



APPLICATION HANDBOOK

A GUIDE FOR APPLYING

TO THE

OKLAHOMA DEPARTMENT OF TRANSPORTATION

TRANSIT PROGRAMS DIVISION

FOR

FEDERAL FINANCIAL ASSISTANCE

UNDER THE

FTA'S SECTION 5311 – FORMULA GRANTS FOR RURAL AREAS PROGRAM

OF THE

FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST)

TO PROVIDE FINANCIAL ASSISTANCE FOR A

RURAL PUBLIC TRANSPORTATION PROGRAM

IN ASSOCIATION WITH THE

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

(UPDATED: JAN 2018)

This document was produced under a Federal grant from the Federal Transit Administration and is distributed under the sponsorship of the Oklahoma Department of Transportation in the interest of information exchange. The United States government assumes no liability for its contents or use thereof.

The purpose of this handbook is to provide prospective operators of rural transit agencies assistance in completing the application for federal financial assistance under the Federal Transit Administration's (FTA) Section 5311 – Formula Grants for Rural Areas. Prospective operators of rural transit agencies should use this handbook as a guide to completing the Section 5311 Application form.

Operators of rural transit agencies should refer to the State Management Plan (SMP) for the Administration of the Section 5311 – Formula Grants for Rural Areas Program (as amended) for additional information regarding issues such as federal reimbursement ratios, rules and regulations, monthly reporting requirements, and other issues concerning policies and procedures.

SECTION 5311 GRANT APPLICATION CHECKLIST

(NOTE: THIS CHECKLIST IS TO BE USED TO ENSURE THAT ALL THE APPLICABLE DOCUMENTS ARE INCLUDED WHEN YOU SUBMIT YOUR SECTION 5311 GRANT APPLICATION PACKAGE. FAILURE TO COMPLETE THIS SECTION WILL RESULT IN DELAY OF GRANT REVIEW.)

- 1. The documents listed below must be provided to ODOT by your agency as attachments to this application:**

GRANT APPLICATION CHECKLIST	
	Application Form
	Schedule of Routes (Must Match MYLEO.net)
	Section 5311 Coordination of Services Request Form (if applicable)
	Vehicle Roster (Must Match MYLEO.net)
	Budget Description (from MYLEO.net)
	Cost Allocation Plan (if applicable)
	Certified Indirect Cost Rates (if applicable)
	Certifications & Assurances
	Assurance of Availability to the Public
	Special Warranty (Department of Labor Section 5333(b))
	Certification of Equivalent Service
	Applicant's Notification of Intent to apply for Section 5311 Funds
	Organizational Chart
	Proof of Vehicle Insurance Coverage
	Letters of Financial Commitment
	Transit System's Three Year Plan (next 3 years beyond this program year)
	Proofs of Publications (including Notice of Opportunity for DBE)
	Route Maps
	Intercity/ Intercity Feeder Budget (if applicable)
	Executed Resolution of the Governing Board/Letter Authorizing Named Individual to Execute Certifications & Assurances
	Third party contract(s) for transit services (if applicable)
	Vehicle Maintenance Plan
	Facility Maintenance Plan
	Approved Title VI Plan
	Approved ADA Plan
	Approved EEO Plan
	Approved Disadvantaged Business Enterprise (DBE) plan
	Currently Approved Drug and Alcohol Policy

SECTION A PROGRAM OVERVIEW

This handbook is intended to be a guide to aid prospective eligible community transportation providers in applying for Federal Transit Administration (FTA) funding. The funds will come from FTA's Section 5311 –Formula Grants for Rural Areas Program. The applicant will complete the application using the electronic file, **"5311 Application Form FY2018.doc"** by following the instructions as outlined in each section below.

1. Eligibility for Section 5311 funds

- a. In this section, the applicant shall select the rural transit project's funding eligibility from the following:
 - o Government Agency
 - o Nonprofit Organization
 - o Indian Tribal

Eligible applicants include state agencies, local public bodies and agencies thereof, Indian tribes, private-nonprofit organizations, and public transportation services. Private for-profit operators of transit services participate in the program as third party contractors for eligible subrecipients rather than as subrecipients.

Eligible transit agencies must serve the general public in non-urbanized areas. Transit agencies that primarily serve elderly persons and person with disabilities, but do not restrict service to other members of the public, are considered available to the general public if they are marketed as public transit services.

If you are an Indian Tribal Agency, please select whether you would prefer oversight of the Section 5311 funding from the Federal Transit Administration (FTA) directly or the Oklahoma Department of Transportation (ODOT).

- b. In this section, if you have a third party contract(s) for transit services or for any FTA funded activities, briefly describe the services and contract(s). Be specific in describing the functions for which the third party will be responsible.

2. Project Description

In this section, the applicant should provide information that reflects a clear understanding of the proposed service area's demographics.

If this is an application to continue or expand an existing rural transit agency, services or service area(s), emphasize any new or expansion of existing services. However, if the services are basically unchanged, please be sure to mention this point within the appropriate section(s). However, you will still need to describe the services; do not simply enter something like, "The same as previously provided."

- a. Service Area Characteristics
 - (1) Describe Proposed Service Area. It is very important to set specific and clear geographic boundaries. If your agency will provide service to the entire county, list the county in your description. If your agency provides limited service in a county, list what city, community you will provide service in. Your organization will be obligated to provide service to anyone within these boundaries. Include Intercity Feeder bus service, if applicable.
 - (2) Estimate number of persons directly benefitting from this project.

(3) Give demographic characteristics of service area such as age, minority, disability, and income.

Note: Current demographic data may be obtained through the Oklahoma State Data Center of the Oklahoma Department of Commerce.

b. Route Identification/Type of Service

(1) Using the supplemental file entitled **“5311 Schedule of Routes FY2018.doc”**, describe each route to be provided, type of service to be offered (fixed route or demand response), days and hours of operation, and estimated number of passenger trips and revenue each route will produce during the program year. Be sure to include Intercity/ Intercity Feeder bus routes as well. Include this file as part of your application package. **NOTE: It is very important to be specific in your description of routes; your organization will be obligated to provide service to everyone who requests it within the parameters you set here.**

The following format must be used for the purpose of identifying routes:

XX-XX. The first two digits designate the county in which the route originates. See *Attachment 1* for listing of Oklahoma counties and their designated number. The second set of two digits designates the route. These route numbers may be alpha and/or numeric characters.

(Example: For routes originating in Caddo County, use route numbers such as 08-A1 or 08-01.)

They may also be used to identify specific types of service, such as Intercity or Meals. To standardize this process of identifying services ODOT has adopted the following set of identifiers: “I” for Intercity or feeder bus service and “M” for meals.

NOTE: Prior to application approval and Section 5311 funding, the Schedule of Routes *must* match routes listed in MYLEOnet.

For detailed information regarding intercity bus services, please refer to SECTION E. INTERCITY BUS SERVICE.

(2) Include maps reflecting all proposed routes. Please ensure each route and service is highlighted and labeled on the maps. County and City maps are available from ODOT on request.

c. Fare Policies and Rates

(1) Describe the fare policy of the proposed system, how this policy was established and adopted and the prescribed rates per route or type of service provided. Describe any special fares offered, the reasons for offering special fares, and what circumstances must exist for a person to obtain a special fare. Describe how fares, tickets, or tokens are to be distributed.

(2) Describe the process to receive and account for fares.

3. Project Management

In this section, describe the proposed management of the rural transit agency, including the delineation of responsibilities, accountability, and liability. Full liability for proper management and operation of the rural transit project is the responsibility of the applicant.

a. Decision-Making Process

Describe the decision-making process used by your agency. This would include consultation with an advisory group, such as board members, and staff.

b. Provide a copy of your Organizational Chart as an attachment to the application.

- c. Enter the number of transit related employees your agency has? This information is used to help determine Equal Employment Opportunities (EEO) requirements. See Circular C 4704.1A, as amended.

4. Fiscal Management

In this section, select the type of costs that apply to your agency. Select from the following:

- a. Direct or Indirect Costs

Select the classification of costs your agency uses. Direct costs are those cost that can be identified specifically with a particular final cost objective. 2 CFR 200.413 defines Direct Costs in more detail. Indirect costs are those that are not directly accountable to a cost objective such as general administration or facilities. 2 CFR 200.414 describes Indirect Costs in more detail.

Note: Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect (F&A) costs. See also § 200.405 Allocable costs.

- b. Indirect Cost Rate

If your agency has a cost rate, it must be approved by your agency's cognizant agency. Enter the name of your cognizant agency and the date of which the Indirect Cost rate was approved. If your cognizant agency is ODOT, and you do not have a previously approved rate on file, then please enter "pending" in the "DATE OF APPROVAL" field until ODOT approves the rate. You will need to attach the Indirect Cost Rate to the application and check the document in the required documents checklist at the beginning of the application.

- d. Indirect Cost Rate – De Minimis Rate of 10%

If your agency does not have an approved indirect cost rate by your cognizant agency, you may elect to charge a de minimis rate of 10% of the modified total direct costs per 2 CFR 200.414 (f).

- e. Cost Allocation Plan

If you have a cost allocation plan for the agency provide the name of the cognizant agency and date the cost allocation plan was approved. These costs are for support services allocated to other programs operated by the agency. This will include services necessary to sustain the direct effort involved in administering other programs. Examples of such items are central accounting, payroll, reception, agency supervisory administration, clerical services, janitorial services, office supplies, telephone service, copy services, building maintenance, and consumable supplies.

5. Operational Management

- a. Staff

- (1) Describe the administrative structure involving the rural transit project personnel.
- (2) Describe the procedures your agency will use for personnel selection.
- (3) Describe any plans for a driver's manual, safety and sensitivity training, CPR, First Aid, and physical examinations, etc.

NOTE: All drivers of vehicles designed to transport more than 15 passengers (including the driver) must have a Commercial Driver's License (CDL). Mechanics, program directors or other

staff members who drive such vehicles, must also have a CDL, even though driving such vehicles may be uncommon.

b. Drug & Alcohol Testing Program Policy

The Federal Transit Administration's (FTA) final rule on the prevention of alcohol misuse and prohibited drug use in transit operations (49 CFR Part 655) went into effect August 1, 2001 and conforms to the Department of Transportation's (DOT) drug and alcohol testing procedures rule (49 CFR Part 40).

This rule applies to direct recipients of Section 5311 funds. It requires transit operators who receive these funds to establish and conduct a multifaceted anti-drug and alcohol misuse testing program.

In this section identify the date and governing body or name of the highest ranking official authorized to approve or adopt your agency's Drug and Alcohol Testing Program Policy.

NOTE: *If your agency has not provided an updated policy that is in compliance with the FAST Act, you will need to provide an updated policy with this application as well as recertify the governing body or highest ranking official.*

c. Vehicle Management

(1) Vehicle Maintenance Program

In this section, describe the vehicle maintenance program your agency will be using. A vehicle maintenance program is important to the success of any transit operation. Each vehicle, as a minimum, should have a log book to record mileage, fuel, tire replacement and vehicle repairs.

(2) Vehicle Roster

Using the supplemental file entitled "**Vehicle Roster FY2018.doc**", provide a list of all the vehicles your agency is proposing to incorporate into the rural transit project's fleet. Include this file as part of your application package.

The vehicle roster attachment is divided into two sections: (a) vehicles purchased with FTA funds (Section 5311, 5309, 5310, 5316, 5317, 5339, etc.) and (b) vehicles acquired through other funding sources. Only those vehicles listed on this roster will be eligible for reimbursement of operating costs. This roster must be updated by your agency as vehicles are added or removed from service.

All vehicles used by the rural transit project to provide transit services must comply with Federal Motor Vehicle Safety Standards.

NOTE: *Prior to application approval and Section 5311 funding, MYLEOnet **must** match the Vehicle Roster in this application (including the details associated such as make, model, year, etc.)*

d. Transit Facility Management

In this section describe the provisions being proposed for passenger safety and comfort such as route and bus stop markings, benches, shelters, offices or terminals. Describe how these facilities will be maintained. All facilities must meet the design standards issued by the Architectural and Transportation Barriers Compliance Board.

e. Insurance Coverage

In this section identify your agency's vehicle insurance liability coverage. Listed below are the Oklahoma minimum limits of insurance coverage permitted:

- o Liability
 - Bodily Injury \$ 175,000.00 each person
 - Property Damage \$ 25,000.00 each occurrence
 - All Claims & Coverage \$ 1,000,000.00 each occurrence
- o Comprehensive
 - Deductible to be determined by local operator
- o Collision
 - o Deductible to be determined by local operator

The premiums paid for vehicle insurance is an eligible expense. However, only the costs to insure those vehicles that have been recorded on an approved vehicle roster are eligible.

Applicants need to be aware that the vehicle insurance rates applied to public transportation operations are, as a rule, considerably higher than the rates applied to most social service programs. The applicant must solicit bids from several (at least three), insurance companies. Competitive bidding is required for all procurements.

6. Marketing Plan

a. Public Awareness

In this section describe the marketing techniques your agency will use to publicize the rural transit agency. These efforts should include a description of how public transportation will be emphasized and how the general public will be informed of your rural transit project.

A list of routes and schedules must be available for review by the public. If a significant change is made in routing, a special notice of this change should be made. Routes and schedules must be posted in public places within the service area.

b. Vehicles

In this section describe the process your agency will use to determine if any vehicles will need to be re-signed or re-painted. Vehicles must be painted and signed in a manner that depicts them as open to public use. The material to be used for the signing must be of a permanent nature. Magnetic signs are not acceptable.

The cost for the initial signing of newly acquired vehicles is considered as part of the vehicle's acquisition cost and may be included as a cost of capital. All vehicles used to provide transit services must be signed before being placed into service. The initial signing of all newly acquired vehicles must be done within thirty days of its delivery.

Applicants presently owning equipment may need to re-sign their existing vehicles. The re-signing of vehicles is an operational maintenance cost and is therefore charged to the "Vehicle Maintenance" line item. This additional cost, if any, should be taken into consideration when preparing your proposed budget.

Also, discuss in this section the status of registering for an OK/USDOT Number. Any operator of a for-hire commercial motor vehicle that:

- o Has a GVWR of 10,001 pounds or more;
- o Designed or used to transport more than 8 passengers (including the driver), for direct compensation. For more information, go to www.occcweb.com

SECTION B PUBLIC INVOLVEMENT

In this section, you will describe how your organization has involved the public in the planning and development of the rural transit project. Identify opportunities afforded persons with disabilities, the economically disadvantaged, minorities and other members of the community to communicate their transportation needs. Define which systems are in place or will be in place to provide continued public involvement throughout the life of the rural transit project.

1. Planning and Development

Describe how your organization will involve or has involved the public in the planning and development of the rural public transportation program.

2. Public Notices

Provide a copy of the proof of publication for each notice as attachments to this application. If a hearing has been held or will be held, include a copy of the transcript. Applicants must afford the public an opportunity to comment on their proposed rural transit project. To accomplish this, an applicant may choose to either:

- publish legal notices for an *"Opportunity for Public Hearing"* for two consecutive weeks (i.e., two Thursdays in a row), with a cutoff date for receiving public responses 14 days after the second notice has been published; **or**
- publish legal notices for a *"Notice of a Public Hearing"*, which requires two legal notices, the first of which must be published 30 to 40 days prior to the date of the hearing. The second notice is to be published 5 to 12 days prior to the dates of the hearing. The cutoff date for receiving written responses is 10 days after the hearing date.

Public notices shall be published in newspapers having a general circulation in the vicinity of the proposed rural transit project.

All public hearings should be held at a place and time generally convenient for persons affected by the proposed rural transit project. Provisions should be made at the hearing for submission of written statements, exhibits and oral statements.

3. Public Forums

Provide a short narrative of your agency's plans to hold at least 2 public/open forums during the program ye taxi cab services, public and tribal transit Notice of an Opportunity for a Public Hearing

EXAMPLE

NOTICE OF AN OPPORTUNITY FOR A
PUBLIC HEARING REGARDING
A PUBLIC TRANSPORTATION PROJECT

All interested persons are hereby given notice that the (Agency Name) is seeking financial assistance from the U.S. Department of Transportation, Federal Transit Administration, for the purpose of

operating a rural public transportation project. Grant funds will be used to *(project name and describe project services, including location, equipment to be purchased, etc.)*.

If any person desires a public hearing to consider the social, economic and/or environmental effects of the proposed project, may submit their request in writing to the *(appropriate local official and mailing address)* by no later than *(14 days after the second advertisement is published)*.

A copy of the grant proposal is currently available for public inspection and copying at *(list the street address of a county office or facility in each county where service is proposed)*.

Notice of a Public Hearing

EXAMPLE

NOTICE OF A PUBLIC HEARING REGARDING
A PUBLIC TRANSPORTATION PROJECT

Notice is hereby given that a public hearing will be held by *(Agency Name)* at *(street address of hearing location)* at *(time and date)* for the purpose of considering a project for which financial assistance is being sought from the U.S. Department of Transportation. Grant funds will be used to *(project name, describe project services, including location, equipment to be purchased, etc.)*

At the hearing, the *(Agency Name)* will afford interested persons or agencies an opportunity to be heard with respect to the social, economic and environmental aspects of the project. Interested persons may submit oral or written evidence and recommendations with respect to said project.

A copy of the grant proposal is currently available for public inspection at *(street location)*.

EXAMPLE

NOTICE OF OPPORTUNITY FOR DISADVANTAGED BUSINESS ENTERPRISES

All interested persons are hereby given notice that the **AGENCY NAME** is seeking financial assistance from the U.S. Department of Transportation for the purpose of operating a Section 5311 rural public transportation program during FY-2018. The **AGENCY NAME** has established a Disadvantaged Business Enterprises (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

The **AGENCY** is giving public notice that it wishes to abide by the policy established by the U.S. Department of Transportation. DBEs interested in the opportunity to compete for and perform contracts with the transit program for the services listed below may contact **TRANSIT DIRECTOR**, Director of **TRANSIT NAME, STREET ADDRESS, CITY, OK, ZIP CODE** or call **TELEPHONE NUMBER**.

ANTICIPATED CONTRACTING OPPORTUNITIES ARE AS FOLLOWS:

- Audit
- Advertising
- Legal
- Training Program
- Bookkeeping Services
- Vehicle/Building Insurance
- Office Supplies
- Printing Services
- Fuel/Oil
- Vehicle Maintenance
- Building Maintenance
- Equipment Maintenance/Repairs

(NOTE: THESE CONTRACTING OPPORTUNITIES ARE SUGGESTIONS ONLY. THEY MAY NOT ALL APPLY TO YOUR PARTICULAR SYSTEM OR YOU MAY HAVE OTHER OPPORTUNITIES NOT LISTED. PLEASE MAKE SURE YOU LIST ALL OPPORTUNITIES THAT APPLY TO YOUR SYSTEM.)

SECTION C COORDINATION

Congressional intent and various Departmental regulations require coordination efforts be made in public transportation systems. This section addresses coordination in three parts: private enterprise, governmental agencies and human services. Each part is an essential element of the application.

1. Private Enterprise Involvement

a. Information Requirements

In order for Oklahoma Department of Transportation to make the required assurances to the Federal Transit Administration, each Section 5311 Program application must include the following information as appropriate:

- (1) Provide a listing of all private providers operating within your proposed service area.
- (2) Explain your agency's process for providing written notice to private providers of proposed services.
- (3) Describe all forums, meetings hearings, or other opportunities given for involving the private sector early in the project development process.
- (4) Provide your agency's process for reviewing private sector proposals offered for consideration and the rationale for inclusions or exclusions.
- (5) Describe the criteria for making public/private service decisions including the methodology for making true cost comparisons when there are two or more operators interested in providing service.
- (6) Describe the methods for periodically reviewing services to determine whether they can be provided more efficiently by the private sector.
- (7) Provide a description and status report, if applicable, on any unresolved complaints received from private operators.
- (8) Describe how your agency's grievance procedure allows the complaints of other providers of private transportation services to be heard in a fair and equitable manner.

Any documentation of coordination efforts such as letters of support, formal agreements or minutes of meetings will be placed on file with the applicant.

Purchase of service agreements or contracts with private operators can be used to augment the services of the rural transit project. The level of service (estimated time of day, frequency and service area) provided through a purchase of service agreement must be reasonable and in keeping with the goal of the program to enhance the mobility of people in non-urbanized areas.

2. Route Authority – Intra-City Operations

In this section, provide a brief narrative explaining the process used to determine if any special permits and/or licenses are required. Include copies of required permits and/or licenses.

If the project or part of the project is within a municipality, a city franchise may be necessary. The applicant should contact local authorities within the proposed service area to determine the existence of a statute, ordinance or regulation governing the type of operation proposed. The applicant should acquire all necessary permits and/or licenses.

3. Coordination of Existing Resources

In this section, describe how your agency's public transit services are or will be coordinated with social service agencies and private transportation providers in the service area.

The Oklahoma Department of Human Services (DHS) has been active in providing transportation for certain segments of the population. Resources used to fund these programs could be pooled into one transit effort in a rural transit project's service area, incurring benefits for all parties. Monies and vehicles brought under one umbrella would prevent duplication of services. This is the ultimate objective of coordinated transportation services. Each applicant must document and submit all activities pursued to achieve this goal. A list of the information about existing public transportation providers must be included.

It is both Congressional and U.S. DOT intent that monies made available under the Section 5311 Program augment rather than replace existing transportation resources. Although there is no formal "maintenance of effort" requirement, each applicant should assure that local transit funding will continue.

If the applicant has purchased or operated vehicles within two years prior to the date of submitting an application for Section 5311 Program funding, list the amount and sources of funds used and the efforts made to integrate these assets or operational funds into rural transit project.

Note: Coordination with other existing 5311, all Public and Tribal Service Providers will require a Section 5311 Coordination of Services Request Form. This form must be included with your application.

SECTION D PROJECT BUDGET

Section 5311 Program funds are available in two categories; (1) non-operating and (2) operational. The non-operating category includes both capital and administrative costs. The Federal participation for these funding categories is outlined in detail in the State Management Plan (SMP) for the Administration of the Section 5311 – Formula Grants for Rural Areas Program (as amended).

The project budget should clearly identify all sources of financial support for the program, including federal, state and local participation.

The cost of a standard vehicle is reimbursed at the rate of 80 percent of the cost.

- When seeking reimbursement for the cost of acquiring vehicles **required solely** to meet the requirements of the Americans With Disabilities Act of 1990 (ADA), as amended, or the Clean Air Act (CAA), as amended, you may claim the total price of the vehicle plus the cost of the accessible or clean air related equipment as a single cost. The federal share will be 85% of the total price (not to exceed the limit of your agency's allocation for capital) with the rural transit project paying 15% local match.

The local share required is outlined in the SMP. The applicant should refer to this document for local share requirements.

- One-half of the required local shares must be provided from sources other than federal funds or revenues from the operation of the system. The other one-half of the local share may consist of unrestricted federal funds from other federal programs. Funds are unrestricted when a federal agency permits its funds to be used to match other federal programs. Project applicants are ultimately responsible for identifying unrestricted funds. The applicant should refer any questions regarding funding restrictions to the appropriate federal grantor agency.
- In-kind (cash equivalent or soft match) is allowed under the Section 5311 Program, but must be documented according to standard accounting procedures.
 - In-kind is defined as: The intrinsic value of goods and service provided by a third party that directly benefits the rural transit project.
 - Example of an in-kind contribution would be a local merchant volunteering to print rural transit project's route schedule. The value of the printing service may be counted as an in-kind cost to the rural transit project.
 - An example that is **not** considered as an in-kind contribution would be the value of office space in a building that is owned by the contracting agency. However, the value or cost to use the space would be a direct expense by the contractor and would be treated as a direct cost to the rural transit project. This cost is limited to the **actual** expense incurred by the contacting agency.

If you are not certain as to whether a cost is eligible for reimbursement or as to where the cost should be shown or you anticipate a cost item not listed, contact the ODOT's Transit Programs Division for assistance.

When preparing your budget keep the following issues in mind:

- All line item amounts will reflect true cost,
- All line item amounts should be rounded to the nearest ten dollars.
- All capital purchases should be listed separately with estimated costs on the Budget Description.

- Each employment classification shall have an assigned monthly salary or hourly rate of pay along with the number of persons assigned to work within the classification.
 - When calculating salaries, estimated expenses should be calculated using the following methods:

EXAMPLE:

- For positions paid at a monthly rate use:

Director	$\$45,000.00 \times 100\% =$	$\$45,000.00$
Supervisor	$\$28,000.00 \times 75\% =$	$\$21,000.00$
- For positions paid at an hourly rate use:

Drivers	$2080 \text{ hours} \times \$8.00 \times 3 =$	$\$49,920.00$
	$1040 \text{ hours} \times \$6.50 \times 4 =$	$\$27,040.00$
Clerks	$2080 \text{ hours} \times \$9.50 \times 1 =$	$\$19,760.00$
	$520 \text{ hours} \times \$6.50 \times 1 =$	$\$3,380.00$

1. Budget Description - Section 5311

Enter your True Cost into MYLEO.net for the new program year. You must list all applicable expense categories as well as a description of the expense for each category, as described above.

After you have completed the budget, export the budget to an excel file and include it with the application.

The following pages illustrate a typical budget with samples of item descriptions.

EXAMPLE

PRAIRIE COUNTY PUBLIC TRANSIT SYSTEM SECTION 5311 BUDGET DESCRIPTION

For the Fiscal Year Ending September 30, 2017

CAPITAL:

Vehicles - Replacement

1. One ADA-compliant 21 passenger vehicle to be used in western Prairie County.

Estimated cost:	\$56,500.00	Federal %: 85%	Federal Amount: \$48,025.00
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2. One ADA-compliant 7 passenger min van to be used in southern Prairie County. This vehicle is being purchased with Section 5310 funds, therefore, no federal participation is required.

Estimated cost:	\$55,000.00	Federal %: 00%	Federal Amount: \$0.00
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Vehicles - Expansion

N/A

Estimated cost:	---	Federal %: 85%	Federal Amount: ---
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Access-related Equipment

N/A

Estimated cost:	---	Federal %: 85%	Federal Amount: ---
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Communication Equipment

1. One 2-way radio base unit that will be used by the dispatcher to communicate with drivers in vehicles.

Estimated cost:	\$ 1,400.00	Federal %: 80%	Federal Amount: \$1,120.00
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2. Two 2-way mobile radios to be installed in new buses to tie in with existing communication system.

Estimated cost:	\$ 1,200.00	Federal %: 80%	Federal Amount: \$960.00
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Equipment – For the purchase of non-expendable personal property with an expected life of more than one year and an acquisition cost of \$1,000.00 or more per unit.

Personal computer to be used to maintain records, prepare reports, claims and correspondence.

Estimated cost:	\$ 2,750.00	Federal %: 80%	Federal Amount: \$2,200.00
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Miscellaneous – For allowable capital items not specifically categorized above. Summarize purchases as noted above. The item or items must have a useful life of more than one year and an acquisition cost of \$1,000.00 or more per unit.

N/A

Estimated cost:	---	Federal %: 80%	Federal Amount: ---
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CAPITAL TOTAL:	\$116,850.00	FEDERAL AMOUNT:	\$52,305.00
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EXAMPLE

ADMINISTRATION:

Director's Salary

Pay the director's salary, who works 100% of the time on the transit program.

Budgeted amount \$ 30,000.00

Secretary's Salary

To pay the rural transit project's share for secretary's salary. Secretary works approximately 50% of the time, maximum hourly pay rate is \$9.00.

(2080 X \$9.00) X 50%

Budgeted amount \$ 9,360.00

Bookkeeper's Salary

To pay contracted bookkeeper's rate at \$300.00 per month.

(12 X \$300.00)

Budgeted amount \$ 3,600.00

Fringe, Administrative

Fringe benefits for employees working on the rural transit project.

(\$30,000 + \$9,360 + \$3,600) X 9.45%

Budgeted amount \$ 4,060.00

Audit - The methodology for calculating the auditor's fees must be reviewed and approved by the ODOT's audit branch prior to entering into a formal agreement for audit services.

To pay the portion of an audit that applies to the rural transit project.

Budgeted amount \$ 2,500.00

Legal Service

Attorney's fees for review of contracts and other legal matters regarding the rural transit project.

Budgeted amount \$ 1,000.00

Travel, Administrative

Necessary travel directly relating to the administrative duties of the rural transit project.

Budgeted amount \$ 3,000.00

Advertising

Advertising as a facet of marketing to promote the program and to pay for required legal notices.

Budgeted amount \$ 3,000.00

Subscriptions/Membership fees

Pay expenses of membership in professional organizations such as OTA and SWTA memberships, and for periodicals & newsletters relating to public transportation issues.

Budgeted amount \$ 5,000.00

Training Program

To pay expenses for rural transit project personnel to attend workshops, conferences and special training seminars that directly relate to the public transit services.

Budgeted amount \$ 6,000.00

Office Furnishings - This line item is for the purchase of non-expendable personal property with an expected life of more than one year and an acquisition cost of less than \$1,000.00 per unit and office furnishings which are acquired via a lease agreement.

1 copy machine for transit office @ \$450.00; 2-two-drawer filing cabinets @ \$205.00 each.

Budgeted amount **\$ 860.00**

Indirect Costs, Administrative - The methodology used to allocate the indirect cost rate must be reviewed and approved by the ODOT's audit branch.

Costs incurred by the contracting agency for goods or services that benefit more than one program which rural transit project receives indirect benefit, less salaries and fringe. The established rate of 16.58% has been approved by ODOT.

(\$18,775 X 16.58%)

Budgeted amount **\$ 3,120.00**

Alcohol and Drug Testing

Costs incurred to implement and maintain an alcohol and drug testing program (5 Pre-employment + 12 Random (10 Drug & 2 Alcohol) + 3 Reasonable Suspicion + 5 Post-Accident tests @ \$40.00 per test)

Budgeted amount **\$ 1,000.00**

ADMIN. TOTAL: **\$72,500.00**

FEDERAL AMOUNT (80%): **\$58,000.00**

EXAMPLE

OPERATING:

Supervisor Salary

To pay the wages for supervisor working directly on the rural transit project.
(2080 X \$10.00)

Budgeted amount \$ 20,800.00

Dispatcher Salary

To pay the wages for 2-F/T and 1-P/T dispatchers working directly on program.
(2 X 2080 X \$6.50) + (2080 X \$6.00 X 50%)

Budgeted amount \$ 33,280.00

Clerk Salary

To pay payroll clerk's salary working 25% of the time on the rural transit project payroll. (2080 X \$6.00 X 25%)

Budgeted amount \$ 3,120.00

Driver Salary

To pay the wages for drivers working directly on the rural transit project. Included is the value of donated labor for one F/T driver @ \$15,600.00
(6 X 2080 X \$7.50) + (3 X 1040 X \$7.00) + (180 X 6.00)

Budgeted amount \$116,520.00

Mechanic Salary

N/A

Budgeted amount ---,---

Fringe, Operating

Fringe benefits for employees of the agency who work on the rural transit project. (20,800 + 33,280 + 3,120)9.45% + (116,520-15,600)16.29%

Budgeted amount \$ 24,390.00

Travel, Operating

Necessary travel directly relating to the operational duties of the rural transit project.

Budgeted amount \$ 6,000.00

Vehicle Insurance

Fleet insurance (liability, comprehensive, collision, and personal injury) for the rural transit project vehicles

Budgeted amount \$ 10,000.00

Insurance, other

Insurance cost for rural transit project facilities and the contents of such facilities.

Budgeted amount \$ 3,000.00

Office/Garage Space - All facilities must be appraised by the ODOT's appraisal branch. Their assessment of the facilities' value will establish a maximum limit that will be allowed as a cost to the program. Expenses associated with facilities owned by the contracting agency are limited to actual costs only.

To provide administrative and operational facilities for the rural transit project. Cost includes utilities and is based on new space allocations determined by ODOT appraiser.

Budgeted amount \$ 5,400.00

Supplies

Expendable materials and supplies such as clip boards, paper, and pencils.

Budgeted amount **\$ 8,500.00**

Telephone – List all site locations.

To provide all communication service for the rural transit project.

Budgeted amount **\$ 2,100.00**

Utilities – List all site locations.

N/A

Budgeted amount **---,---**

Printing

Printing of brochures, handbills, schedules, and tickets. Included is the value of donated supplies and labor @ \$500.00.

Budgeted amount **\$ 3,000.00**

Postage

Postage necessary for rural transit project correspondence

Budgeted amount **\$ 500.00**

Interest Expenses - Prior approval must be obtained from the ODOT before the cost may be incurred.

N/A

Budgeted amount **---,---**

Fuel

Fuel for Section 5311 program vehicles. Included is the value of donated fuel @ \$3,000.00.

Budgeted amount **\$ 25,000.00**

Vehicle Maintenance/Repairs

To provide the necessary maintenance, repair, or upkeep of program vehicles to keep vehicles in efficient operating condition.

Budgeted amount **\$ 15,000.00**

Building Maintenance/Repairs

To provide the necessary maintenance, repair or upkeep of program facilities.

Budgeted amount **\$ 10,000.00**

Equipment Maintenance/Repairs

For the purchase or repair of equipment such as a floor jack or a hand drill, also for the replacement of worn-out tools such as a drill bit.

Budgeted amount **\$ 5,000.00**

Indirect Costs, Operating - The methodology used to allocate the indirect cost rate must be reviewed and approved by the ODOT's audit branch.

N/A

Budgeted amount **---,---**

Fees and licensing

Vehicle licenses, vehicle title fees, and other fees relative to the operation of the Section 5311 program.

Budgeted amount **\$ 400.00**

Transportation Service Agreement

Expenses incurred for purchase of taxi and other transportation services provided by an agency or transportation provider other than the contracting agency.

Budgeted amount \$ 50,000.00

Vehicle Service Agreement

N/A

Budgeted amount ---,---

Equipment Service Agreement

For the maintenance of office equipment under contract or on a single job basis. The service provided is for repair or maintenance only.

Budgeted amount \$ 1,200.00

Miscellaneous - Summarize all proposed purchases.

N/A

Budgeted amount ---,---

OPERATIONAL TOTAL:	\$343,210.00		
LESS FAREBOX:	<u>41,180.00</u>	<i>(12%)</i>	
NET OPERATIONAL TOTAL:	\$302,030.00	FEDERAL AMOUNT (50%):	\$171,605.00
GRAND TOTAL LESS FAREBOX:	\$491,380.00	GRAND TOTAL FEDERAL AMOUNT:	\$281,910.00
		AMOUNT OF FEDERAL FUNDS ALLOCATED:	\$250,000.00
		AMOUNT REQUIRED TO MATCH TRUE COST BUDGET:	\$31,910.00

2. Identification of Sources of Funds - Section 5311

In this section identify all sources of local funding support for the transit program, including cash and value of in-kind services.

NOTE: For every source of project support, submit a letter of monetary commitment or support from the contributor as an attachment to the application.

The following tables are examples of Identifying Sources of Funding:

Part A: Identify the local funding your agency will apply to match the **FTA Section 5311 allocation**.

PART A – IDENTIFICATION OF FUNDS APPLIED AS SECTION 5311 FEDERAL MATCH		
1.	LogistiCare Contract	\$ 2,400.00
2.	State PTRF	\$10,000.00
3.	In-Kind (cash equivalent)	\$15,000.00
4.	Cash on Hand	\$ 00.00
PART A SUB-TOTAL – LOCAL MATCH		\$27,400.00

Part B: Identify any **ADDITIONAL** funding (**overmatch**) your agency will apply as match towards the remaining true cost budget (*True cost budget less Section 5311 allocation*).

PART B – ADDITIONAL FUNDING APPLIED TOWARDS BALANCE OF TRUE COST BUDGET		
1.	City of Selma	\$1,800.00
2.	City of Reedley	\$ 950.00
PART B SUB-TOTAL - LOCAL MATCH		\$2,750.00
TOTAL LOCAL SHARE (PART A + PART B = TOTAL LOCAL SHARE)		\$30,150.00

3. Identification of In-Kind and Cash Funding Sources – Section 5311

If In-Kind funding or Cash is identified within Parts A or B above, identify the donated value of goods and services provided by a third party, as well as any applicable Cash on Hand. In-kind contributions represent eligible project costs provided by a third party to the Agency for satisfying the non-Federal share (also known as “match”) requirements of a Federal-aid project (Section 5311). Examples of in-kind contributions include donated services, materials or goods, and equipment. The use of in-kind contributions to satisfy non-Federal match requirements must be pre-approved by ODOT Transit Programs Division **prior** to the approval of your application

IDENTIFICATION OF IN-KIND AND CASH FUNDING SOURCES		
In-Kind:		
1.	Bookkeeping services provided by City of Fresno	\$ 2,400.00
2.	Printing Supplies and Labor	\$ 1,600.00
3.	Donated Fuel From County	\$ 11,000.00

SUB-TOTAL	\$ 15,000.00
Cash	<u>\$ 00.00</u>
TOTAL	\$ 15,000.00

4. Computation of Expenses Incurred – Section 5311

In this section identify all applicable rates to your public transit program.

COMPUTATION OF EXPENSES INCURRED		
Fringe Rate:		
	PERCENTAGE RATE	DESCRIPTION OF RATE
	6.7%	FICA
	2.1%	Unemployment
	5.2%	Worker's Compensation
	4.5%	Health Insurance
	<u>10.0%</u>	Accrued Earned Annual Leave and Sick Leave
Total Fringe Rate:	28.5%	

SECTION E INTERCITY FEEDER BUS SERVICE

1. Intercity Feeder Bus Service Description

In this section, write a narrative describing your proposed intercity feeder service. This will include any "feeder bus service" designed to connect rural transit services with major intercity carriers. Be sure to differentiate new service from the expansion of an existing service. If the proposed service is a continuation of an existing service without significant changes from the previous year, indicate that in the description of service. Feeder service must make meaningful connections with an intercity carrier that provides services to more distant points. For the purpose of this program the term, a "meaningful connection", is defined as a publicly advertised transit operating scheduled trips that would permit the transit user access to intercity bus service within five hours of its arrival/departure time. Intercity feeder bus routes must make a direct connection to a bus station that is serviced by an intercity carrier.

2. Intercity Feeder Service Estimated Costs

Provide an estimated cost to provide each intercity route. This cost may be computed by multiplying the estimated annual miles of service by an estimated annual cost per mile of operation less estimated fare box revenues. Provide an estimated cost for, and the methodology (show the math in the spaces provided in the application) used in determining the costs associated with each intercity route. You may use other methods for determining the cost of intercity service, but the methodology used must be approved by ODOT.

NOTES:

- a. *All Intercity routes should be included in your schedule of routes provided by ODOT.*
- b. **ALL INTERCITY ROUTES ARE TO BE DESIGNATED WITH THE ALPHA CHARACTER "I" FOLLOWED BY AN ALPHA OR NUMERICAL CHARACTER.**

3. Intercity Feeder Service Budget

In this section, indicate whether you will be incorporating the Intercity-related expenses into your Section 5311 budget or providing a separate budget.

NOTE: *The following section is to be completed only if your agency plans on providing an intercity budget in addition to (and separate from) the regular Section 5311 budget.*

If you plan on providing a separate budget illustrating those expenses directly relating to intercity bus service, contact the Transit Programs office and request the template budget files to be used.

These files will be included as part of your grant application package. The format will be the same as used in SECTION D. Project Budget. Use the same line items and rates of reimbursement used for the regular transit service.

Show methodology for determining the costs associated with intercity service. You may determine the percentage of all service that the intercity service constitutes and apply that percentage to the total cost of all proposed service. This will give a basis to determine the estimated cost of intercity service for budget purposes. You may use other methods for determining the cost of intercity service. The methodology used must be approved by the ODOT. Reimbursement of intercity service will be for costs incurred directly for provision of intercity service. Rates of reimbursement will be identical to rates for regular transit services.

SECTION F

DISADVANTAGED BUSINESS ENTERPRISES (DBE) CONTRACTING OPPORTUNITIES

In this section, the applicant will list all program purchases which represent a DBE contracting opportunity and to establish a total dollar amount that is anticipated to be obligated for goods and services such as: office supplies, vehicle insurance, fuel and vehicle maintenance.

Subrecipients of Section 5311 Program funds must take necessary and reasonable steps to ensure that Disadvantaged Business Enterprises (DBE) have the maximum opportunity to compete for and perform contracts. Sub-recipients of Section 5311 Program funds in excess of \$250,000.00, exclusive of transit vehicles purchases, are required to prepare and submit a DBE Program.

Subrecipients who do not exceed this threshold are not required to prepare and submit a DBE Program, but must take necessary and reasonable steps to ensure the that DBE firms have the maximum opportunity to compete in all of the rural transit project's contracting opportunities.

Record keeping and reporting sufficient for verification of steps taken and participation achieved will be assessed by ODOT. These activities convey a process for identifying and soliciting DBE firms for contracting opportunities.

SECTION G ASSURANCES

BEFORE A GRANT CAN BE AWARDED, THE APPLICANT MUST SIGN ALL APPLICABLE CERTIFICATIONS AND ASSURANCES AND ATTACHMENTS, AND SEND TO ODOT/TRANSIT PROGRAMS DIVISION UNDER SEPARATE COVER.

1. Assurances
 - Certifications and Assurances (FTA Appendix A)
 - Special Warranty (Department of Labor, Section 5333(b))
 - Assurance of Availability to the Public
2. Attachments to this Handbook
 - County Names with Corresponding Numbers
 - How to Request a Special Section 5333(b) Warranty
 - DOL Processing Of Requests for Waiver

**FEDERAL FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION
SECTION 5311 ASSISTANCE PROGRAM**

At the beginning of each fiscal year, FTA publishes in the *Federal Register* a compilation of the various certifications and assurances. Each applicant is required to execute certifications and assurances, thereby agreeing to comply with all applicable requirements for FTA assistance in that fiscal year. For specific information regarding these requirements, the applicant should refer to FTA Circular 9040.1, as amended. The circular contains, in general, what certifications and assurances may be required of the applicant for assistance from the Section 5311 Program. Note, however, this will be superseded by the most current version of FTA's certifications and assurances.

Please note: ODOT will not execute an agreement until the certifications and assurances have been completed and submitted to the Transit Programs Division.

Department of Labor, Section 5333(b) Warranty

As a condition to receive financial assistance under the Section 5311 Program, 49 U.S.C. § 5333(b) requires that fair and equitable arrangements must be made to protect the interest of employees affected by such assistance. The Department of Labor (DOL) is responsible under Federal law for the administration of Section 5333(b).

The Department of Labor and US DOT have agreed upon a Section 5333(b) Warranty (Special Warranty) for recipients of Section 5311 Program funds, which the Secretary of Labor certified on May 31, 1979. The Special Warranty contains standard terms and conditions, which are shown in FTA C 9040.1G, as amended. The Special Warranty provides that, in absence of a DOL granted waiver, the terms and conditions of the Special Warranty shall apply for the protection of the transportation related employees of the recipient of Section 5311 Program funds and the transportation related employees of any other surface mass transportation provider operating within the Community Transportation Program's service area.

The Community Transportation Program Contractor must agree to the Special Warranty.

Applicants for Section 5311 Program assistance shall address the statutorily mandated labor protection provisions by (1) executing the Special Warranty developed by the U.S. Departments of Labor and Transportation; or (2) requesting and receiving approval for a waiver of the required protection from the Department of Labor. A designated legally responsible party, other than the applicant, may execute the Special Warranty.

A copy of "Rural Transportation Employee Protection Guidebook," published by the Department of Labor is available from the ODOT's Transit Programs Division. Due to the complexity of the labor protection provisions and the potential consequences of non-compliance, the applicant is encouraged to secure this publication and, in consultation with an attorney, become familiar with the obligations contained therein.

The application must contain a signed acceptance of the Special Warranty, a list of current transportation providers and labor organizations in the proposed service area and an acceptance of the method of mediation should a dispute arise. A waiver request may also be submitted to the Department of Labor and a copy attached to the application.

The application must contain the applicant's proposed appeal procedure for settling a dispute with an alleged impacted employee.

DISCLAIMER

The Section 5333(b) Special Warranty which follows is a modified version of the form developed by the U.S. Department of Transportation and the Department of Labor. However, it should be noted that the Oklahoma Department of Transportation is precluded by law from signing the warranty and serving as a party thereto. The Section 5311 RECIPIENT (or the designated legally responsible party) shall be fully responsible for compliance with the terms and conditions of the Special Warranty.

EXECUTE THE FOLLOWING:

SECTION 5333(B) SPECIAL WARRANTY
FOR APPLICATION TO THE
RURAL PROGRAM

The following language shall be made part of the contract of assistance with the State or other Public Body charged with allocation and administration of funds provided under 49 U.S.C. Section 5311:

A. General Application

The Public Body, Oklahoma Department of Transportation, agrees that, in the absence of waiver by the Department of Labor, the terms and conditions of this warranty, as set forth below, shall apply for the protection of the transportation related employees of any employer providing transportation services assisted by the Project Recipient, and the transportation related employees of any other surface public transportation providers in the transportation service area of the project.

The Public Body, shall provide to the Department of Labor and maintain at all times during the Project an accurate, up-to-date listing of all existing transportation providers which are eligible Recipients of transportation assistance funded by the Project, in the transportation service area of the Project, and labor organizations representing the employees of such providers.

Certification by the Public Body to the Department of Labor that the designated Recipients have indicated in writing acceptance of the terms and conditions of the warranty arrangement will be sufficient to permit the flow of Section 5311 funding in the absence of a finding of non-compliance by the Department of Labor.

B. Standard Terms and Conditions

(1) The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees of the Recipient and of any other surface public transportation provider in the transportation service area of the Project. It shall be an obligation of the Recipient and any other legally responsible party designated by the Public Body to assure that any and all transportation services assisted by the Project are contracted for and operated in such a manner that they do not impair the rights and interests of affected employees. The term "Project," as used herein, shall not be limited to the particular facility, service, or operation assisted by Federal funds, but shall include any changes, whether organization, operational, technological, or otherwise, which are a result of the assistance provided. The phrase "as a result of the Project," shall when used in this arrangement, include events related to the Project occurring in anticipation of, during, and subsequent to the Project and any program of efficiencies or economies related thereto; provided, however, that volume rises and falls of business, or changes in volume and character of employment brought about by causes other than the Project (including any economies or efficiencies unrelated to the Project) are not within the purview of this arrangement.

An employee covered by this arrangement, who is not dismissed, displaced or otherwise worsened in his position with regard to his employment as a result of the Project, but who is dismissed, displaced or otherwise worsened solely because of the total or partial termination of the Project, discontinuance of Project services, or exhaustion of Project funding shall not be deemed eligible for a dismissal or displacement allowance within the meaning of paragraphs (6) and (7) of the Model agreement or applicable provisions of substitute comparable arrangements.

(2)(a) Where employees of a Recipient are represented for collective bargaining purposes, all Project services provided by that Recipient shall be provided under and in accordance with any collective bargaining agreement applicable to such employees which is then in effect.

(2)(b) The Recipient or legally responsible party shall provide to all affected employees sixty (60) days' notice of intended actions which may result in displacements or dismissals or rearrangements of the working forces. In the case of employees represented by a union, such notice shall be provided by certified mail through their representatives. The notice shall contain a full and adequate statement of the proposed changes, and an estimate of the number of employees affected by the intended changes, and the number and classifications of any jobs in the Recipient's employment available to be filled by such affected employees.

(2)(c) The procedures of this subparagraph shall apply to cases where notices involve employees represented by a union for collective bargaining purposes. At the request of either the Recipient or the representatives of such employees, negotiations for the purposes of reaching agreement with respect to the application of the terms and conditions of this arrangement shall commence immediately. If no agreement is reached within twenty (20) days from the commencement of negotiations, any party to the dispute may submit the matter to dispute settlement procedures in accordance with paragraph (4) of this warranty. The foregoing procedures shall be complied with and carried out prior to the institution of the intended action.

(3) For the purpose of providing the statutory required protection including those specifically mandated by 49 U.S.C. Section 5333(b) of the Act¹, the Public Body will assure as a condition of the release of funds that the Recipient agrees to be bound by the terms and conditions of the National (Model) Section 5333(b) Agreement executed July 23, 1975, identified below², provided that other comparable arrangements may be substituted therefore, if approved by the Secretary of Labor and certified for inclusion in these conditions.

(4) Any dispute or controversy arising regarding the application, interpretation, or enforcement of any of the provisions of this arrangement which cannot be settled by and between the parties at interest within thirty (30) days after the dispute or controversy first arises, may be referred by any such party to any final and binding disputes settlement procedure acceptable to the parties, or in the event they cannot agree upon such procedure, to the Department of Labor or an impartial third party designated by the Department of Labor for final and binding determination. The compensation and expenses of the impartial third party, and any other jointly incurred expenses, shall be borne equally by the parties to the proceedings and all other expenses shall be paid by the party incurring them.

In the event of any dispute as to whether or not a particular employee was affected by the Project, it shall be his obligation to identify the Project and specify the pertinent facts of the Project relied upon. It shall then be the burden of either the Recipient or other party legally responsible for the

¹Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of re-employment of employees terminated or laid off; and (5) paid training and retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to Section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379), as amended.

²For purposes of this warranty agreement, paragraphs (1); (2); (5); (15); (22); (23); (24); (26); (27); and (29) of the Model Section 5333(b) Agreement, executed July 23, 1975 are to be omitted.

application of these conditions to prove that factors other than the Project affected the employee. The claiming employee shall prevail if it is established that the Project had an effect upon the employee even if other factors may also have affected the employee.

(5) The Recipient or other legally responsible party designated by the Public Body will be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee covered by these arrangements, or the union representative of such employee, may file claim of violation of these arrangements with the Recipient within sixty (60) days of the date he is terminated or laid off as a result of the Project, or within eighteen (18) months of the date his position with respect to his employment is otherwise worsened as a result of the Project. In the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitation shall be measured from the last such event. No benefits shall be payable for any period prior to six (6) months from the date of the filing of any claim.

(6) Nothing in this arrangement shall be construed as depriving any employee of any rights or benefits which such employee may have under existing employment or collective bargaining agreements, nor shall this arrangement be deemed a waiver of any rights of any union or of any represented employee derived from any other agreement or provision of federal, state or local law.

(7) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, he shall be granted priority of employment or re-employment to fill any vacant position within the control of the Recipient for which he is, or by training or retraining within a reasonable period can become qualified. In the event training or retraining is required by such employment or re-employment, the Recipient or other legally responsible party designated by the Public Body shall provide for such training or retraining at no cost to the employee.

(8) The Recipient will post, in a prominent and accessible place, a notice stating that the Recipient has received federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act. This notice shall also specify the terms and conditions set forth herein for the protection of employees. The Recipient shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the proper application, administration, and enforcement of these arrangements and to the proper determination of any claims arising there under.

(9) Any labor organization which is the collective bargaining representative of employees covered by these arrangements may become a party to these arrangements by serving written notice of its desire to do so upon the Recipient and the Department of Labor. In the event of any disagreement that such labor organization represents covered employees, or is otherwise eligible to become a party to these arrangements, as applied to the Project, the dispute as to whether such organization shall participate shall be determined by the Secretary of Labor.

(10) In the event the Project is approved for assistance under 49 U.S.C. Chapter 53, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds provided, however, that this arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

C. Waiver

As a part of the grant approval process, either the Recipient or other legally responsible party designated by the Public Body may in writing seek from the Secretary of Labor a waiver of the statutorily required protections. The Secretary will waive these protections in cases, where at the time of the requested waiver, the Secretary determines that there are no employees of the Recipient or of any

other surface public transportation providers in the transportation service area who could be potentially affected by the Project. A 30-day notice of proposed waiver will be given by the Department of Labor and, in the absence of a timely objection; the waiver will become final at the end of the 30-day notice period. In the event of timely objection, the Department of Labor will review the matter and determine whether a waiver shall be granted. In the absence of waiver, these protections shall apply to the Project.

Attest:

Name and Title of Authorized Official

Subrecipient's Legal Counsel

Signature of Authorized Official

Date

OPINION OF COUNSEL

The _____ CONTRACTING AGENCY NAME hereinafter referred to as “Subrecipient” has agreed to be the legally and financially responsible party for the performance of terms and conditions of the Section 5333(b) Special Warranty, incorporated herein by reference, for the instant grant request. The Oklahoma Department of Transportation has designated the Subrecipient as the legally and financially responsible party for the instant project.

This will serve as the requisite opinion of counsel that the Subrecipient is legally capable of assuming the legal and financial responsibilities for performance of the terms and conditions of the Warranty. The Subrecipient is authorized under _____ to assume the legal and financial responsibilities for the performance of the terms and conditions of the Warranty for the instant project. I have reviewed the pertinent federal, state and local laws, and I am of the opinion that there is no legal impediment to the Subrecipient assuming these responsibilities. Furthermore, as a result of my examinations, I find that there is no pending litigation or legislation which might in any way adversely affect the Subrecipient's ability to assume and discharge these responsibilities.

Legal Counsel for Subrecipient

Type name of legal counsel

Date

Assurance of Availability to the Public

A statement of assurance must be submitted with the project application indicating that the transportation system will be available to the public.

EXECUTE THE FOLLOWING:

ASSURANCE OF AVAILABILITY TO THE PUBLIC

The _____ CONTRACTING AGENCY NAME _____ assures that transportation services made available through Section 5311 Program Funds will be open to the public. The level of service will be based on the travel demands of the public as well as public comments and suggestions regarding the transportation service availability. A procedure for receiving public comments has been developed and will be maintained throughout the project's life.

The _____ CONTRACTING AGENCY NAME _____ also assures that:

- all vehicles incorporated in the transit system's fleet will be clearly marked with block lettering, no smaller than 2" high, as "**OPEN TO THE PUBLIC**";
- any new vehicle incorporated into the transit system's fleet will be signed with the transit system's name and logo, using a permanent type of material, within 30 days of delivery;
- a copy of routes and schedules will be published quarterly, at a minimum, and will be made available for public reviewing and comments; and
- If significant changes occur in routes or schedules, a special publication of the change will be made. Routes and schedules will be posted in public places within the service area.

Name and Title of Authorized Official

Signature of Authorized Official

Date

County Names with Corresponding Numbers

STATE OF OKLAHOMA

01	Adair	27	Grant	53	Nowata
02	Alfalfa	28	Greer	54	Okfuskee
03	Atoka	29	Harmon	55	Oklahoma
04	Beaver	30	Harper	56	Okmulgee
05	Beckham	31	Haskell	57	Osage
06	Blaine	32	Hughes	58	Ottawa
07	Bryan	33	Jackson	59	Pawnee
08	Caddo	34	Jefferson	60	Payne
09	Canadian	35	Johnston	61	Pittsburg
10	Carter	36	Kay	62	Pontotoc
11	Cherokee	37	Kingfisher	63	Pottawatomie
12	Choctaw	38	Kiowa	64	Pushmataha
13	Cimarron	39	Latimer	65	Roger Mills
14	Cleveland	40	Le Flore	66	Rogers
15	Coal	41	Lincoln	67	Seminole
16	Comanche	42	Logan	68	Sequoyah
17	Cotton	43	Love	69	Stephens
18	Craig	44	McClain	70	Texas
19	Creek	45	McCurtain	71	Tillman
20	Custer	46	McIntosh	72	Tulsa
21	Delaware	47	Major	73	Wagoner
22	Dewey	48	Marshall	74	Washington
23	Ellis	49	Mayes	75	Washita
24	Garfield	50	Murray	76	Woods
25	Garvin	51	Muskogee	77	Woodward
26	Grady	52	Noble		

How to Request a Special Section 5333(b) Warranty

The Warranty provides that either the Recipient or other legally responsible party designated by the Public Body may request a waiver of the protection set forth in the Warranty. In requesting a waiver, the Recipient or other legally responsible party should write a dated letter signed by a responsible official to the designated state agency who shall verify the data and forward it to the Federal Transit Administration (FTA) Regional Office. The FTA Regional Office shall likewise verify the data before forwarding it to the Department of Labor for processing. The letter should be accompanied by a complete copy of the Project application (which should contain the information required by DOL for processing a waiver request application). Indicate a return address and include a telephone number of an appropriate contact person.

The request for waiver should assert that there are no existing employees of the Recipient or of any other transportation service provider eligible for funding in the transportation service area of the Project as of the date of the requested waiver, or those employees of eligible transportation service providers cannot be potentially affected by the Federal assistance. In the latter cases, the waiver requesting party must explain why employees cannot be potentially affected. In order for such employees to be affected, it is not necessary that the anticipated effect upon their interests be adverse.

Applications should include the following information in cases of waiver requests:

1. The name of the eligible providers in the transportation service area of the Project;
2. A description of the nature of the transportation services provided in the area including the population served;
3. The frequency of the services;
4. A description of the vehicles used in providing the services;
5. The geographical service areas of the services;
6. The fare structures of the services;
7. The number of employees involved in providing the services;
8. Any labor organization representing such employees;
9. Previous Federal assistance received from the U. S. Department of Transportation by any of the providers;
10. Revenue figures, where available, for the previous year attributable to the various categories of transportation services performed by the providers;
11. Names and mailing addresses of any transportation regulating body in the transportation service area;
12. The name, address and telephone number of a contact person from the waiver requesting party who could respond to questions concerning the information supplied;

The above information must be submitted in a chart format.

DOL Processing Of Requests for Waiver

The Department of Labor will expeditiously process all applications for waivers or substitute arrangements under the Section 5311 Program. Special handling procedures have been formulated that will expedite the processing of these types of applications, particularly where necessary information accompanies the waiver request. DOL recognizes the special and distinct nature of many small urban and rural transportation services and will attempt to process requests with due consideration to these special characteristics.

Waiver requests will be presumably based on an assertion that there are no existing providers of transportation in the transportation service area, or, in cases where there are existing providers, an assertion that there are no existing employees who could be potentially affected. In such situations, it is not necessary that the anticipated effect upon individuals be adverse for them to be considered potentially affected.

Where DOL determines that there are no employees in the transportation service area that could potentially be affected by the Project, it will publish a notice of proposed waiver in the Federal Register and simultaneously publish notification in local general circulation newspapers in the transportation service area. If no objections are received during the 30-day notice period, the waiver will be granted at the end of the notice period. If, however, timely objections are received, the Department of Labor will review the objections and determine whether a waiver should be granted or denied.

Upon completion of the 30-day notice period and review of any timely objections, DOL will inform by telephone the waiver requesting party, the Federal Transit Administration, (FTA) and affected parties, if any, of DOL's findings. DOL will then issue its written decision granting or denying the request for waiver to the waiver requesting party, FTA and any other involved parties.

The format to be used by DOL for publication of a notice of proposed waiver in the Federal Register and local general circulation newspapers is contained in the "Rural Transportation Employer Protection Guidebook" (page 51).

Objections should specify the name of the objecting party, a complete return address, the names of any transit providers in the Project area, the nature of transit services (e.g., service to elderly and disabled), the number of employees of the providers, if known, the name(s) of any labor organization(s) representing such employees and an explanation of how the Project will affect the rights and interests of employees. The objections should be submitted in writing to the Office of Labor-Management Relations Services, Room N-5653, Attn: Division of Employee Protection, 200 Constitution Avenue, NW, Washington, D.C. 20210. If objections are filed within the 30 day notice period, the Department of Labor will review them to determine whether a waiver will be granted. If no objections are received, the waiver will become final at the end of the 30 day notice period.