

CITY OF TUCSON (Grantee)

PIMA ASSOCIATION OF GOVERNMENTS (PAG) (METROPOLITAN PLANNING ORGANIZATION)

Program Management Plan

49 U.S.C. 5316

Urban Job Access Reverse Commute (JARC)

49 U.S.C. 5317

Urban New Freedom

Job Access - Reverse Commute & New Freedom Program Management Plan



Contents

Introduction..... 3
Program Goals and Objectives..... 5
Roles and Responsibilities. 6
Coordination. 7
Eligible Subrecipients. 7
Eligible JARC Projects. 8
Eligible New Freedom Projects 9
Notes on Mobility Management. 11
Project Selection Criteria..... 12
Program Measurements. 13
Local Share Requirements. 14
Program of Projects. 15
Administration, Planning, and Technical Assistance..... 15
Transfer of Funds. 15
Private Sector Participation. 16
Civil Rights and ADA 16
Program Management. 17
Other Provisions. 20

***CITY OF TUCSON (GRANTEE)
PIMA ASSOCIATION OF GOVERNMENTS (PAG) (METROPOLITAN
PLANNING ORGANIZATION)***

Introduction

The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), as enacted on August 10, 2005, and codified at 49 U.S.C. 5316, gives statutory authority to and describes the provisions of the Job Access and Reverse Commute (JARC) program. The JARC program serves two functions. The first, Job Access, includes projects that provide welfare recipients and other eligible low income individuals' public transportation services to employment and employment related activities. The second, Reverse Commute, provides urban and non-urban residents with transport to suburban employment opportunities and employment related activities.

The New Freedom program, as codified at 49 U.S.C. 5317, serves to improve public transportation opportunities and public transportation accessibility to the disabled. The improvements undertaken under New Freedom must, according to the statute, go beyond those required by the American Disabilities Act (ADA) of 1990.

Via the Federal Transit Administration (FTA), the City of Tucson is the grantee for all JARC and New Freedoms funds within the Tucson Metropolitan Region. The City of Tucson oversees the JARC and New Freedoms Program Management Plan and has an agreement with Pima Association of Governments (PAG) to notify eligible local entities of funding availability and project selection criteria. PAG, in conjunction with the City of Tucson, also conducts the competitive selection process and assures funds are allocated to subrecipients on a fair and reasonable basis. Once projects are prioritized and selected, the City of Tucson administers the grants management process, facilitates the necessary agreements with eligible local entities, oversees the subrecipients and completes all required JARC and New Freedoms reporting.

Pima Association of Governments (PAG) has been working with human services transportation providers since 2006 to improve transportation services in the region and increase travel options for those in the community who need them most: older adults, persons with disabilities, and individuals and families with low incomes. Tucson and its surrounding communities were hit hard by the economic recession that began in 2007, with unemployment in the region reaching a high of 9.2% in July 2010 and continuing to hover around 9% in early 2011. Arizona's state budget implemented major cuts to human services funding and the operating budgets for local service providers. The 2011 update of the Human Services Coordinated Transportation Plan provides the most recent assessment of transportation needs within the region, highlights successful coordination activities over the past year, and proposes new strategies to address the service gaps.

On behalf of the Tucson Region, PAG develops the coordinated public transit-human services transportation plan which identifies the locations of disadvantaged populations in the Tucson metropolitan area, likely barriers to providing adequate public transportation to these populations, and potential strategies to overcoming these barriers. Although PAG is not the designated recipient of JARC or New Freedoms funds, they do ensure that all projects selected for these funds will derive from the coordinated public transit-human services plan.

This program management plan is meant to offer direction to applicants who intend on applying for 5316 and 5317 grant monies, and to describe the manner in which the City of Tucson/PAG intends to manage the grant programs in the Tucson urbanized area. In 2007, the FTA released circulars 9045.1 and 9050.1 which offered guidance on, respectively, the New Freedom and JARC programs. The contents of this plan are in large part derived from these circulars.

Program Goals and Objectives

Goal

The Federal Transit Administration, in FTA circular 9050.1, states that the goal of the JARC program is:

"...to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities."

In circular 9045.1, the FTA states the goal of the New Freedom program is:

"...to provide additional tools to overcome existing barriers facing Americans seeking integration into the work force and full participation in society."

Objectives

Pursuant to these goals, the City of Tucson, as manager of the JARC and New Freedom programs for the Tucson urbanized area, intends to implement strategies in line with the following objectives:

1. With the locally developed Coordinated Human Services Transportation Plan as a guide, the City of Tucson/PAG will identify target (i.e., low-income) populations within the Tucson region. The plan will also serve to identify gaps in available service and duplication of service.
2. The resources of available transit and human services transportation will be maximized in order to provide the most efficient, effective transit services and mobility options to the targeted populations.
3. Outreach activities will ensure that those in need of improved transit service will be made aware of available transportation opportunities, while improved planning and functionality of services will guarantee that these opportunities are convenient and safe for potential riders.
4. PAG, as the metropolitan planning organization (MPO), will ensure that the process of recipient selection for funded projects is open, equitable, and transparent. This will be accomplished through advertising, a clearly defined set of selection criteria, and the facilitation of public input and inter-agency coordination.
5. Coordination between PAG and representatives of targeted populations, elected officials, and relevant human services and transit agencies will be a key component of an ongoing planning process. This process identifies not only current opportunities for service coordination and expansion, but also defines long-range goals, and allows for plan refinement in order that such goals are met.

Roles and Responsibilities

The Regional Planning Commission

Tucson has been designated the recipient of JARC funds for the Tucson metropolitan area according to FTA circular 9050.1 which states, “ *in large urbanized areas over 200,000 in population, an entity designated, in accordance with the planning process under 49 U.S.C. 5303, 5304, and 5306, by the chief executive officer of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under the JARC program that is attributable to a transportation management area.*”

The responsibilities of the City of Tucson, in administering the JARC program, are as follows:

- Conducting a planning and grant administration process that involves coordination between representatives of the public, local officials, human service agencies, and transit providers.
- Utilizing a forum of advertising that ensures fair and equitable opportunities for interested and qualified parties to apply.
- Establishing clearly defined criteria for grant recipient selection based on FTA recommendations and derived from the locally developed Coordinated Human Services-Public Transportation Plan, and conducting an appropriate competitive selection process.
- Providing technical assistance in the grant application process.
- Ensuring that recipients adhere to guidelines set forth by the FTA, state and local governments, and those defined by the City of Tucson.
- Formulating and forwarding an annual program of projects (POP) to the FTA, as well as ensuring the incorporation of selected projects in the PAG Transportation Improvement Plan (TIP).

Coordination

The Pima Association of Governments (PAG) is the Metropolitan Planning Organization for the Tucson metropolitan area. As such, PAG frequently and proactively coordinates with local governments, state government, private and public transit providers, and other MPOs and regional planning entities in the area. This level of coordination would naturally extend into the planning process as it pertains to the administration of the JARC and New Freedom grants.

Furthermore, the creation of the Coordinated Public Transit-Human Services Transportation Plan necessitated the extension of this cooperation to numerous stakeholders in the region that both provide, and are in need of, the services that JARC and New Freedom are intended to provide.

Examples include local councils on aging, workforce development boards, and independent living centers. This level of participation is expected to expand as the planning process continues.

Outreach mechanisms such as announcements via a stakeholder list-serve, mailing list and regular quarterly coordination meetings, stakeholder meetings with transit providers, local officials, human services organizations, and the general public are maintained.

Eligible Subrecipients

The City of Tucson will consider three categories of eligible subrecipients for both New Freedom and JARC grants:

- 1) Private Non-Profit organizations
- 2) State or local governmental authorities
- 3) Operators of public transportation services, including private operators of public transportation services

All non-governmental applicants are required to have a governmental agency sponsor in support of their project to be eligible for grant consideration.

Eligible JARC Projects

According to FTA Circular 9050.1 (2007), eligible JARC activities include those that “...support the development and maintenance of transportation services designed to transport low-income individuals to and from jobs and activities related to their employment and to support reverse commute projects.”

The circular provides the following list of examples of eligible projects, though encourages otherwise innovative approaches in meeting the needs of target populations.

- 1) Late-night and weekend service
- 2) Guaranteed ride home service
- 3) Shuttle service
- 4) Expanding fixed-route public transit routes
- 5) Demand-responsive van service
- 6) Ridesharing and carpooling activities
- 7) Transit related aspects of bicycling (i.e., adding bicycle racks to transit vehicles)
- 8) Local car loan programs that assist entities in purchasing and maintaining vehicles for shared rides
- 9) Promotion, though marketing efforts, of the
 - a. Use of transit by workers with non-traditional work schedules
 - b. Use of transit vouchers by appropriate agencies for welfare recipients and other low-income individuals
 - c. Development of employer-provided transportation such as shuttles, ridesharing, carpooling or
 - d. Use of transit pass programs and benefits under Section 132 of the Internal Revenue Code of 1986
- 10) Supporting the administration and expenses related to voucher programs
- 11) Acquiring Geographic Information System (GIS) tools
- 12) Implementing Intelligent Transportation Systems, including customer trip information technology
- 13) Integrating automated regional public transit and human service transportation information, scheduling and dispatch functions
- 14) Deploying vehicle position-monitoring systems
- 15) Subsidizing the costs associated with adding reverse commute bus, train, carpool van routes or service from urbanized areas and non-urbanized areas to suburban work places

- 16) Subsidizing the purchase or lease by a non-profit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace
- 17) Otherwise facilitating the provision of public transportation services to suburban employment opportunities
- 18) Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation.

Eligible New Freedom Projects

New Freedom monies are available to projects that support new public transportation services or new public transportation alternatives for the disabled that go beyond the current requirements of the Americans with Disabilities Act (ADA) of 1990. Projects that were already operational or had an established funding source prior to August 10, 2005 are not eligible to receive New Freedom grants. FTA Circular 9045.1 (2007) provides a list of possible activities that meet the stated eligibility requirements. The list is not intended to be illustrative, not exhaustive, and applicants are encouraged to “develop innovative solutions to meet the needs of individuals with disabilities in their community.” Excerpts from the list include:

Enhancing paratransit beyond minimum requirements of the ADA

Activities in this category demonstrate ways in which existing ADA eligible paratransit services can be expanded in order to qualify for New Freedom monies. For example, paratransit service can be extended beyond the three-fourths mile currently required by the ADA. Similarly, the hours of paratransit service can be extended beyond those provided on fixed-route services. Incremental costs of providing same day or door-to-door service are also applicable.

Feeder Service

The provision of feeder transit service to commuter rail, commuter bus, intercity rail, and intercity bus stations, which is not currently required by the ADA, are eligible for New Freedom monies.

Making accessibility improvements to transit and intermodal stations not designated as key stations

Projects that improve the accessibility to public transportation systems to facilities not designated as key stations (as established under 49 CFR 37.47, 37.51, or 37.53), through the removal of barriers to the disabled that would have otherwise not been removed, are eligible for New Freedom monies. Examples offered include improving accessibility of pathways to bus stops by installing sidewalks, curbcuts, accessible pedestrian signals, etc. Other eligible activities include adding elevators or ramps, detectable warnings, signage, wayfinding technology, or other ITS enhancements to non-key stations that are not otherwise required by the ADA.

Travel Training

The introduction of mobility management, in the form of travel instruction and travel training services to individual users, is an eligible New Freedom activity.

New Public Transportation Alternatives Beyond the ADA

- Purchasing vehicles to support new accessible taxi, ride-sharing, and/or vanpooling programs
- Supporting the administration and expenses related to new voucher programs for transportation services offered by human service providers
- Supporting new volunteer driver and aide programs
- Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation

Notes on Mobility Management

Many of the project types described above fall under the umbrella of Mobility Management. Mobility management encompasses those projects which consist of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers. Such projects are designated as capital projects under the JARC and New Freedom programs, and as such are eligible for an 80/20 (Federal/Local) match. Operating expenses are not eligible as mobility management projects. Some examples of mobility management from FTA circular 9050.1 include:

- The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, older adults, and low-income individuals.
- Support for short term management activities to plan and implement coordinated services.
- The support of State and local coordination policy bodies and councils.
- The operation of transportation brokerages to coordinate providers, funding agencies, and customers.
- The provision of coordination services, including employer-oriented Transportation Management Organizations' and Human Service Organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers.
- The development and operation one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs.
- Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of GIS mapping, GPS technology, coordinated vehicle scheduling, dispatching and monitoring technologies as well as technologies to track costs and billing in a coordinated system and single smart customer payment systems (acquisition of technology is also eligible as a standalone capital expense).

Project Selection Criteria

Addresses the need for new public transportation service targeted at the disabled or provides alternatives that are beyond those required by the ADA. (25%)

- Need for proposed service or equipment; target population; ridership; existing vehicle fleet; replacement or expansion; other transportation services available (availability, sufficiency, appropriateness or other services in area);
- Anticipated increase, decrease or no change in service

Effective utilization of equipment or service (25%)

- Number of clients served; trips; proposed services and trip priorities; hours of equipment operation per day and week; annual miles of vehicle operation; limitations on services

Supports local and regional coordination plan (25%)

- Demonstrates attempts to coordinate with other agencies and public or private transit and paratransit systems, and other services.
- Demonstrates willingness to participate in a coordinated system
- Participation on local and/or regional coordination committee(s)
- Working agreements in place or under construction

Management capability/capacity (25%)

- Availability of—and/or process to obtain—matching funds
- Has funds to operate and maintain a vehicle(s) pursuant to the useful life of the vehicle(s) per FTA guidelines
- Program transportation experience
- Designated budget and staff to fund and manage program;
- Adequacy of maintenance program
- Past Civil Rights or EEO complaints and outcomes
- Has adequate staff available to produce needed reports, garner comprehensive invoices and support documents, and facilitate reimbursement requests
- Demonstrates ability to fully comply with FTA Master Agreement and FTA regulations

Program Measurements

The FTA requires that designated recipients collect and report data in order to demonstrate the efficacy of JARC and New Freedom projects. Project sponsors will be required to institute quantitative and qualitative program measures that show the degree to which implemented projects are achieving the stated goals of these programs.

JARC projects should increase low-income and welfare recipients' accessibility to jobs, particularly jobs in suburban locations. To this end, projects sponsors should provide either an actual or estimated count of the number of one-way trips by low-income or welfare recipients that are created by a new project, as well as the actual or estimated number of jobs that can be accessed by the project. Miles and hours traveled to serve these purposes should also be reported. Finally, JARC project sponsors should describe the changes in transit coverage, whether temporal or geographical, that a new project provides. These numbers should be reported to FTA on an annual basis.

New Freedom projects increase public transportation accessibility for disabled individuals by providing improvements that exceed those required by the ADA. Project sponsors should report the number of one-way trips that are created for individuals with disabilities, as well as miles and hours traveled for this purpose. Any improvements to infrastructure that improve accessibility for the disabled, such as sidewalk or ITS alterations, should be reported. Any geographic or temporal changes to service coverage that improve accessibility to the disabled should be described. These numbers should be reported to FTA on an annual basis.

Local Share Requirements

The local share for both JARC and New Freedom projects is as follows:

- No less than 20 percent of eligible capital and planning activity net costs
- No less than 50 percent of eligible operating activity net costs

The City of Tucson requires all JARC and New Freedom subrecipients to pay their expenditures in full, submit comprehensive support documents, submit necessary reports, and be compliant with all federal regulations before the City of Tucson will reimburse the subrecipients the federal portion per the scope of the grant and the subsequent grant agreement between the City of Tucson and subrecipient agency.

Other Federal DOT funds cannot be used to meet the local match. Potential sources of local match can include, though are not limited to, state or local appropriations, dedicated tax revenues, private donations, and net income generated from advertising and concessions.

Local match may also be derived from non-DOT Federal funds that are eligible to be used for transportation expenses, such as employment training, aging, community services, vocational rehabilitation services, and Temporary Assistance for Needy Families (TANF).

FTA Regional Office IX can be contacted at:

201 Mission Street

Suite 1650

San Francisco, CA 94105-1839

Program of Projects

The City of Tucson and PAG will provide all necessary JARC and New Freedom grant application forms to interested applicants via the PAG website. If a potential applicant does not have access to the internet, PAG will mail a hard copy. During the application process, PAG will offer assistance to project sponsors applying for grant funds as needed. The grant solicitation period for applicants that will last no less than 15 days. The review and approval process will last no more than 30 days. The PAG and the City of Tucson staff will determine if proposed projects are eligible and eligible projects will be scored by an evaluation team of stakeholders for the JARC and New Freedom selection process.

Following the conclusion of the selection and review process, PAG and City of Tucson staff will recommend projects to the PAG Transportation Planning Committee, PAG Regional Council and Tucson City Council for funding approval. Approved projects will be incorporated into the PAG's Transportation Improvement Program (TIP). Upon approval, the Program of Projects (POP), which lists all selected projects, will then be submitted to the FTA for final approval. The POP includes brief descriptions of projects, the total project costs and Federal cost shares for each project, and the amount of funds required for planning and program administration. Upon FTA approval, projects in the POP must be implemented within the year of apportionment plus two years. Projects that fail to be implemented within this time frame are subject to termination and de-obligation of funds from the FTA.

Administration, Planning, and Technical Assistance

The City of Tucson, as designated recipient for the JARC and New Freedom programs in the Tucson urbanized area, and PAG as the metropolitan planning agency, is allotted up to 10 percent of the yearly apportionment for the purpose of administering the grants, offering planning guidance, and providing technical assistance. This allotment is not subject to local match requirements. The City of Tucson and PAG intend to use these funds to support the administration of the grant application process, to assist potential grantees in meeting federal and local requirements throughout the application process, and to oversee those projects selected for JARC and/or New Freedom awards.

Transfer of Funds

According to FTA circulars 9045.1 and 9050.1, there is currently no provision established that authorizes the transfer of funds apportioned to the designated recipient of a large urbanized area to small urbanized or rural areas.

Private Sector Participation

The City of Tucson and PAG will ensure that the general public, including private enterprises, are given opportunities to participate in the development of transportation plans and programs. All public and private transit service applicants will be given equal consideration for JARC and New Freedom monies provided they meet the eligibility requirements described in this management plan and those previously promulgated by the FTA.

Civil Rights and ADA

PAG, as the MPO of the Tucson urbanized area, and the City of Tucson as designated recipient of the JARC and New Freedom grant monies, will comply with all FTA regulations pertaining to civil rights and nondiscrimination in regulating the grant. These regulations prohibit discrimination on the basis of race, color, creed, national origin, age, sex, and disability. Any sub-recipient of JARC or New Freedom funds is also expected to comply with all FTA civil rights regulations. All applicants applying for said funds are expected to sign certifications and assurances that the following guidelines and regulations will be adhered to:

- 49 U.S.C. 5332 – *Nondiscrimination in Federal Transit Programs*
- 42 U.S.C. 2000d et seq. – *Title IV of the Civil Rights Act of 1964, as amended*
- 49 CFR part 21 – *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title IV of the Civil Rights Act*
- FTA Circular 4702.1 – *Nondiscrimination Guidelines for FTA Recipients*
- Executive Order 12898 – *USDOT Order to Address Environmental Justice in Minority Populations and Low Income Populations*
- 42 U.S.C. 2000e – *Equal Opportunity Employer*
- 20 U.S.C. 1681 et seq. – *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*
- 42 U.S.C. 6101 – *Age Discrimination Act of 1975, as amended*
- 29 U.S.C. 794 – *Section 504 of the Rehabilitation Act of 1973, as amended*
- 42 U.S.C. 12101 et seq. – *The Americans with Disabilities Act of 1990, as amended*
- USDOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, and 38.
- Responsibilities under Title I, II, III, IV, and V of the Americans with Disabilities Act SAFETEA-LU Section 1101b, 23 U.S.C. Section 101 – *No Less than 10 percent of transit financial assistance programs to be expended on Disadvantaged Business Enterprises (DBEs)*
- 49 U.S.C. part 26 – *Participation by DBEs in Department of Transportation Financial Assistance Programs*

Program Management

Financial Management

Upon approval of projects, The City of Tucson will develop a contractual grant agreement and scope of work with the sub-recipient. For projects that include operating costs, the agreement will provide a timeline of the project detailing milestones, associated costs, and end-of service dates. Operating agreements should also describe the type of service provided, the area of service, and the time period the service will cover. Capital project agreements will detail the type of equipment approved for purchase and the intended use of that equipment.

After approved projects and associated funding amounts have been included in the TIP and the Coordinated Public Transit-Human Services Transportation Plan, a supplemental agreement between the City of Tucson and the sub-recipient will be developed and signed by both parties.

The City of Tucson requires all JARC and New Freedom subrecipients to pay their expenditures in full, submit comprehensive support documents, submit necessary reports, and be compliant with all federal regulations before the City of Tucson will reimburse the subrecipients the federal portion per the scope of the grant and the subsequent grant agreement between the City of Tucson and subrecipient agency.

The Federal share on any project shall not exceed 80 percent for capital projects and 50 percent for operating projects. The City of Tucson will not accept “in-kind” contributions as part of the local match requirements for both capital and operating expenses.

Audit

As described in OMB Circular A-133, sub-recipients that spend more than \$500,000 in federal awards within a fiscal year are subject to an annual single or program specific audit. The findings of this audit will be made available to the RPC.

Sub-recipients that spend less than \$500,000 are exempt from these federal audit requirements. However, records must be available for review or audit to the RPC upon request. The RPC reviews audit reports for compliance with OMB Circular A-110, A-122, and A-133. Audit findings, concerns, or errors must be resolved for a grantee to remain in good standing.

Audit requirements for For-Profit sub-recipients will be outlined in the contract agreement.

Methods to ensure compliance for Federal awards made to for-profit sub-recipients may include pre-award audits, monitoring during the contract, and post-award audits. Audits of state agencies and local governments are conducted by the state Auditor. Project grants made to a public entity are subject to this process and compliance with OMB Circular A-133.

Close-out

The City of Tucson will close out project grants within 90 days after the last expenditures have been distributed to the sub-recipient. Operating projects will end at the pre-approved end of project date as outlined in the contract agreement.

Capital projects will close when all expenses have been disbursed. Capital projects are closed for fiscal reporting purposes, although agreements concerning purchased equipment remain valid through the lifetime of that equipment.

Equipment Management and On-Site Review

Subrecipients will maintain an inventory of all equipment purchased using FTA funds. Inventory will detail, when appropriate: make, model, vehicle code, serial and/or vehicle identification number, condition, age, expected date of disposition, purchase price, specific FTA funds used to purchase equipment, and maintenance records. This inventory should be reported annually to the City of Tucson. Additionally, as described below, any new equipment purchases should likewise be reported to the City of Tucson. The inventory should be available to the City of Tucson upon request. The reporting of this inventory is in addition to the reporting of program measurements, as described above. The City of Tucson may also, at its discretion, conduct an on-site visit and/or desk review to ensure compliance with program requirements.

Procurement

As a FTA grantee, the City of Tucson will ensure that any FTA funds used for the acquisition of rolling stock or equipment will adhere to the appropriate federal guidelines, as described in FTA Circular 4220.1F, *Third Party Contracting Guidance*. The FTA requires that the procurement process is undertaken through a free and open competition process, that prices are fair and reasonable, and that the process is in compliance with the provisions of applicable Federal, State and local laws. All such purchases will be done with City of Tucson oversight. Further, the City of Tucson will maintain an inventory of all vehicles purchased using JARC and New Freedom funds. Any such purchases, therefore, should be reported to the City of Tucson with appropriate documentation, including, when appropriate: make, model, vehicle code, vehicle identification number, condition, age, expected date of disposition, purchase price, specific FTA funds used to purchase equipment, and any available maintenance records from previous ownership.

Maintenance and Disposition

Subrecipients are expected to perform the minimum maintenance procedures, as outlined by manufacturer standards, in order to keep vehicles purchased with JARC and New Freedom funds in working order. The City of Tucson will ensure that such standards are upheld through periodic site visits. Vehicles should be maintained until they have reached the end of their useful life, at which point they may be disposed of or used for other purposes. The City of Tucson utilizes FTA guidelines, as described in circular 5010.1C, *Grant Management Guidelines*, to determine the minimum normal useful life of vehicles.

These guidelines are as follows:

- Large, heavy-duty transit buses (~35'-40'): 12 years or 500,000 miles
- Medium, heavy duty transit buses (~30'): 10 years or 350,000 miles
- Medium, medium-duty transit buses (~30'): 7 years or 200,000 miles
- Medium, light-duty transit buses (~25'-30'): 5 years or 150,000 miles
- Other light duty, i.e., small buses, vans, et al.: 4 years or 100,000 miles

The City of Tucson shall be included as lienholder on the vehicle's title until the vehicle reaches its useful life. Once the vehicle has reached its useful life, the subrecipient shall request, in writing, to have the lienholder status removed.

Vehicles removed from service prior to the minimum normal useful life standards for reasons other than fire, collision, or natural disaster, are subject to remittance of the current market share of the vehicle to the City of Tucson. The subrecipient must notify the City of Tucson of any vehicles removed from service, regardless of cause for removal.

Other Provisions

Environmental Protections

The City of Tucson does not expect any JARC or New Freedom programs to incur any significant environmental impacts, and thus anticipate funding only projects which are deemed categorical exclusions, as described at 23 CFR 771.117c. If an improved project is deemed subject to environmental regulations, the City of Tucson will ensure that all requirements are met by the grantee, including the preparation of an environmental document.

Drug and Alcohol Testing

Compliance with the FTA regulations titled "Prevention of Alcohol Use and Prohibited Drug Use", statute 49 CFR 655, and DOT regulation 49 CFR 40, is required of all recipients or subrecipients of FTA grants. These regulations state that all grantees must certify that they have established an alcohol misuse and anti-drug program. The means of certification for this program, and the required alcohol and drug testing policies required of all subrecipients are outlined in these documents. All applicants will be required to sign certifications and assurances that these requirements will be followed.

Labor Protection

The following guidelines, from FTA Circular 9050.1, describe the necessary labor protections that will be expected of all JARC and New Freedom project sponsors. All applicants will be required to sign certifications and assurances that these requirements will be followed.

- *The Davis-Bacon Act*: For FTA programs, 49 U.S.C. 5333a imposes Davis-Bacon Act prevailing wage requirements. This provision applies only to construction projects. In the event that a project involves construction, 49 U.S.C. 5333a requires the Secretary 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 Chapter 53 be paid wages at rates not less than those prevailing on similar construction 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. This assurance is obtained when recipients accept grant funds and sign the Master Agreement

- *Transit Employee Protection*: Title 49 U.S.C. 5333b requires that the interests of employees affected by assistance under most FTA programs shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. Employee protections under Section 5333b are required for the JARC program. The Section 5311 special warranty does not apply to rural JARC projects, and FTA must submit all JARC grants to Department of Labor for certification.

Lobbying

Federal funds, including JARC or New Freedom monies, may not be used to influence any member of Congress or an officer or employee of any agency in connection with the making of any Federal contract, grant, or cooperative agreement. As promulgated in 49 CFR part 20 any applicant whose award exceeds \$100,000 must sign a certification stating that no funds will be used to influence any member of the legislature, nor any local governing body.

School Transportation

As stated in 49 U.S.C. 5323f, projects intended exclusively for school bus transportation for school students and school personnel are not eligible for FTA funds, including JARC and New Freedom. Regular service, that also serves the general public but has been modified to accommodate school students, is allowed. For the purpose of FTA's school bus regulation, Headstart is a social service, not a school program, although Headstart regulations limit the types of vehicles that may be used to transport participating children.

Commercial Driver's License

All operators of vehicles that are designed to transport 16 or more passengers (including the driver) must have a commercial driver's license (CDL). Mechanics that drive the vehicles, even for limited times and distances, are not excluded from this requirement.