



Kansas RTAP Fact Sheet

A Service of The University of Kansas Transportation Center for Rural Transit Providers

FTA 101: What You Really Need to Know

By Pat Weaver

If you're a Section 5311 or Section 5310 program manager, and particularly if you're new to the agency, you may wonder what you really need to know about federal regulations for the program. A recent pre-conference workshop, sponsored by Kansas RTAP and hosted by the Kansas Public Transit Association on August 3, 2015, provided a day of in-depth training, to help understand compliance requirements for a host of federal regulations.

Rich Garrity, senior associate for RLS & Associates, a transportation operations and management consulting firm, was the instructor for the course. Garrity has served as RLS & Associates' primary project manager on complex policy and management studies conducted on behalf of state departments of transportation. He has developed procedures and led compliance reviews of state DOT grantees in Ohio, Indiana, Illinois, and North Carolina to ensure that sub-grantees meet all applicable Federal Transit Administration (FTA) requirements.

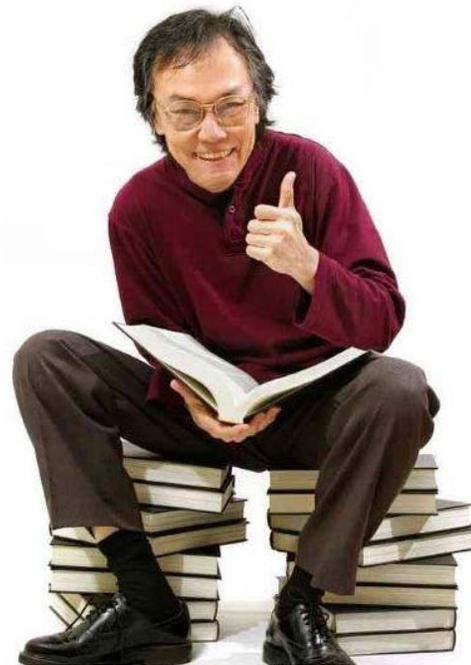
Garrity developed this course based on that extensive experience, recognizing that: 1) there have been significant changes over the last few years in the federal grant management requirements, and 2) many states, including Kansas, have had significant turnover in transit managers.

The day included discussion of the major regulatory requirements, including ADA, Charter, DBE, Drug and Alcohol, Equal Employment Opportunity (EEO), Federal Motor Carrier Safety Administration (FMCSA), Title VI, Environmental Justice, Limited English Proficiency (LEP), and Bloodborne Pathogens. The summaries presented in the course acquainted transit managers with the "what" of each regulation—what it entails. The steps for how to comply were explained and participants had the opportunity to ask specific questions. The overview included a discussion of the applicable FTA regulations, guidance, etc., for eight topics (see sidebar on page 2) and where resources for those topics can be found (state documents, links to web sites or other relevant technical assistance resources).

Here are some of the highlights of four of the topics covered during the training:

Financial management

Participants learned about the grant management requirements encompassed under the "OMB Super Circular"



(2 CFR Part 200.500) which replaced previous cost principles, administrative requirements and audit circulars (e.g. A-87, A-102 and A-133 for local governments and A-122, A-110, and A-133 for nonprofit corporations).

Procurement rules and Section 5311 agencies

A number of reference documents are available to transit agencies to guide procurement practices. According to Garrity, one of the best for sample language for contracts for services is provided in FTAs *Best Practices Procurement Manual* (BPPM). Garrity said most 5311-funded agencies rarely get involved with procurement over the micro-purchases threshold of \$3,000. However, the consequence for not following the procedures is to have the purchase disallowed for reimbursement, and the agency becomes liable for the entire cost. It is important to pay attention to those regulations. What about purchases like tires, for which individual purchases are less than \$3,000, but the total purchase over the year is greater than \$3,000? Garrity says that as long as it is your policy to purchase tires as needed, then the practice of buying tires throughout the year is

acceptable. While it is possible that you might get a better price by buying several tires at once, in bulk, you can make the decision whether the cost of the bid process is worth the potential cost savings. For purchases greater than \$3,000, however, quotes must be obtained.

Service refusal and reasonable accommodation

2015 was significant for the celebration of the 25th anniversary of the Americans with Disabilities Act (ADA). The ADA discussion was a lively one, with many questions and clarifications around conditions of service refusal. Garrity also provided a review of the rule changes that came into being in late 2011, such as changes in definition of the common wheelchair along with definitions of “legitimate safety concerns.”

Service animal requirements were also reviewed. A key point was that some provisions outlined under the Department of Justice have not been adopted by the Federal Transit Administration (FTA). It is important to review the requirements specific to FTA.

A final rule published on March 13, 2015 provided new guidance on applying the concept of reasonable accommodation to DOT-covered entities, which included new definitions and practice changes. According to the rule revision, transportation entities are required to make reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities. The rule requires a designated person to coordinate efforts to comply with the regulation who is trained on the rule and who has authority to make key operational decisions, procedures for making a request for reasonable modification, and establishing a complaint procedure. For regular updates on FTA rules associated with ADA, including reasonable modification and other ADA regulation, visit <http://www.fta.dot.gov/civilrights/12325.html>.

Clarification of charter rules

Garrity provided a good overview of some of the charter rules that went into effect in 2008. In general, a transit system may provide charter service as long as the agency complies with specific FTA reporting requirements. In some aspects, KDOT requirements for charter service are more restrictive than FTA's charter requirements. In addition to the information provided in FTA 101, be sure to check the

Eight Modules Covered During Training

The notebook provided FTA 101 participants during the pre-conference training in Manhattan included eight modules:

- Eligible Services
- Financial Management
- Grants Management Principles (Post-Award)
- Procurement
- ADA
- Civil Rights
- Charter and School Bus
- Drug and Alcohol Testing

If you are a Kansas transit provider who was unable to attend the training, we can provide an electronic copy of the hand-out. Please contact Pat Weaver at weaver@ku.edu to request the notes.

KDOT web site for information specific to charter service at <http://ksdot.org/burTransPlan/pubtrans/index.asp>.

Conclusion

KDOT provides grants management guidance to transit managers in their application package and in their policy manual *Policies for Public Transportation Program Grantees*. KDOT policies are developed in the context of federal requirements associated with financial and program management established by the Federal government. The guidance provided in Garrity's training helped to summarize these requirements in a single reference document. If you are a Kansas Section 5311 or 5310 provider and were unable to attend this session, please contact Lisa Harris at LHarris@ku.edu to request an electronic version of the handout document. Remember to verify policies outlined in Garrity's handout with your KDOT program consultant for clarification if it appears contrary to KDOT's policy manual (see the link to KDOT's policy manual in the Sources below).

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Sources

- Code of Federal Regulations Title 2: Grants and Agreements PART 200. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Version 12-26-14 with Updates. (User-Friendly Print Version). http://www.maximus.com/sites/default/files/MAXIMUS_UG%20Booklet%20-%20202%20CFR%20Part%20200%20031715.pdf
- FTA Best Practices Procurement Manual . 2001, updated 2005. http://www.fta.dot.gov/documents/BPPM_fulltext.pdf
- Policies for Public Transportation Program Grantees. Kansas Department of Transportation. Revised March 5, 2015. http://ksdot.org/Assets/wwwksdotorg/bureaus/burTransPlan/pubtrans/word/Public_Transportation_Policies_UpdateSFY2015_Final-4.docx