision. The end result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

CDOT is a “prime grant and cooperative agreement awardee” of Federal funds, and is subject to Office of Management and Budgets (OMB) guidance issued August 27, 2010. CDOT is required to file a FFATA sub-award report by the end of the month following the month in which the CDOT awards any sub-award equal to or greater than \$25,000.

For a record to be created in the USASpending.gov website, the Federal Transit Administration (FTA) and CDOT must complete three larger tasks; (1) that a pool of grant funds in a particular year is awarded to CDOT by FTA, (2) that CDOT has completed the award and contracting of funds for individual projects with sub-awardees, and (3) after both 1 and 2 are complete that CDOT reports the pertinent information in the FFATA Sub-award Reporting System (FSRS).

The DTR Budget & Policy Analyst is responsible for running a report monthly, the first full week of each month, to identify new sub-award contracts or agreements which have been completed in the prior month and for which an FTA grant award to CDOT exists. For any new contracts or agreements, the CDOT DTR Budget & Policy Analyst provides the required information to the CDOT Division of Accounting & Finance (DAF) Accountant. The CDOT DAF Accountant is responsible for uploading the information into the FSFR system.

11.3.3 Federal Financial Reports (FFR)

The purpose of the Federal Financial Report is for recipients (i.e. CDOT) to provide information to the Federal Transit Administration on the financial status of grants from FTA to CDOT. FTA monitors the status of all open grants on a quarterly basis.

Through September 30, 2009, FTA grantees (i.e. CDOT) used the short version of standard form 269 (SF 269 is full form; SF 269(a) is the short form). From October 1, 2009 through February 2016, grantees have been using the newer SF 425 form and

submitting in FTA's electronic system known as TEAM. As of February 2016, the SF 425 is still used, and the electronic reporting system changed over to TrAMS.

Reporting is due:

- Annually by October 30th for all grantees in a state including CDOT and other direct recipients like RTD, MMT, and Transfort.
- Quarterly for all grantees serving areas of >200,000 population and grants that include construction of facilities (i.e. 5309 and 5339).
 - Due April 30 for period January – March
 - Due July 30 for period April – June
 - Due October 30 for period July – September
 - Due January 30 for period October – December

When reviewing SF 425 submissions by CDOT, FTA looks for these key indicators of potential problems:

- Excessive unobligated balances
- Grants executed more than 5 years ago, without an obligation and/or have not had a disbursement of Federal funds within the past 18 months-Federal funds not in use
- FFR information doesn't agree with milestone progress reporting (MPR) information

11.3.4 National Transit Database

The National Transit Database (NTD) is the USDOT/Federal Transit Administration's primary national database for statistics on the transit industry. Section 5311(b)(4) specifies that each Section 5311 recipient will submit an annual report containing information on capital investment, operations, and service provided under Section 5311. Items to be reported include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership.

CDOT/DTR, the state agency responsible for administering FTA's Formula Program for Non-Urbanized Areas (Section 5311), is responsible for ensuring that data is collected and compiled for the data collection and compilation for each Section 5311 subrecipient and transportation provider in the state that benefits from the grant. Each grant partner must enter its annual NTD report directly into the NTD module by the date mandated in the Rural Reporting Manual. DTR will review the grant partners' NTD reports for accuracy and submit them to NTD.

11.3.5 DBE Reporting

In accordance with 49 CFR part 26, DTR must report DBE participation on FTA-assisted contracting opportunities to the FTA on a semi-annual basis. The following are CDOT's procedures for ensuring compliance with this reporting requirement:

- By November 1 and May 1 of each year, CDOT's Civil Rights Business Resource Center (CRBRC) creates a survey for reporting. After piloting various strategies to obtain compliance from subrecipients, the CRBRC found that a question and answer method provided the highest level of clarity to and response from DTR subrecipients. A copy of the current survey is attached in Appendix D.
- By November 1 and May 1 of each year, the survey is distributed to DTR staff and then distributed by DTR grant coordinators to grant partners. The following are exempted from completing the survey: direct subrecipients with a DOT-approved DBE program and subrecipients that do not receive FTA funding from DTR. Given the timing of the fall/winter reporting, the survey should also not be distributed to new grant partners that have been awarded federal grants but not yet conducted any activities to be funded by or reimbursed with FTA dollars. DTR staff that let federal-aid contracting opportunities for DTR must also complete the survey. Grant partners that are direct recipients must submit a copy of their semi-annual report to the DTR grant coordinator to submit to the CRBRC.
- Survey responses are due no later than November 15 and May 15. The CDOT CRBRC will provide DTR with a list of non-compliant recipients and DTR grant staff is responsible for following up and ensuring compliance with the reporting requirements. DTR staff will take enforcement actions as necessary to ensure that recipients comply.
- By November 30 and May 30, the CRBRC will compile the reporting data and provide the report in TEAM. A copy will be sent to FTA and to DTR management.

11.3.6 Other reporting

DTR is responsible for collecting several additional reports. These include:

- Annual 5311 Labor certification and report

This report documents the labor representation of employees of a transit agency, as well as other agencies operating within its service area. This report is submitted to the Department of Labor annually in February

- Annual 5311 Drug & Alcohol Management Information Systems (DAMIS) report

This report outlines all activity under the 5311 Drug & Alcohol Testing Program for the year and is submitted electronically online and verified by DTR's Drug & Alcohol Program contractor.

- Annual program status reports for projects funded under FTA Sections 5310, 5311, 5316, and 5317

These reports are submitted to DTR for collation and submission in TrAMS quarterly

- Quarterly Section 5309 construction updates

These reports are submitted to DTR for collation and submission in TrAMS quarterly

- Quarterly charter bus services

These reports are submitted upon provision of service to the FTA through the Charter Reporting tool, and to DTR for collation and quarterly submission in the Charter Reporting tool and TrAMS.

In addition, DTR requires that grant partners complete a monthly operating report (MOR) for all operating projects and a DBE report that is attached to all capital reimbursement requests.

Finally, DTR is responsible to report to the Transit & Intermodal Committee (T&I) of the CDOT Transportation Commission at least twice annually on FASTER projects. Like the FTA milestone progress reports, the intent is to provide the T&I Committee information about completed projects, about projects experiencing some change, and to identify residual funds that may be made available for future projects. It is also an opportunity for the T&I Committee to verify that FASTER funds are accomplishing the Transportation Commission's policy directives concurrent with statutory requirements.

11.4 AGENCY REVIEWS

In the same manner that the FTA performs Triennial Reviews and State Management Reviews, DTR will employ agency reviews to validate compliance of its grant partners.

Agency reviews will occur at least every three years and may consist of any or all of the following components:

- Desk review
- Location review
- Financial review
- Asset review
- Safety & Security review

Prior to initiating any of these components, the Project Manager will notify the grant partner of the review and will ask for any updated documentation before the date of the review. Failure to submit updated documentation may result in a negative finding against the grant partner and could lead to lower application scores or even loss of future funding

More comprehensive descriptions of the specific elements of these reviews is provided in the Grant Partner Manual that is supplied to all agencies receiving funding through CDOT.

11.4.1 Desk Review

Desk reviews will occur at least one full calendar week prior to the location review and will consist of a review of seven compliance areas:

1. Title VI plan
2. Limited English Proficiency plan
3. Disadvantaged Business Enterprise program and reports
4. Drug & Alcohol policy & procedure, including DAMIS reports
5. Asset Management plan
6. Safety & Security plan and policies
7. Annual reporting

The grant coordinator, assigned to the grant partner agency, will review each of the documents identified above and ensure that they are recent (no more than three (3) years since the last revision/update) and that they meet the requirements under the most recent set of regulations.

If the grant coordinator finds that any of the documents have not been submitted to CDOT, or that the documents are more than three (3) years old, the grant partner will be given at least 30 days to bring their documentation into compliance.

The grant coordinator will also review the documents to ensure that they meet current regulations and guidance as required by either FTA or the State of Colorado. Particular attention will be given to areas where the grant partner has not met requirements in previous reviews or site visits.

The grant coordinator will create a narrative for the agency that outlines current grant agreements as well as efforts of significance, or major events from the past three years, to create a complete picture of the agency to be reviewed.

The grant coordinator will complete a Desk Review for the agency in COTRAMS to document findings.

11.4.2 Location Review

Once a Desk Review has been completed and the grant partner has been given at least one calendar week to address any potential deficiencies other than documentation, the grant coordinator will perform a Location Review. This process is intensive and is comparable to an FTA Triennial Review.

The grant coordinator will complete a Location Review Questionnaire that will review grant partner compliance with CDOT protocols. This review is comprehensive but does not delve into finance or asset management as deeply as those specialized reviews.

The location review will include, at a minimum, the following:

- Financial management & capacity
- Technical capacity
- Maintenance & Facilities
- Americans with Disabilities Act
- Title VI/LEP
- Procurement
- Disadvantaged Business Enterprise
- Satisfactory Continuing Control/Asset Management
- Public Comment/Participation
- Charter Bus & School Bus regulation compliance
- Safety & Security
- Drug Free Workplace and Drug & Alcohol Program
- Equal Employment Opportunity

The grant coordinator will complete a Location Review Questionnaire and identify areas of concern or non-compliance. A copy of the Location Review will be provided to the grant partner reporting on the results and identifying compliance issues that will need to be addressed within 60 days of the review.

Grant partners that do not provide documentation confirming compliance with the issues identified in the Location Review may not be eligible for future funding from CDOT and will have annual site visits until a Location Review, with no findings, is completed.

Grant partners with repeat findings from consecutive Location Reviews are subject to off cycle Location Reviews and may not be eligible for future funding from CDOT at the discretion of DTR.

11.5 FINANCIAL REVIEW

The CDOT Business Office, or designee, conducts this review, which is responsible for the financial management of the grants funded through CDOT. Reviews are conducted on an as-needed basis for new grant partners and/or grant partners who have shown deficiencies in this section of an agency review in two or more consecutive reviews. The financial review will consist of one of two levels of review.

The first is a desk review that consists of an analysis of the grant partner's financial submissions including reimbursement requests and any and all backup materials submitted. The business office may request a grant partner to submit up to six (6) months' of backup documentation to support the same reporting period's reimbursement requests. This is a validation exercise and confirms that the grant partner has the backup documentation needed to meet state and federal accounting requirements.

The second, more in depth review, is a location finance review that not only looks at the backup documentation for up to twelve (12) months of reimbursement requests, but also looks at the agency's financial management systems and control processes to ensure compliance with all applicable regulations.

Grant partners are provided with a report outlining the business office's findings and are given at least 60 days to bring their systems into compliance.

11.6 ASSET REVIEW

There are three types of reviews: equipment, facilities and rolling stock. Each review is designed to ensure that the vehicles, equipment, and facilities owned by the grant

partner are properly maintained and managed according to state and federal requirements. Reviews are conducted on an as-needed basis for new grant partners and/or grant partners who have shown deficiencies in this section of an agency review in two or more consecutive reviews.

The first step in this review is a desk review of the agency's Asset Management Plan (AMP), any related Maintenance Plans and the inventory located in COTRAMS. If the AMP or any Maintenance Plans have not been revised within the last three (3) years or do not meet current state or federal guidelines, the grant partner is notified and given at least 30 days to bring its documentation into compliance.

The second step is a site visit. A certain percentage of vehicles/equipment is identified to assess and match against the agency's COTRAMS inventory and will perform a review that includes matching on-site maintenance records to vehicles.

Discrepancies between the grant partner's AMP or Maintenance plans, and vehicle or equipment conditions, will result in findings against the agency. The grant partner will then have at least 60 days in which to bring their plans/vehicles into compliance.

11.7 SAFETY & SECURITY REVIEW

At the present time, FTA has not yet provided guidance to the states on the implementation of the Safety & Security requirements of MAP-21. Once available, DTR will identify appropriate elements from the legislation and review the necessary documentation to ensure the grant partner is aware of its obligations and is working toward achieving them.

11.8 SITE VISITS

DTR is committed to working with its grant partners to ensure the success of transit in Colorado. As one element of this success, DTR will engage in regular and ad hoc site visits with its grant partners to maintain oversight of the projects funded through CDOT.

The Transit Grants Unit has established a 25% fieldwork standard for its grant coordinators. This means that grant coordinators are expected to be out in the field at least 25% of their work schedule interacting with assigned grant partners.

The duties during this time include:

- providing training
- developing a strong, helpful, and effective relationship between CDOT and the grant partner
- performing reviews

An additional 7% of annual workload is expected to consist of participation in meetings, including local Transportation Planning Region and coordination meetings.

Site visits are informal visits with the grant partner that are documented by the grant coordinator to track successes as well as issues and concerns. The grant coordinator will complete a Site Visit log in COTRAMS, when a site visit is completed, to note any areas of success or concern. These may include notes on vehicle or facility conditions, recent events or changes to the operation, and special projects or programs that either have occurred or are planned for the near future. While this information is tracked and made available to the grant partner for consideration, responses from the grant partner are only required for egregious deficiencies which are noted.

Egregious deficiencies include maintenance, safety, security, or other deficiencies that must be corrected as soon as possible to avoid potential critical failures in the operation. Examples include software failures, loss of available fleet beyond required spare ratios, or other critical failures.

During site visits, the grant coordinator may take photographs of equipment, vehicles, and/or facilities to connect with the inventory items in COTRAMS to provide visual references for the grant partner.

11.9 SCHEDULED MEETINGS

The DTR currently plans three specific opportunities for direct interaction between the DTR and its grant partners. These are:

- State Transit Town Halls (Formerly called Policy Option Workshops)
- The Colorado Transit Association (CASTA) Spring training conference
- The CDOT/CASTA Fall Conference

Additional regional or statewide meetings may be scheduled as needed to solicit input from grant partners and other stakeholders, provide information, or provide required trainings.

The State Transit Town Halls are scheduled across the state in four locations to solicit feedback from current and potential grant partners on issues that affect CDOT's administration of transit grants in the state. Topics may include requesting input on policy decisions being proposed, identifying goals for capital projects, sharing new

practices and procedures, soliciting input on training programs, and hearing from grant partners on issues of concern.

Additionally, interpretations of federal or state regulations that have been modified are also discussed, such as the safety and security implications of MAP-21.

At the Spring CASTA Conference, DTR sponsors a meeting of the RTAP Advisory Committee to begin the process of developing plans for the coming year regarding training and technical support. One training session, conducted by the Drug & Alcohol program compliance contractor, is presented at this conference. In addition, DTR staff are available for discussions with grant partners and management staff use this opportunity to ensure that they have a clear picture of the relationship between CDOT and its grant partners.

During the Fall CDOT/CASTA Conference, CDOT provides a half-day session that is mandatory for all of its grant partners. During this session, CDOT will provide information and encourage participation in discussions designed to improve grant administration and compliance. In addition, DTR will work with CASTA to develop sessions that meet the training and information needs of its grant partners and will support their participation in the entire conference.

As required by the FASTER legislation, DTR has a Transit & Rail Advisory Committee (TRAC) to advise DTR on policy and direction.

11.10 COMMUNICATION

DTR will work individually, as well as through the Colorado Transit Association, to maximize communication between and among its grant partners.

Using COTRAMS, DTR will manage its email communications system to communicate with its grant partners regarding available funding, opportunities for training and technical assistance, and updates to policies and procedures.

Working with CASTA, DTR will participate in the state email network to disseminate information of interest. DTR will also work to further develop and enhance its current website to improve communication and provide current and prospective grant partners with a resource for information and support.

12 PROCUREMENT & THIRD PARTY CONTRACT MANAGEMENT

CDOT follows its Procurement Guidebook when conducting procurements that are federal and state funded. The following section summarizes CDOT's procurement policies and procedures, as found in the Procurement Guidebook, and is not intended to cover all of CDOT's voluminous procurement requirements.

12.1 FEDERALLY-REQUIRED CLAUSES AND CERTIFICATION

CDOT/DTR, and its grant partners, will include all applicable third-party contract clauses and certifications in FTA-assisted contracts, grant agreements and procurements over \$3,000, or over \$2,000 for construction contracts.

Effective with the issuance of 2 CFR Part 200 – Uniform Guidance, the simplified acquisition threshold for procurements made from grants awarded on or after December 26, 2014 is \$150,000. For procurements conducted from grants that were awarded before December 26, 2014, the simplified acquisition threshold remains at \$100,000.

In order for a grant partner to utilize the new simplified acquisition threshold of \$150,000, it must have updated its procurement policy to state that it is recognizing the new threshold for procurements made on grants awarded on or after December 26, 2014. If the grant partner has not updated its procurement policy, it must use the former simplified acquisition threshold of \$100,000.

12.2 PURCHASE OF STATE PROCURED CAPITAL EQUIPMENT

When DTR awards funds for the purchase of state-procured capital equipment, it will follow the procedures set forth below for the purchasing of such equipment:

- When funds are awarded for capital equipment, the grant partner agrees to participate in the DTR's procurement process. The DTR will oversee all capital equipment procurements according to procurement procedures established by the Department. The procurement package will include a standard set of specifications, Buy America assurances, pre-award and post-delivery audit certifications, and Federal Motor Vehicle Safety Standards (FMVSS) certifications. The DTR will also provide each grant partner with an abbreviated procurement package that meets federal third party contracting requirements.

- For vehicles to be obtained using a common Invitation for Bid issued by CDOT, a procurement package will be posted on the CDOT's BIDS system detailing the bid process and schedule. The Invitation to Bid (IFB) contains assurance pages and accompanying documentation that bidders must use to certify compliance with the Buy America and bus testing requirements. Responses to the IFB, along with FMVSS, pre-award and post-delivery certifications, are to be returned to CDOT by the bid due date delineated on the bid schedule. CDOT will award the bid to the lowest responsive bidder.
- For capital equipment not obtained using an IFB, the grant partner must execute a purchase order or letter to proceed to the vendor, but may not do so unless its grant agreement with DTR is fully executed and the grant partner has submitted the Procurement Authorization Form of the grant agreement to DTR. A copy of the purchase order must be submitted to DTR. Upon delivery of the vehicle, the grant partner is responsible for inspecting the vehicle to ensure it meets the specifications set forth in the IFB; DTR will provide assistance if requested.

DTR will only reimburse the federal share if and when the grant partner executes a Certificate of Procurement and Acceptance with DTR. This Certificate is an addendum to the grant partner's Security Agreement with DTR. By completing and submitting the Certificate the grant partner certifies that it has inspected and accepted the vehicle, will complete the process necessary to place a lien on the equipment in the amount of the federal share, and give physical possession of the title document to DTR once the title is received. Along with the Certificate, the grant partner must submit to DTR a copy of the manufacturer's signed certification of compliance with the bus testing requirements for small vehicles.

Any applicant awarded rehabilitation funds must sign an agreement that the agency will abide by TR's Vehicle Rehabilitation Policies and Procedures. The grant partner must also agree to submit semi-annual rehabilitation reports to DTR.

12.3 PURCHASE OF NON-STATE PROCURED CAPITAL EQUIPMENT

When DTR awards funds for the purchase of non-state procured capital equipment, grant partners must follow the following regulations:

- All grant partners are required to comply with third-party contracting standards in accordance with FTA guidelines defined in FTA Circular 4220.1E, Third-Party Contracting Requirements, and adhere to standard procurement practices outlined by the FTA in the Best Practices Procurement Manual.

- All grant partners, 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. Grant partners must also ensure bidder compliance with the following (all may not apply, based on award 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

All grant partners are required to generate 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. Grant partners need to be prepared to submit these documents to DTR at any time during the procurement process. The grant partner's procurement files must be sufficiently detailed to sustain an audit by FTA or DTR. Files should contain a paper trail that clearly documents goods or services purchased, and documents the associated costs.

DTR will provide guidance in the form of a Capital Procurement Manual, to any grant partner who receives funding for a non-state procured capital purchase.

12.4 BUY AMERICA PROVISIONS

The process to be followed by each grant partner conducting a local procurement is outlined in the CDOT Procurement Guidebook (2015) which is available on the DTR website: <https://www.codot.gov/programs/transitandrail> Included in these sections are copies of all forms needed to complete this process.

All grant partners certify in their grant agreement that they will comply with Buy America requirements and will conduct pre-award and post-delivery audits of rolling stock purchases. Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR Part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." Compliance must be certified on the Annual List of Certifications and Assurances. "Pre-award authority is not a legal or implied commitment that the project(s) will be approved for FTA assistance or that FTA will obligate federal funds. Furthermore, it is not a legal or implied commitment that all items undertaken by the applicant will be eligible for inclusion in the project(s)."

As part of monitoring compliance with this requirement, Grant Coordinators will inspect all certifications during semi-annual site visits. In addition, grant partners will be provided templates for these certifications as part of the procurement and documentation process.

DTR staff will review all procurements to ensure they comply with the Buy America requirements. No reimbursement for capital expenses will be issued until all required documentation has been received and reviewed by CDOT/DTR and is satisfactorily complete.

12.4.1 Pre-Award and Post-Delivery Reviews

Grant partners are required, prior to awarding bid for any rolling stock, to certify that a pre-procurement audit has been conducted to verify that the bid proposed for acceptance appears to comply with the Buy America Requirements and with appropriate Federal Motor Vehicle Safety Standards (FMVSS). CDOT/DTR will monitor this process and ensure compliance through the procurement process.

The grant partners must complete a post-delivery purchaser's requirements certification verifying that the buses delivered meet the contract specifications. This must be completed before a bus title is transferred to the state or before a bus is placed into revenue service, whichever is first. The post-delivery certification is based on the state's visual inspections and road tests and, if required, the resident inspector's monitoring of the final assembly process and final report of manufacturing activities. The requirement to conduct an audit for compliance with purchaser's requirements and sign a certification applies to all purchases of revenue rolling stock, even those under the federal simplified acquisition threshold.

- Grant partners are required to have an inspector present during final assembly process if they meet the following criteria:
- Grant partners in urbanized areas with populations of more than 200,000 that are purchasing more than 10 buses
- Grant partners in areas with populations of 200,000 or less that are purchasing more than 20 buses.

FTA does not require in-plant inspectors for any number of unmodified vans manufactured by the automobile companies. FTA requires only a visual inspection and road test after delivery for such procurements.

In the case of consolidated procurements on behalf of multiple subrecipients, the in-plant inspection requirement is triggered only if any single grant partner will receive more than 10 or more than 20 vehicles, depending on area size. One in-plant inspector can meet the requirement for multiple grant partners. The inspector may not be an agent or employee of the manufacturer. The inspector must prepare a report providing accurate records of all vehicle construction activities and

summarizing how the construction and operational characteristics of the vehicles met (or did not meet) the contract specifications.

The cost of such an inspection exercise is considered an eligible project cost. The grant partner will perform a post-delivery review of all vehicle procurements, after delivery and prior to acceptance. The grant partner must certify that the vehicles have been inspected and comply with the procurement specifications, as well as with Buy America, and FMVSS provisions.

12.4.2 Buy America Requirement for Non-Rolling Stock Purchases

Section 165 of the Surface Transportation Assistance Act of 1982 provides that, with exceptions, federal funds may not be obligated for public transportation projects unless steel and manufactured products used in such projects are produced in the United States. The Intermodal Surface Transportation Efficiency Act of 1991 added iron to the commodities covered.

Buy America waivers must be submitted to FTA for approval. There are four exceptions to the basic requirement:

- It will not apply if its application is not in the public interest
- It will not apply if materials and products being procured are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality
- It will not apply in a case involving the procurement of buses and other rolling stock, (including train control, communication, and traction power equipment) if the cost of components and subcomponents which are produced in the United States is more than 60% of the cost of all components and subcomponents of the vehicles or equipment, and if final assembly takes place in the United States
- It will not apply if the inclusion of domestic material will increase the overall project contract by more than 25%.

13 ASSET MANAGEMENT

13.1 CAPITAL ASSET MANAGEMENT

This section describes policies for the use, maintenance, and disposition of state- or federally-funded equipment and property.

Capital equipment is defined as a tangible item with an aggregated purchase price of \$5,000 or more and with a useful life of at least one year.

Real property is defined as land purchased for a facility project; structures purchased and placed for transit use, such as pre-fabricated passenger shelters; buildings constructed for transit use such as bus barns, administrative offices, and other facilities such as transfer stations; infrastructure construction such as improvements to sidewalks; and paving park and ride facilities.

13.2 USE OF PROPERTY

Federally funded property (real property and equipment) must be used by the grant partner in the program or project for which it was acquired, and the use must meet the definition of public transportation as defined in this SMP. Property should first be utilized to meet the needs under the program for which they were acquired. Grant partners must notify immediately if property is not used in the approved program or project or if it is used in a manner substantially different from that described in the project scope. DTR will provide guidance and assist the grant partner in approving alternative uses or disposing of the property.

If property use is not as approved or intended or property is no longer needed, DTR will consider several options. First, DTR and the grant partner should consider ways to increase usage within the approved project and program. As long as the original intended use is not disrupted and receives priority, the property may be used for other public transportation services that are allowed and in compliance with federal regulations.

Second, the property can be transferred to any eligible grant partner if the property will continue to be used in accordance with the requirements of the project proposal and grant program. The grant partner receiving the property must comply with all applicable state and federal requirements.

Third, property, including land, that is no longer needed for the purpose for which it was acquired can be transferred to a local governmental authority to be used for a public purpose other than transportation with no further obligation to the federal government, if authorized by DTR, who will secure authorization from the FTA. If the property cannot be used within the applicable grant program, DTR may consider

transferring the property to another FTA grant program. Finally, if no additional use can be found for the property, it will be disposed of according to DTR policy. For any transfer of property for which a federal interest remains, the new owner must reimburse the original grant partner the prorated fair market value of the local match.

13.2.1 Continuing Control

The Division takes several steps to ensure that property is being used for project purposes and to maintain control over FTA and state funded property and equipment:

- The Division maintains and updates an inventory of all project property purchased or rehabilitated with state or FTA funds. Each year, the grant partner must review and update its capital inventory in CDOT's online database to ensure that it is accurate and that the capital item continues to be used in accordance with the scope of work in its contract. As discussed in [Section 11](#), the Division will conduct periodic Asset Reviews to compare the agency's COTRAMS inventory with on-site inventory.
- For vehicles, the Division retains physical possession of the title or ownership document as long as there is federal interest in the property. Also, the grant partner is required to execute a lien in the amount of the federal share of the vehicles in order to ensure that no liens or obligations are incurred against the federal interest of the vehicles.
- Land and permanent buildings purchased or improved with federal or state funds must have a restrictive covenant filed with the property deed. In certain cases, such as when another government entity owns the property, a restrictive covenant may not be required; a grant partner should work with DTR to determine these exceptions. In some instances other property agreements, such as a joint ownership deed, local land use agreement, easement, or right-of-way may be in place and a copy must be submitted prior to breaking ground.
- The grant partner is required to annually provide adequate proof of insurance to the Division, listing the Division as loss payee for that specific equipment.

13.2.2 Incidental use

The Division encourages grant partners to look for incidental use opportunities so long as the incidental use does not interfere with the original property use. Grant partners shall request Division approval prior to allowing incidental use. The Division also requires grant partners to document incidental use and revenues once the use has been approved. In addition to not interfering with the original project and program use, several requirements for incidental use must be met:

- The grant partner must maintain continuing control over the property. Incidental use agreements must contain appropriate provisions maintaining the grant partner's control.
- The grant partner must fully recapture all costs related to the incidental use from the non-transit public entity or private entity, including all applicable excise taxes on fuel for fueling facilities and wear and tear to capital improvements.
- The grant partner must use revenues received from the incidental use for capital and/or operating expenses that were or will be incurred to provide the public transportation.
- Private entities must pay all applicable excise taxes on fuel.

13.3 LEASING

Assets acquired with FTA funds may be leased to other entities such as local agencies or private nonprofit organizations. Any grant partner who leases FTA-funded assets must submit a copy of the lease to DTR for review.

For leases of Section 5310 vehicles:

- DTR must agree in writing to the lease between the Section 5310 grant partner and the lessee.
- The vehicle may be used for incidental purposes only after grant needs have been met.
- The grant partner is responsible for ensuring that adequate control is exercised over use of the leased equipment.
- DTR will retain title to the vehicle.

13.4 MAINTENANCE

As part of their grant agreements, grant partners agree to perform all necessary preventative maintenance for state or FTA funded property. Grant partners must follow the manufacturer's minimum maintenance standards and develop procedures for maintenance and inspection. This requirement includes maintenance of all ADA related equipment.

Maintenance records for state and FTA-funded property will be inspected by DTR Grant Coordinators as part of regularly scheduled site visits. In addition, DTR will conduct random requests for maintenance records to ensure that grant partners are following the procedures they have agreed to as part of their grant agreements.

Grant partners are required to have a system in place to track warranties, identify warranty claims, record claims, and enforce warranty claims against the manufacturer. Grant partners are responsible for ensuring that maintenance costs

covered by warranties are recovered from the manufacturer and are not submitted for reimbursement.

Grant partners are required to submit maintenance plans to DTR for buildings and other facilities funded with CDOT grants. These plans should describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals.

13.5 USEFUL LIFE

DTR has established minimum useful life standards for real property and equipment purchased with state or FTA funds. These standards reflect a combination of FTA guidelines, industry standards, CDOT experience, and research with other state counterparts. These standards are established for grant replacement purposes only and are not intended to reflect your agency’s internal lifecycle expectations.

13.5.1 Vehicle Minimum Useful Life Standards

Table 1: Vehicle Minimum Useful Life Standards

CDOT Category	Length	Approx. Weight	Price Range	Useful Life Minimum
Heavy-Duty Large Bus 	35-48 feet	26,000-40,000 lbs.	\$400,000-\$575,000	12 years or 500,000 miles
Heavy-Duty Small Bus 	30 feet	26,000-33,000 lbs.	\$230,000-\$375,000	10 years or 350,000 miles
Medium-Duty and Purpose-Built Bus 	30 feet	16,000-26,000 lbs.	\$85,000-\$200,000	7 years or 200,000 miles

<p>Light-Duty Mid-Sized Bus (Cutaway van chassis with dual rear wheels)</p> 	25-35 feet	10,000-16,000 lbs.	\$60,000-\$75,000	5 years or 150,000 miles
<p>Light-Duty Vehicles</p> 	8-16 feet	6,000-14,000 lbs.	\$20,000-\$65,000	4 years or 100,000 miles
<p>Vehicle Rebuild: A recondition near the end of useful life that results in additional useful life.</p>				Case-by-case basis. Generally a minimum of 50,000 miles

13.5.2 Non-Vehicle Equipment Minimum Useful Life Standards

Minimum useful life standards for non-vehicle equipment include:

- Computer equipment, software, and other office equipment = 5 years
- Communications equipment (e.g., mobile radios, base stations) = 5 years
- Surveillance equipment (e.g., cameras for vehicles or facilities) = 5 years
- Shop equipment (e.g., vehicle lift, bus washing, tire changers) = 20 years
- Fare boxes = 20 years
- Wheelchair lift – same as useful life of the vehicle on which it is installed
- Light-duty vehicles, non-rolling stock = 7 years or 200,000

13.5.3 Real Property Minimum Useful Life Standards

Minimum useful life standards for real property include:

- Passenger shelters (pre-fabricated metal and glass/Plexiglas) = 15 years
- Signs and sign poles = 10 years
- Amenities (e.g., benches and bicycle lockers or racks) = 15 years
- Equipment sheds = 20 years
- Any framed building or structure (e.g., bus barns, maintenance shops, administrative offices) = 40 years
- Concrete/pavement infrastructure (e.g., bus parking areas, passenger transfer stations, park and ride lots) = 20 years
- Office furnishings within buildings (e.g., desks, filing cabinets) = 10 years
- Land = useful life does not expire on land purchases

13.6 DISPOSITION

Property to be replaced must have achieved at least the minimum useful life, as defined above. After useful life has been reached, grant partners may continue to use the property to maintain established services. With prior DTR approval, the grant partner may sell the property and use the proceeds to reduce the gross project cost of future FTA eligible capital transit grants.

If a grant partner desires to dispose of the property before it meets the end of its useful life, and an alternative use cannot be found as described above, the property may be sold. Any disposition of project property before the end of its useful life requires prior FTA approval. FTA is entitled to its share of the remaining Federal interest. The Federal interest is determined by calculating the fair market value of the project property immediately before the occurrence prompting the withdrawal of the property from appropriate use.

If the agency receives insurance proceeds when the property has been lost or damaged by fire, casualty, or natural disaster, the agency must apply those proceeds to the cost of replacing the property or return to the Division an amount equal to the remaining federal interest in the property.

13.6.1 Disposition of Real Property

Disposal of grant-funded facilities is not common. Facility categories that are most commonly disposed of and replaced include bus shelters, signs, amenities such as benches and bicycle lockers, and equipment sheds. Generally, it is not expected or intended that grant-funded major structures and facilities such as buildings or transit infrastructure will be replaced. Agencies with these more permanent facilities are more likely to use grant funds for renovations and/or additions.

Removable-type facilities such as passenger shelters and amenities may be disposed of through a public sale or auction or by transferring it to a public/nonprofit agency. Sale proceeds must be retained in the transit program under which the vehicle was initially acquired and used to reduce the cost of future capital purchases. Agencies should maintain a copy of relevant documentation in the vehicle file, which may include the auction or bid notice, sales receipt, etc., for at least three years after disposal and provide relevant information in COTRAMS.

If a grant-funded facility were to be disposed of, agencies would be expected to access a real estate company to assist in the sale and advertise the property. The grant partner is expected to follow the valuation requirements of 49 CFR part 24 and obtain an appraisal. The Division expects that any proceeds from the sale of real property to reduce the gross project cost of another FTA eligible capital transit project. If this is not possible, the agency may sell and reimburse FTA the greater of its share of the fair market value of the property or the straight-line depreciated value of the improvements plus land value.

If federally funded real property is no longer needed for any transit purpose, CDOT will update its inventory and prepare a utilization plan. The plan will identify and explain the reason for excess property.

13.7 ASSET MANAGEMENT PLAN

All CDOT grant partners are required to develop and maintain a Transit Asset Management Plan (TAMP) and associated policies to guide the optimal prioritization of funding needs in order to keep our transit networks in a state of good repair. Grant partners may meet this requirement by participating in a single DTR-sponsored Group TAMP or may choose to opt out and develop their own TAMP. Any grant partner with over 100 vehicles in peak revenue must develop their own TAMP. DTR will amend the Group TAMP at least every year to account for changes in the statewide inventory, condition assessments, and funding availability. The Group TAMP will be updated in its entirety at least every four years.

DTR will establish performance targets for each asset class and annually submit reports to FTA on behalf of its Group TAMP participants.

13.7.1 Allowed and Prohibited Uses of Federally Funded Vehicles

13.7.1.1 Incidental Use

Vehicles and equipment purchased with state and federal transit assistance funding is justified solely based on proposed use for public passenger transportation.

CDOT/DTR does allow incidental use of vehicles and equipment under the following conditions:

- The incidental use does not interfere with the public transit services for which it was originally obtained.
- The incidental use does not exceed 20% of the total use of a vehicle.

13.7.1.2 Charter Service

FTA grantees are prohibited from using federally funded equipment and facilities to provide charter service except on an incidental basis and when one or more of applicable exceptions set forth in the charter service regulation at 49 CFR 604. Please refer to section 15.8 – Charter Bus for the complete set of rules and regulations pertaining to charter service.

13.7.1.3 Meal Delivery for Homebound Individuals

Public transportation service providers receiving Section 5311 or Section 5310 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.

No FTA funds may be used for the operating expenses attributable to meal delivery. The number and size of vehicles applied for under federal or state programs must be determined only by the number of passengers to be transported, not meal delivery capacity. Federal capital assistance may not be used to purchase special vehicles used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

13.7.1.4 Use of Federally Funded Vehicles for Medicaid Transportation

Transit vehicles purchased with FTA/CDOT funds that still have a useful life and have not been released by CDOT/DTR should be used for providing transportation services within the local grant partner's designated service area. Transportation within the designated service area includes transportation of an individual from the designated service area to a facility or location outside the service area and the return trip.

13.7.1.5 Emergency Leases Between Systems

If emergency situations arise and a vehicle will be out of service for several months, a grant partner may want to lease another vehicle to replace the "out-of-service" vehicle. If available, a vehicle may be leased short-term from another grant partner to maintain needed service needs within a service area. DTR should be notified of any pending lease agreement. DTR must approve any lease and a copy kept on file at DTR.

13.7.2 Vehicle Ownership and Retention of Federal Interest

When new vehicles are purchased, DTR will not require such equipment to be titled to DTR. However, DTR will require that grant partners immediately turn over possession of the title or ownership document to DTR, which will retain physical possession until the vehicle reaches FTA's minimum useful life requirement. In addition, the grant partner will be required to execute a lien (also referred to as a Security Agreement) in the amount of the federal share of the vehicles in order to ensure that no liens or obligations are incurred against the federal share of the vehicles. The lien will be released once the vehicle has reached its minimum service life requirement.

When funding is provided for the rehabilitation of vehicles, the grant partner might not be required to relinquish the title or place a lien on the vehicles. Once a vehicle

reaches its minimum useful life requirement, DTR will return the vehicle title or ownership documents to the grant partner and will cancel the lien.

14 CONSTRUCTION OR RENOVATION OF FACILITIES

The construction or renovation of project facilities for Sections 5311 and 5339 grant partners may be necessary to provide for an efficient and coordinated rural public transportation system. The costs of construction or rehabilitation of transit facilities, including design, engineering, and land acquisition, are eligible capital expenses. The responsibility for construction management and oversight lies with the grant partner. Note that this section 14 does not apply to State-funded facilities. Grant partners with State-funded facilities must follow the CDOT Local Agency Manual that describes the processes and approval procedures for State-funded construction projects.

CDOT/DTR requires Grant partners to use the Local Agency Manual 2006 (Revised November 2015),

https://www.codot.gov/business/designsupport/bulletins_manuals/2006-local-agency-manual to ensure effective project management. CDOT/DTR will provide oversight and guidance as needed. As outlined in the Guidelines, each phase of the project should:

- Start with inputs or a baseline
- Have a process that refines the project definition and generates outputs
- Outputs then become the inputs or baseline for the subsequent phases.

Real property must be acquired, managed, used and disposed of in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA) (PL 91–646) and 49 CFR Part 24, the implementing regulation. Additional guidance is found in FTA Circular 5010.1D (as amended).

The objective of the Uniform Act is to ensure equitable treatment of property owners of real property to be acquired for federal and federally-assisted projects; that people displaced by a federally-supported project be treated fairly, consistently, and equitably; and that acquiring agencies implement the regulations in a manner that is efficient and cost effective.

The regulations implementing the Uniform Act are very specific in naming the means to achieve those legislated objectives. Objectives of FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients, will be considered when administering the requirements of NEPA, Title VI and related statutes, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Congressionally-authorized planning requirements, and other laws, regulations, and Executive Orders that address or affect infrastructure planning and decision-making, social economic or environmental matters, public health and or public engagement.

To ensure eligibility for federal funding, the grant partner should follow the typical process sequence (shown below) when acquiring real property for a project:

Title VI Equity Analysis / National Environmental Policy Act
(NEPA) Approval



Title Search



Appraisal



Appraisal Review



Just Compensation Determination



CDOT/DTR Concurrence



Offer to Owner



Settlement

14.1 PRE-AWARD REVIEW

The following guidelines have been developed for transportation providers based on the procedures set forth by the State Management Plan issued by CDOT/DTR. If federal or state funds are used, applicable federal and state guidelines and requirements must be followed in accordance with FTA Circulars 4220.1F and 5010.1D and any revisions there to. In addition, all construction related activities will require pre-award review and approval by DTR.

14.2 PLANNING

Planning activities in advance of the construction or renovation of rural public transportation facilities are an eligible Section 5311 expense. These may include, but are not limited to, feasibility studies, alternative site analyses, environmental

assessments, environmental impact statements, or other studies necessary as a prerequisite to undertaking the project. A Title VI Environmental Justice analysis should be conducted during the planning stage.

Planning activities may be funded from Section 5311 administrative funds.

14.3 LAND ACQUISITION

Real property acquisition and relocation activity must be conducted in accordance with the requirements in the Uniform Relocation Assistance and Real Property Uniform Relocation Act of 1970, as amended (Uniform Act), and codified in 49 CFR, Part 24. FTA guidance states, "The objective of the Uniform Act is that owners of real property, to be acquired for federal and federally assisted projects, be treated fairly and consistently; that persons displaced be treated fairly, consistently and equitably; and that acquiring agencies implement the regulations in a manner that is efficient and cost effective." Grant partner may not incur costs prior to receiving approval from DTR.

Any Section 5311 construction or renovation activity that involves the acquisition of land or the displacement of any persons, firms or businesses will be subject to the provisions of the 49 CFR part 24 and the regulations of FTA Circular 5010.1D, "Grant Management Guidelines." or Environmental Justice Circular. Real property is acquired at its current fair market value, established on the basis of independently prepared appraisals. In addition, and associated with the acquisition of real property, the state requires the preparation of an environmental assessment (to at least Level I) completed by a professional environmental firm.

Incidental uses of real property, which may raise additional revenues for the transit system or, at a reasonable marginal cost, enhance system ridership, are subject to the regulations contained in FTA Circular 5010.1D.

14.3.1 Responsibilities

Grant partner:

- Obtains appraisals and prepares initial environmental and other required documents including Title VI Equity Analysis / NEPA prior to, or with, the application submission.

CDOT/DTR:

- Reviews submittals for accuracy and conformance to policy and DTR must sign off on just compensation

- Provides policy direction and guidance.

14.3.2 Appraisal

- Appraisers must be certified or licensed with a State Appraisal Board as required by the URA regulations at Section 24.103(d) (2).
- Real property must be acquired at its current fair market value. Fair market value will be established based on a recent, independently prepared appraisal by a certified appraiser.
- An additional appraisal may be made if the grant partner finds the valuation problem complex and deems a second appraisal to be appropriate.
- Grant partner will instruct appraisers to disregard any decrease or increase in the fair market value of the real property caused by the likelihood that the particular property is to be acquired for the project.
- An appraisal and a reviewer's analysis will be required.
- Instead of using its power of eminent domain, when a property cannot be purchased at appraised value, a grant partner may propose acquisition through negotiated settlement.
- The grant partner must document that reasonable efforts to purchase it at the appraised amount have failed and prepare written justification supporting why the settlement is reasonably prudent and in the interest of the public.
- When the settlement exceeds the offer by \$10,000, a litigation attorney must provide a written assessment of proposed settlement risks over the risks of proceeding in court. Prior FTA concurrence is required when a settlement of \$50,000 or more and must be further negotiated.
- FTA has identified exceptions to obtaining a full appraisal.
- Full appraisal or negotiation procedures are not necessary in certain instances. The DTR should be contacted for further guidance when any of the following conditions apply:
 - The owner is donating the property.
 - The grant partner does not have authority to acquire property by eminent domain.
 - The property qualifies as a voluntary acquisition as defined in 49 CFR 24.101(a).
 - The valuation problem is uncomplicated and the fair market value is estimated at \$2,500 or less, based on available data.
- Unless one or more of the exceptions above applies, the project application that includes real property acquisition is considered incomplete without an appraisal.

- An estimated property value of \$500,000 or greater will require FTA approval of the Appraisal and Review Appraisal.

14.3.3 Negotiation

Federal land acquisition regulations require that appraisals, including an “offer of just compensation” (with supporting documentation) be prepared before entering into negotiations or executing a purchase agreement for the land.

A grant partner may initiate the negotiation process prior to grant approval and grant partner will secure prior approval from DTR before an offer is made. However, no reimbursement will be made for costs incurred prior to execution of the standard agreement.

It is therefore important that the grant partner await notification that the standard agreement is fully executed before entering into the purchase agreement. The purchase agreement is normally executed at, or prior to, the opening of escrow.

Payments are made on a reimbursement basis upon presentation of proper invoices and supporting documentation. Grant funds will not be available for deposit in escrow. Grant partner should therefore be prepared to finance land acquisitions initially with local funds.

14.4 ARCHITECTURAL AND ENGINEERING SERVICES

A project will retain architectural and engineering (A/E) consulting services in accordance with competitive proposal procedures for qualifications-based procurement as outlined in FTA Circular 4220.1F. This type of procurement will also be used for architectural and engineering related services such as program management, construction management, feasibility studies, preliminary engineering, design, surveying, mapping, or related services. Following this method, competitors' qualifications are evaluated and the most qualified competitor will be selected subject to negotiation of fair and reasonable compensation.

The scope of work in the project's Request-for-Qualifications (RFQ) will incorporate planning procedures for design and construction of capital improvement projects.

DTR will approve the negotiated contract between the project and the architectural/engineering consultant. The selected architectural/engineering consultant will not commence work on the project until receipt of the executed design agreement.

14.5 FACILITY DESIGN

The A/E firm will be responsible for filing all applicable permits, plans, specifications, and other documents with any local, state or federal agency having jurisdiction over any part of the project.

DTR will coordinate the design review among the state agencies that may have review responsibility over the project. The A/E consultant will be responsible for submitting the specified number of copies of design documents to accomplish this review.

The actual amount of Sections 5311 and 5339 obligated will be based on the programmed amount and the cost estimate prepared by the project's A/E consultant and is dependent upon the availability of federal funds.

The A/E consultant will be responsible for establishing the date for receipt of bids in consultation with the project and DTR. Adequate notice will be required between publication of the advertisement for bids and their receipt.

The grant partner will submit to DTR a certified tabulation of the bids received along with the project's approval process and recommendation for bid award.

DTR will approve the award of construction contracts prior to execution of agreements between the project and the successful bidders.

14.6 FACILITY CONSTRUCTION

The grant partner, through its A/E consultant, will be responsible for all inspection and construction administration activities during facility construction.

The grant partner will forward two (2) copies of the final construction report to DTR. DTR staff may conduct separate inspections and attend any of the construction/contractor meetings during the construction process.

14.7 PROPERTY MANAGEMENT

Facilities constructed or renovated with federal funds will be the property of the project as long as the facility is used for public transportation purposes.

If for any reason the facility is no longer needed for the purposes of public transportation services in non-urbanized areas, the provisions of FTA Circular 5010.1D regarding property disposition will be followed.

All grant partners will have an effective facilities and equipment maintenance plan that insures that federal and state investment in facilities and equipment is protected adequately. The maintenance plan should be written and include an organization and assignment of responsibility for facility and equipment maintenance, a series of inspections and routine maintenance actions designed to ensure the proper care and maximum useful service life of facilities and equipment, and a record-keeping system that maintains adequate permanent records of maintenance and inspection activity for buildings and equipment. DTR will ensure compliance through periodic on-site inspection.

14.7.1 Maintenance Requirements

Properties purchased or constructed with federal or state funds such as land, buildings (i.e. bus barns), and facilities (i.e. passenger shelters and transfer stations) should be maintained free of defects and graffiti to ensure the area is in usable condition and a safe environment. The properties must be used for the purposes described in the application and agreement.

All grant partners are required to have maintenance plans for buildings and facilities and submit them to DTR.

14.7.2 Restrictive Covenants/Deed of Restrictions

DTR requires that land and permanent buildings purchased or improved with federal or state funds have a restrictive covenant filed with the property deed. The covenant is to protect the federal interest in the property. Because passenger shelters are not permanent buildings, they are exempt from this requirement.

14.7.3 Disposition of Property

Land, buildings or facilities purchased or improved using federal or state funds may only be used for the originally authorized purpose. Such property will not be transferred to another party, disposed of, or have other liens or claims imposed, without obtaining the approval of DTR pursuant to the procedure below.

When property funded with federal or state funds is no longer needed for the originally authorized purpose, the grant partner is required to contact the DTR for disposition instructions. The options are as follows:

- Retain title of the property after compensating the awarding agency (CDOT/DTR)
- Sell the property and compensate the awarding agency (CDOT/DTR)

- Transfer title to the awarding agency (CDOT/DTR) or to a third-party designated or approved by the awarding agency

The fair market value of the property will be used when property is sold, transferred to another party, or voluntarily converted to a non-transit use by the transit agency. Grant partners must have a commercial appraisal or other fair market valuation to determine fair market value. DTR must review and approve the fair market valuation if a commercial appraisal is not used.

When compensating CDOT/DTR under the procedures identified above, CDOT/DTR receives an amount equal to the fair market value times the percent of federal or state reimbursement as identified in the original grant partner agreement. The grant partner retains an amount equal to the fair market value times the percent of match provided as identified in the original subrecipient agreement.

The disposition of property that is involuntarily converted (i.e. acts of God, other) will be negotiated on a case-by-case basis between CDOT/DTR and the grant partner.

Grant partners must reinvest any funds received from the sale of property or insurance proceeds into the transit program. Funds received by CDOT/DTR will be reinvested into the originating grant.

Grant partner responsibilities are:

- Contact DTR for technical assistance regarding any applications for federal or state funding for land acquisition or development of permanent structures
- Obtain restrictive covenants/deed of restrictions on land or permanent buildings
- Submit maintenance plans for land, buildings and facilities to DTR
- Keep an inventory of land, buildings or facilities purchased with federal funds and submitting to DTR through the Property Inventory forms
- Name CDOT/DTR as additional insured for premise insurance
- Contact DTR for assistance regarding disposal of land, buildings or facilities acquired with federal or state funds
- When disposing of property, obtain a commercial appraisal or other fair market valuation, and submit the documentation to DTR for approval
- Compensate CDOT/DTR as described above if disposing of property
- Reinvest any proceeds from the sale of property into the transit program
- Request approval for any incidental use from DTR.

14.7.4 Labor Protections for Construction Contracts

Davis-Bacon Act

For FTA programs, 49 U.S.C. 5333(a) applies Davis-Bacon Act prevailing wage requirements. The Davis-Bacon and Copeland Acts are codified at 40 USC 3141, et seq. and 18 USC 874. The Acts apply to grantee construction contracts and subcontracts that "at least partly are financed by a loan or grant from the Federal Government." 40 USC 3145(a), 29 CFR 5.2(h), 49 CFR 18.36(i) (5). The Acts apply to any construction contract over \$2,000. 40 USC 3142(a), 29 CFR 5.5(a). 'Construction,' for purposes of the Acts, includes "actual construction, alteration and/or repair, including painting and decorating." 29 CFR 5.5(a). The requirements of both Acts are incorporated into a single clause (see 29 CFR 3.11) enumerated at 29 CFR 5.5(a) and reproduced below.

(1) Minimum wages - (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

Such laborers and mechanics will be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR Part 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: provided that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph (1)(ii) of this section) and the Davis-Bacon poster (WH-1321) will be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

This provision applies only to construction projects. In the event that a project involves construction, Section 5333(a) of the Act requires the Secretary to take such action as may be necessary to ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under this Act be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary may not approve any such loan or grant without first obtaining "adequate assurance" that required labor standards would be maintained upon the construction work.

Grant partners are required to have current labor certifications and assurances from the Federal Transit Administration. These assurances should be reviewed and incorporated into subrecipient proposals and awards made for real property construction and/or renovation.

15 FEDERAL PROVISIONS

15.1 LOBBYING

CDOT and its grant partners will comply with 31 USC 1352 and USDOT regulations, specifically 49 CFR 20.110 regarding lobbying.

This certification takes effect for any project valued in excess of \$100,000 or any project with a federal loan, loan guarantee, or line of credit exceeding \$150,000:

- All applicants for, and recipients of, a federal contract, grant or cooperative agreement may not use federal funds to lobby an officer or employee of any federal agency or Member of Congress.
- Every time a potential recipient applies for or receives such a contract, grant or cooperative agreement in excess of \$100,000, it must file a written certification that states that no federal funds have been paid for lobbying.
- Applicants and recipients that use non-FTA funds for lobbying must submit a "Disclosure of Lobbying Activities" form (SF LLL) to report these activities and to identify the name of the individuals performing lobbying services. SF LLL is available online at <https://www.whitehouse.gov/sites/default/files/omb/grants/sflllin.pdf>
- Applicants and recipients must submit the Standard Form LLL as often as once per calendar quarter, depending upon whether their lobbying activities change materially. If the activities change materially, the recipient must file an additional form for that quarter. The regulation defines material changes to include:
 - a cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered federal action
 - a change in the persons or individuals influencing or attempting to influence a covered federal action
 - a change in the agency officers, employees, or Members of Congress or their employees or officers, contacted to influence or attempt to influence a covered federal action
- By law, any applicant or recipient that fails to file the required lobbying disclosure report or uses federal funds for lobbying will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Per FTA requirements, grant partners will submit the completed Standard Form-LLL to DTR, which will keep the forms on file for review by FTA and/or its contractors upon request. CDOT/DTR will submit its own completed Standard Form-LLL directly to FTA Region VIII.

15.2 SUSPENSION AND DEBARMENT

CDOT and its grant partners will comply with DOT regulations 2 CFR part 1200 ensuring that they, and their contractors and subcontractors, are eligible to participate in covered transactions and are not presently:

- Debarred
- Suspended
- Proposed for debarment
- Declared ineligible
- Voluntarily excluded
- Disqualified

This certification takes effect for any project valued in excess of \$25,000. In order to ensure that a potential contractor or subcontractor is not suspended or debarred, CDOT and its grant partners will search the System for Award Management (<https://www.sam.gov>) to verify that bidders are not on the excluded party list before the contract or subcontract is awarded. This search must be documented by using the Print Screen command.

CDOT will ensure that all grant partners certify their status with each grant agreement. CDOT will also inquire from its grant partners as to whether they have encountered any contractors who have failed to perform.

15.3 CIVIL RIGHTS (TITLE VI)

CDOT and its grant partners assure that they will comply with the following requirements to ensure non-discrimination:

- Federal transit laws, specifically 49 USC 5332
- Title VI of the Civil Rights Act of 1964 as amended, 42 USC 2000d
- The Rehabilitation Act of 1973 as amended, 29 USC 794, et seq.
- The Americans with Disabilities Act of 1990 as amended, 42 USC 12101, et seq.
- US DOT regulations, specifically 49 CFR parts 21, 27, 37, 38 and 39

CDOT requires every grant partner to submit a Title VI Plan and Program, and that grant partners must update these plans and programs no less than every three years. The CDOT Civil Rights Business Resource Center reviews the plans and programs for compliance with FTA requirements, and the files are kept with the Transit Grants Unit. In order to ensure proper compliance, CDOT provides non-discrimination training and technical assistance, on an as-needed basis, to its employees and grant partners.

15.4 DISADVANTAGED BUSINESS ENTERPRISE

All FTA recipients must use Disadvantaged Business Enterprises (s) to the greatest extent possible for the procurement of office supplies, gasoline, oil, maintenance, and other supplies necessary for the operation of their transit service.

Grant partners that receive federal planning, capital, and/or operating assistance that will have contracting opportunities (excluding transit vehicle purchases) exceeding \$250,000 in a federal fiscal year must have a DBE program and set three-year DBE goals. Those goals should focus on race neutral measures versus race conscious measures as much as possible.

Disadvantaged businesses are small businesses that are at least 51% owned by one or more socially and economically disadvantaged individuals. Socially and economically-disadvantaged individuals are defined as citizens of the United States who are: African American, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, women or other individuals so classified by the Small Business Administration (SBE).

FTA recipients are required to pay contractors performing work related to FTA-funded projects no later than 30 days after the receipt of payment for that work. In addition, FTA recipients are required to return any retainage payments to contractors within 30 days after the work related to the FTA-funded project is satisfactorily completed.

15.5 SECTION 504 AND ADA REPORTING

Section 504 of the Rehabilitation Act of 1973, (Section 504), as amended (29 U.S.C. 794), prohibits discrimination on the basis of handicap by recipients of federal financial assistance. The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.), affords equal opportunity for employment, transportation, telecommunications, and places of public accommodation for people with disabilities.

Both Sections 5310 and 5311 subrecipients must comply with 49 CFR Parts 27, 37, and 38 implementing the ADA and Section 504. These provisions:

- Prohibit discrimination against individuals with disabilities

- Specify accessibility requirements for the design and construction of new transportation facilities
- Require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs (with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities) or a demonstration of inability to obtain an accessible vehicle despite good faith efforts to do so
- Require governmental authorities, including a private nonprofit entity “standing in the shoes” of the state as a subrecipient operating fixed route transit must have complementary paratransit plans on file (effective January 26, 1992)
- Subrecipients (grant partners) of federal funds should ensure compliance in the areas of employment, public services, public accommodations, telecommunications, and other provisions.

Certification is accomplished annually through the funding application packages containing appropriate assurances.

CDOT/DTR must ensure that all vehicles acquired with Section 5311 funds are equipped, maintained, and operated in accordance with 49 CFR Parts 27, 37 and 38, unless certification of equivalent service is filed annually, and that service provided does not discriminate against individuals with disabilities. Newly constructed facilities, including joint use stops and depots for intercity bus transportation, must comply with ADA accessibility standards.

15.6 EQUAL EMPLOYMENT OPPORTUNITY

All Sections 5310 and 5311 subrecipients are required to submit to CDOT/DTR assurances indicating their compliance with FTA's Equal Employment Opportunity (EEO) objectives, as detailed in FTA Circular 4704.1.

If a grant partner meets the threshold specified in that circular (receipt of \$1,000,000 or more in the previous federal fiscal year, and 50 or more public transit-related employees), it will submit an EEO program to DTR for review and approval documenting its nondiscrimination in employment on the basis of race, color, creed, national origin, sex, age, or disability.

15.7 LABOR PROTECTION

The Federal Transit Administration (FTA) applies the Special Warranty to grants of assistance under Section 5311 (Other Than Urbanized), by reference. FTA submits these grants to the Department of Labor (DOL). CDOT/DTR is responsible for obtaining each grant partner's acceptance of the Warranty prior to the execution of the grant contract with FTA. These acceptance letters are maintained on file by the DTR.

FTA notifies the DOL that a Section 5311 grant has been awarded by forwarding a copy of the grant to the Department. The Department is then responsible for notifying the labor organizations, representing service area transit employees, of these grants and their rights under the Warranty. To facilitate this notification, each Section 5311 grant 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." 29 CFR 215.7(1)(i)

The warranty can be found on DOL's website at:

<http://www.dol.gov/olms/regs/compliance/compltransit.htm>

Initially, for FFY 2016, FTA has directed CDOT/DTR to submit forms provided by FTA directly to DOL that contain the required labor information for each of its Section 5311 grant partners. After that initial submission to DOL, DTR will update and resubmit labor information for the state with each pending Section 5311 grant in TrAMS as an attachment.

15.8 CHARTER BUS

Title 49 USC 5323 (d) significantly limits charter services provided by federally assisted public transportation operators. This is to ensure that grant partners do not use federal funds to compete against private sector operators. The regulations define charter service as follows:

(1) Transportation provided 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 characteristics of charter service:

- A third party pays a negotiated price for the group
- Any fares charged to individual members of the group are collected by a third party
- The service is not part of the regularly scheduled service, or is offered for a limited period of time

- A third party determines the origin and destination of the trip as well as scheduling.

(2) 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.

Examples of services that do not meet the definition of charter service and, therefore, are not considered charter services by FTA are:

- Service requested by a third party that is irregular or on a limited basis for an exclusive group of individuals and the grant partner does not charge a premium fare for the service and there is no third party paying for the service in whole or in part
- Shuttle service for a one-time event if the service is open to the public, the itinerary is determined by the grant partner, the grant partner charges its customary fixed-route fare and there is no third party involvement
- When a university pays the grant partner a fixed charge to allow all faculty, staff, and students to ride the transit system for free so long as the grant partner provides the service on a regular basis along a fixed route and the service is open to the public
- When the grant partner sees a need and wants to provide service for a limited duration at the customary fixed-route fare and there is no third party involvement.

The charter regulations include exemptions and exceptions:

Exemptions

Exemptions, which are not considered charter service, require no notification to registered charter providers, record-keeping, quarterly reporting, or other requirements. The charter service regulation exempts the following services:

1. Transportation of Employees, Contractors, and Government Officials: Grant partners 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.

2. 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.

3. Emergency Preparedness Planning and Operation: Grant partners are allowed to transport their employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests for emergency preparedness planning and operations.

4. Section 5310, 5311, 5316 and 5317 Recipients: The prohibitions do not apply to grant partners 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 5310, 5311, 5316, or 5317. "Program purposes" does not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted populations.

5. Emergency Response: Grant partners 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.

6. Recipients in Non-Urbanized Areas: Grant partners 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.

Exceptions

Exceptions are considered charter service and have administrative, record-keeping, and reporting requirements. The charter regulation treats as exceptions the following community-based charter services. The grant partner must retain records of each charter service provided for at least three years.

Charter service hours include time spent transporting passengers, time spent waiting for passengers, and "deadhead" hours (time spent getting from the garage to the origin of the trip and then the time spent from trip's ending destination back to the garage).

1. Government Officials: A grant partner is allowed to provide charter service (up to 80 charter service hours annually) to government officials (Federal, state, and local) for official government business, which can include non-transit related purposes, if the grant partner:

- a. Provides the service in its geographic service area
- b. Does not generate revenue from the charter service, except as required by law.

CDOT, on behalf of a grant partners, may petition FTA for additional charter service hours.

The grant partner is required to record the following information after providing such service:

- a. The government organization's name, address, phone number, and email address
- b. The date and time of service
- c. The number of government officials and other passengers
- d. The origin, destination, and trip length (miles and hours)
- e. The fee collected, if any
- f. The vehicle number for the vehicle used to provide the service

The grant partner is required to submit a copy of this report to their grant coordinator within three (3) business days of the event.

2. Qualified Human Service Organization (QHSO): A grant partner is allowed to provide charter service to a QHSO for the purpose of serving persons:

- a. With mobility limitations related to advanced age
- b. With disabilities
- c. With low income

If the QHSO receives funding, directly or indirectly, from the programs listed in Appendix A of the regulation, the QHSO is not required to register on the FTA's charter registration website.

Otherwise, the QHSO is required to register. The grant partner may provide service only if the QHSO is registered at least 60 days before the date of the first request for charter service. The grant partner is required to record the following information after providing such service:

- a. The QHSO's name, address, phone number and email address

- b. The date and time of service
- c. The number of passengers
- d. The origin, destination, and trip length (miles and hours)
- e. The fee collected, if any
- f. The vehicle number for the vehicle used to provide the service

The grant partner is required to submit a copy of this report to their grant coordinator within three (3) business days of the event.

3. Leasing of Equipment and Driver: A grant partner is allowed to lease its FTA-funded equipment and drivers to registered charter providers for charter service only if all of the following conditions exist:

- a. The private charter operator is registered on the FTA charter registration website
- b. The registered charter provider owns and operates buses or vans in a charter service business
- c. The registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated or the number of accessible vehicles operated by the registered charter provider; and
- d. The registered charter provider has exhausted all of the available vehicles of all registered charter providers in the grant partner's geographic service area.

The grant partner is required to record the following information after leasing equipment and drivers:

- a. The registered charter provider's name, address, telephone number, and email address
- b. The number of vehicles leased, type of vehicles leased, and vehicle identification numbers, and
- c. The documentation provided by the registered charter provider in support of the four conditions discussed above.

The grant partner is required to submit a copy of this report to their grant coordinator within three (3) business days of the event.

4. No Response by Registered Charter Provider: A grant partner is allowed to provide charter service, on its own initiative or at the request of a third party, if no charter provider registered on the FTA's website responds to the notice issued:

- a. Within 72 hours for charter service requested to be provided in less than 30 days, or

- b. Within 14 calendar days for charter service requested to be provided in 30 days or more.

The grant partner is not allowed to provide charter service under this exception if a registered charter provider indicates an interest in providing the charter service described in the notice and the registered charter provider has informed the grant partner of its interest in providing the service. This is true even if the registered charter provider does not ultimately reach an agreement with the customer.

If the grant partner is interested in providing charter service under this exception, it will provide email notice to registered charter providers in the grant partner's geographic service area by the close of business on the day it received the request unless the request was received after 2:00 p.m., in which case the notice will be sent by the close of business the next business day. The email notice sent to the list of registered charter providers will include:

- a. Customer name, address, phone number, and email address (if available)
- b. Requested date of service
- c. Approximate number of passengers
- d. Type of equipment requested (bus(es) or van(s))
- e. Trip itinerary and approximate duration
- f. The intended fare to be charged for the service

The grant partner will copy their grant coordinator and retain an electronic copy of the email notice and the list of registered charter providers that were sent email notice of the requested charter service for a period of at least three years from the date the email notice was sent. If the grant partner receives an "undeliverable" notice in response to its email notice, it will send the notice via facsimile. The grant partner will maintain the record of the undeliverable email notice and the facsimile sent confirmation for three years.

The grant partner is required to record the following information after providing the service:

- a. The group's name, address, phone number, and email address
- b. The date and time of service
- c. The number of passengers
- d. The origin, destination, and trip length (miles and hours)
- e. The fee collected, if any
- f. The vehicle number for the vehicle used to provide the service

The grant partner is required to submit a copy of this report to their grant coordinator within three (3) business days of the event.

If a registered charter provider indicates interest in providing charter service to a particular customer and fails to negotiate in good faith with the customer, and the grant partner was willing to provide the service, then it can file a complaint against the registered charter provider. A form for this is provided on the FTA website.

5. Agreement with All Registered Charter Providers: The grant partner is allowed to provide charter service directly to a customer consistent with an agreement entered into with all registered charter providers in the grant partner's service area. The grant partner is allowed to provide charter service up to 90 days without an agreement with a newly registered charter provider in the geographic service area subsequent to the initial agreement.

Any parties to an agreement may cancel the agreement after providing a 90-day notice to the grant partner.

6. Petition to the Administrator: CDOT (on behalf of its grant partners) may petition the Administrator for an exception to the charter service regulations to provide charter service directly to a customer for:

a. Events of regional or national significance. The petition will describe how registered charter providers were consulted and will be utilized and include a certification that the grant partner has exhausted all the registered charter providers in its service area. The petition must be submitted at least 90 days before the first day of the event.

b. Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population). The exception is only available if the registered charter providers have deadhead time that exceeds total trip time from initial pick-up to final drop-off, including wait time. The petition will describe how the registered charter provider's minimum duration would create a hardship on the group requesting the charter service.

c. Unique and time sensitive events (e.g., funerals of local, regional, or national significance) that are in the public's interest. The petition will describe why the event is unique and time sensitive and would be in the public's interest.

Petitions to the Administrator are posted at regulations.gov, which can be accessed through the FTA charter website, so they are not reported in quarterly reports. CDOT will retain a copy of the Administrator's approval for a period of at least three years.

CDOT will report quarterly on the charter activity of its grant partners using the federal Charter Reporting Tool located at <https://ftawebprod.fta.dot.gov/CharterReporting>.

15.9 SCHOOL BUS

Title 49 USC 5323 (f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. This includes the use of FTA funded vehicles for school bus service.

Exceptions to this exclusion may be made for fixed route “tripper” service. This service is defined as a fixed route that is clearly marked as open to the public, stops at regularly identified fixed route stops within the grant partner’s service area, does not have any designation such as “school bus” or “school special”, and uses a standard method of fare collection such as passes or tokens.

CDOT annually requests that all grant partners certify whether they provide any school bus service including any “tripper” services. If a grant partner identifies as providing such services, the Division of Transit & Rail will perform a service review to confirm that the grant partner is in compliance with all regulations. Such service reviews will occur every year the grant partner receives funding from CDOT. Service reviews may be conducted through documentation or, if appropriate, a site visit.

During the triennial agency reviews, the grant coordinator will also address the school bus regulation and confirm compliance with the regulation.

15.10 DRUG AND ALCOHOL PROGRAM

CDOT and its grant partners will comply with 49 USC 5331 and FTA Regulations, specifically 49 CFR Parts 40 and 655.

DTR contracts with a consultant to ensure that all of its grant partners are in compliance with the annual reporting requirements of the Management Information System (MIS) report to the FTA Volpe Center. DTR will ensure the timeliness and accuracy of the MIS reports submitted by its grant partners.

The consultant, on a regular basis, will provide training for new grant partners or new management staff.

15.11 DRUG-FREE WORKPLACE ACT

CDOT is required to have and distribute to transit related employees a written policy that states that the workplace is drug free and that it prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Employees must abide by the terms of the policy statement as a condition of employment.

Finally, CDOT is required to inform all employees that, if convicted of a drug statute violation that occurred in the workplace, they are to report it to the employer (CDOT), in writing no later than five calendar days after such a conviction.

While FTA does not require that the Drug-Free Workplace Act be passed along to subrecipients, CDOT does require that its grant partners adopt and implement a Drug-Free Workplace policy.

Appendix A : MONTHLY OPERATING REPORT

Monthly Operating Report					
Agency Name: _____		Reporting Period (mo/yr) _____			
Operating Statistics					
	Revenue Miles	Revenue Hours	Unlinked Passenger Trips	Sponsored Unlinked Passenger Trips	Total Trips
Aerial Tramway	_____	_____	_____	_____	0
BRT	_____	_____	_____	_____	0
Vanpool	_____	_____	_____	_____	0
Fixed Route	_____	_____	_____	_____	0
Demand Response	_____	_____	_____	_____	0
TOTAL	0	0	0	0	0
Safety					
Reportable Incidents: _____		Fatalities: _____		Injuries: _____	
Mobility Management/Travel Training/Brokerage					
MM/BK Calls Received: _____		Trips Handled: _____			
TT Classes Held: _____		Unique Individuals Helped: _____			
Total Individuals Provided Services: _____					
Submission:					
Individual completing this report: _____			Date submitted: _____		

APPENDIX B: SAMPLE FUNDING AVAILABILITY NOTICES

NOTICE OF FUNDING AVAILABILITY – OPERATING FUNDING

Notice of Funding Availability: 2016/17 Operating Call for Projects

The Colorado Department of Transportation (CDOT) Division of Transit & Rail (DTR) is issuing a Notice of Funding Availability (NOFA), calling for applications for funding for Administrative, Operating, and Capital Operating projects using FTA Section 5310 and 5311 funds.

Funding is available under the following FTA programs:

Section 5310

There are two funding categories and three pools under this program.

- Funding is available for the operation of programs serving seniors and persons with disabilities within Urban, Small Urban, and Rural categories.
- Funding is also available for projects funded under the Capital Operating category within the Urban, Small Urban, and Rural pools. These include:
 - Mobility Management
 - Brokerage Operations
 - Travel Training
 - Contracted Services

Section 5311

There are two funding categories under this program.

- Administration and Operating funds fixed route and demand responsive general public transit service;
- Intercity & Regional bus service [5311(f)] funds routes identified in the State Intercity and Regional Bus Plan.

Application

Interested parties are encouraged to review the attached Application Guidance and Instructions for details.

Applicants who are currently active grant partners with CDOT/DTR may apply through COTRAMS, the Colorado Transit & Rail Awards Management System. All current grant partners will have one (1) application opened for them in the system.

Current grant partners who require additional applications should contact Rob Andresen, Grants Unit Manager at rob.andresen@state.co.us and indicate the number of additional applications needed.

New applicants must request a manual application via email by contacting Rob Andresen, Grants Unit Manager at rob.andresen@state.co.us with "Operating Application" in the subject line.

Deadlines

The application period is open from **Monday, April 20, 2015** to **Friday, June 5, 2015**.

No applications will be accepted past 5:00 pm MDT on June 5.

We have streamlined the application and are using current Agency Profile data within COTRAMS. Agencies must update their profiles before submitting their application(s) as the information in the profile will be used as part of the evaluation process.

Support

For questions, please contact Rob Andresen, Grants Unit Manager at rob.andresen@state.co.us or by phone at 303.757.9766.

APPENDIX C: SAMPLE CALL FOR CAPITAL PROJECTS

SAMPLE: From the Fall 2015 Consolidated Call for Capital Projects

Persons interested in transit services:

I am writing to inform you of CDOT's Consolidated Call for Capital Projects for FASTER Transit (Fiscal Year 2017 and FY 2018) and Federal Transit Administration (FTA) Calendar Year 2016 and CY 2017 funding. FASTER Transit funds will be available for capital purchases and planning activities. FTA funds will be available only for capital projects. Projects are expected to be ready for implementation shortly after contracts are initiated and will require a 20% local match.

Attached you will find two documents you will need if you wish to submit a request for funds:

- The Call for Projects Guidance for FASTER and FTA Capital Funds, which contains all necessary information about the funding and application process, including background information, project and applicant eligibility, threshold (minimum) and evaluation criteria, selection methodology and schedule.
- The Application Tips and Vehicle Pricing document provides useful information on how best to complete the application request and also includes current pricing for CDOT's Body-On-Chassis fixed price agreement and a range of estimated costs for ADA compliant mini-vans.

It is CDOT's expectation that all current Grant Partners with access to the Colorado Transit and Rail Awards Management System (COTRAMS) submit applications through their portal (which can be found on-line at <http://cdot-transit.force.com/Portal>). If are not a current CDOT Grant Partner and do not have a COTRAMS account, you may submit a paper application to be included in the evaluation and selection process. If you require a paper application, you may request one from Jeff Sanders of DTR's Transit Planning and Infrastructure Unit. Jeff can be reached at jeffrey.sanders@state.co.us or (303) 757-9771.

Applications will be due to CDOT no later than 12:00 p.m. noon on Friday, November 13, 2015. Applicants are urged to not wait until the last moment to review application materials. By Rule, applications submitted after the due date will not be accepted. See attached Guidance document for how to submit an application and how to participate in a conference call that will be conducted to answer questions.

This is the third time that CDOT has conducted a Consolidated Call for Capital Projects. We are continuing this practice in order to reduce the number of times that local agencies need to submit applications for capital assistance, as well as to allow CDOT some flexibility in selecting the most appropriate funding source for selected projects. This approach does create some additional complexities to the process, particularly with regards to overlapping funding years and applicant/project eligibility across the various programs, but we are committed to making this a fair, open, transparent and efficient process.

Additionally, applications that request construction funding in one year only will be asked to provide a hard timeline that illustrates that the project can be implemented in a single year.

Appendix D : DBE Report Form

Page 1 - Basic Information

This page contains general background questions for CDOT's information.

* 1. Agency or Organization Name

* 2. Name of Individual Completing Survey

* 3. Email for Individual Completing Survey

* 4. How much money did your agency receive from CDOT Division of Transit and Rail this year?

* 5. Does your agency or organization have a current DOT-approved DBE program plan and overall triannual DBE goal? "DOT-approved" means approved by FHWA, FTA or FAA.

Yes

No

Maybe

If yes, include date plan approved, by which agency and current DBE overall goal:

* 6. Does your agency or organization receive money directly from FHWA, FTA or FAA? If so, from which agency and approximately how much?

Yes

No

Maybe

Agency & Amount

This page contains questions that focus on contracts that were AWARDED or COMMITTED during the second half of Federal Fiscal Year 2015 (April 1, 2015 - September 30, 2015).

* 7. Between April 1, 2015 - September 30, 2015, how many prime contracts did your agency or organization award which included FTA funds received through CDOT?

A prime contract is a contract between your agency or organization and a contractor, consultant or vendor. Contract means a legally binding relationship obligating a seller to furnish supplies or services. It includes bilateral agreements, letter contracts, and purchase orders. Do not include utilities, rent, salaries, benefits, meals, lodging, travel and conference expenses, or purchases from transit vehicle manufactures.

A repeated visit to one vendor would be considered one prime contract (i.e. if you purchase fuel from the same vendor once a week, list that as one contract). However, multiple signed contracts with one vendor should be counted separately. Insignificant purchases do not need to be factored in. All purchases under \$2500 are considered insignificant.

Prime Contracts
Awarded

* 8. Enter the total dollar amount of FTA funds received through CDOT used to finance the prime contracts included in your answer to Question 7.

If FTA funds represent a percentage of your operating budget, you may estimate this amount based upon such percentage (i.e. if your total fuel purchase was \$10,000 and 30% of your operating budget is from FTA, then include \$3,000 for this question).

FTA \$ of Prime Contracts

* 9. If any of the prime contracts included in Question 7 were awarded to a DBE, for each contract with a DBE list the DBE contractor name and the FTA portion (in dollars) of the contract. If you are not sure if a firm is a DBE, please visit www.coloradodbe.org to see if the firm is certified.

If none were awarded to a DBE, please enter "None" in the first box.

1)

2)

3)

4)

5)

* 10. Between April 1, 2015 - September 30, 2015, how many subcontracts were awarded using FTA funds received through CDOT? These should be subcontracts derived from the prime contracts included in Question 7.

A subcontract is a contract between one of your contractors, consultants or vendors and another party. Do not include utilities, rent, salaries, benefits, meals, lodging, travel and conference expenses, or purchases from transit vehicle manufactures. A repeated visit to one vendor would be considered one contract.

Subcontracts Awarded

* 11. Enter the total dollar amount of FTA funds received through CDOT used to finance the subcontracts included in your answer to Question 10.

FTA \$ of Subcontracts

* 12. If any of the subcontracts included in Question 10 were awarded to a DBE, for each subcontract with a DBE list the DBE subcontractor name and the FTA portion (in dollars) of the contract. If you are not sure if a firm is a DBE, please visit www.coloradodbe.org to see if the firm is certified.

If none were awarded to a DBE, please enter "None" in the first box.

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)
- 9)
- 10)

Payments on Contracts In Progress as of September 30, 2015

This is a new section required from the 2014 modifications to 49 CFR part 26. Please read the questions carefully. You should only be evaluating contracts that were IN PROGRESS as of SEPTEMBER 30, 2015. If the contract is complete by such date, please provide the information in the next section.

- * 13. As of September 30, 2015, how many FTA funded prime and sub contracts did you have in progress (i.e. awarded but not completed? You do not need to determine if a subcontractor has completed the work. Therefore if you have one prime who is using two subs, your answer would be three, even if one sub had already finished its work.

- * 14. Between April 1, 2015 and September 30, 2015, how much money was paid on the contracts included in your answer to Question 13? Include only the amounts paid to the prime contractor. Do not double count payments made to subs. For example, if you paid a prime \$20,000 and the prime paid a sub \$5,000, enter \$20,000, not \$25,000.

- * 15. How many of the contracts included in the answer to Question 13 are being performed by DBEs? If a single DBE has three contracts, your answer would be 3, not 1.

- * 16. How much of your answer to Question 14 was paid to DBEs? To answer this question, you would include subcontracts unless the DBE was prime contractor. For example, if a non-DBE paid a DBE \$5,000, your answer would be \$5,000. However if a DBE prime paid another DBE, do not double count the payments.

This page contains questions that focus on contracts that were COMPLETED during the second half of Federal Fiscal Year 2015 (April 1, 2015 - September 30, 2015).

- * 17. Please enter the total number of prime contracts that included FTA funds received through CDOT for which your agency or organization made final payment between April 1, 2015 - September 30, 2015.

Only FULLY COMPLETED CONTRACTS should be included in this section. Do not include utilities, rent, salaries, benefits, meals, lodging, travel or conference expenses or purchases from transit vehicle manufacturers. A prime contract is a contract between your agency or organization and a contractor, consultant or vendor. Contract means a legally binding relationship obligating a seller to furnish supplies or services. It includes bilateral agreements, letter contracts, and purchase orders. Do not include utilities, rent, salaries, benefits, meals, lodging, travel and conference expenses, or purchases from transit vehicle manufactures.

A repeated visit to one vendor would be considered one prime contract (i.e. if you purchase fuel from the same vendor once a week, list that as one contract). Insignificant purchases do not need to be factored in. All purchases under \$2500 are considered insignificant.

Prime Completed

- * 18. Enter the total dollar amount of FTA funds received through CDOT used to finance the prime contracts included in your answer to Question 17.

Completed FTA \$

- * 19. Enter the amount of dollars from your answer to Question 18 that went to DBE prime or subcontractors.

Total Federal Portion to
DBEs