

Chapter 4 Overview

- ✓ Outlines **formula and notification of 5310 apportionment.**
- ✓ Describes **accounting, contracting and reporting** guidelines.
- ✓ Specifies **how to manage the Section 5310 program.**

A. Section 5310 Apportionment

◆ *Formula for Apportionment*

Section 5310 funds are apportioned to Kansas by a formula that is based on the number of elderly persons and persons with disabilities in the state according to the most recent US census. Funds are available for capital purchases only at a rate of 80 percent federal and 20 percent local cash match.

◆ *Notification of Apportionment*

Section 5310 program apportionment and RTAP allocations to the states are published in the Federal Register annually within ten days after the DOT Appropriation Act is signed. KDOT is responsible for notifying subrecipients of grant approval.

◆ *Availability of Local Matching and Operating Funds*

Funds for Section 5310 must be obligated in the year for which they are apportioned. For example, funding that is made available October 1, 1999 (FY 2000) must be in a grant and contracted with FTA by September 30, 2000 or the funds will be lost. Once the funds are under contract, the monies may be carried over during a three year period. Provider agencies are responsible for providing 20 percent of the purchase price of the capital acquisition.

- *Table 4.1 on the following page outlines the steps for committing local matching funds in a Section 5310 application.*

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Table 4.1: Local Matching Funds for Section 5310

Applications for and the Availability of Local Matching Funds
<ul style="list-style-type: none">❑ To specify the availability of local matching funds, applicants complete a certification submitted with their Section 5310 application.❑ Applications are evaluated for viability of the local match source.❑ The program applications indicate a specific date by which the funds will be made available.❑ Requirements for local match are incorporated into the subrecipient contract.❑ KDOT electronically certifies to FTA that subrecipients will meet local match requirements.
<p>◆ Financial Review</p> <p>Annual program reviews are conducted by KDOT’s office of Inspector General in accordance with OMB Circular A-128. A threshold of \$100,000 in federal funds received must be met before OMB requires an audit. Maintaining good records throughout the year will help facilitate the process of the audit. Financial audits are rarely conducted in Kansas because most agencies operate under the \$100,000 federal fund threshold. However, KDOT may do program audits by visiting selected agencies to observe their procedures.</p>
<p>◆ Accounting Guidelines</p> <p>1) <i>Basic Guidelines</i></p> <ul style="list-style-type: none">✓ KDOT does not require that the CTD or Section 5310 subrecipients adopt a specific accounting system, but it does require that the system be adequate to maintain the needed records for the project, tracking certain organizational and accounting information. In order to ensure that funds have not been used in violation of the restrictions and prohibitions applicable to the program, it is important that the funds are accounted for in a manner that makes them easily traceable.✓ Subrecipients are required to maintain financial records for the life of the vehicle plus an additional three years, including records for any completed project or vehicle that has reached the end of its useful life.

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- ✓ All financial records and supporting documentation pertinent to a grant must be retained by KDOT and must be made readily available to the US Department of Transportation for a period of three years. Individual providers will track funds and expenses while the CTD will be responsible for ensuring that program funds are used correctly.
 - ✓ Once all appropriate documentation is collected, it will be forwarded to KDOT for reporting to FTA.
- 2) *Accounting Procedures for Maintenance and Modifications*
- ✓ Specific procedures for maintenance and modifications must be reported precisely and are reimbursed under certain circumstances.
 - ✓ Maintenance costs must be reported on the “Monthly Project Expense Report,” which is DOT Form 934.
 - ✓ Maintenance expenses may include tire repair and minor vehicle repair, such as tuneups, plugs, filters, oil and transmission service.
 - ✓ Repairs necessary to a damaged vehicle may be reimbursed in operating costs up to 50 percent of the collision deductible.
 - ✓ Major rehabilitation of a vehicle must be approved prior to the work being done. Work to repair major damage is reimbursed from capital, not operational, funds.
 - ✓ Other major modifications like the addition of a lift after the delivery of a vehicle must be submitted to KDOT for approval before reimbursement may be made.
- 3) *Receipt Procedures*
- ✓ Transit providers must maintain various receipts and report this information to KDOT.
 - ✓ A driver must account for cash and must turn this money in daily to a project manager or designated representative.
 - ✓ It is encouraged that receipts be deposited daily, but it is required that they are deposited weekly, at a minimum.
 - ✓ The accounting system must be able to identify and separate receipts and revenues and must be

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able to credit those receipts that only apply to the public transportation program.

- ✓ Project income must be credited to operating costs of the project.
- ✓ The accounting system must reflect any collections or donations in the accounting records.

4) *Expense Procedures*

- ✓ The provider will keep track of all expenses in addition to receipts and revenues. All expenses must be paid by check and must have an individual receipt for the charge. All checks must be accounted for and recorded accurately in the accounting ledger.
- ✓ All invoices must be retained and cross-referenced with check numbers.
- ✓ Invoices for vehicle charges must show the vehicle number, driver, and vehicle mileage.

5) *Payroll and personnel costs*

- ✓ Time records must support all payroll charges for all employees indicating the time spent on the project.
- ✓ The employee and a supervisor must sign all time sheets and a cross-reference check number must correspond with the time sheet.
- ✓ Volunteer time must also be tracked to the extent feasible. The rates to estimate the value of the volunteer work should be based on fair market value.

B. Contracting Requirements

◆ *Contracting Between the CTD and KDOT*

The CTD must contract with KDOT in order to carry out its administrative functions of distributing funds to the providers in the district. The CTD must sign the following contracts with KDOT annually before it can receive funds:

- 1) an **Operating Contract**, and a **Capital Contract**, which explain the terms for transferring federal funds from KDOT to the CTD and define the CTD's responsibilities, and
- 2) a **State Funds Receipt Contract**, which is an agreement that lists the terms and conditions for receipt of State funds from the Elderly and Disabled Transportation Assistance Act.

◆ *Contracting Between the CTD and Transit Providers*

- 1) The CTD develops a written agreement with each provider to form a contract for the distribution of program funds with participating providers. These contracts may be tailored to meet specific purposes.
- 2) Providers have several options for structuring a contract with the CTD. The template agreement produced by KDOT for the CTD may be used as a guideline. Providers can also use generic contractual agreements. At the very least, a CTD and the provider agency should develop a letter of agreement signed by both parties agreeing to implement the program described in the application for funds.
- 3) Funds available to the providers for reimbursement are based on the approved application from KDOT and established in the contract between the CTD and KDOT. This disbursement of funds should also be listed in the contracts between the CTD and providers.
- 4) It is encouraged that these contracts be renewed annually.

C. **Managing the Section 5310 Program**

◆ *Allowable Uses of the Vehicle*

The recipient of Section 5310 funds agrees that project real property, equipment and supplies shall be used for appropriate project purposes for the duration of the useful life of that property. Any transportation provider in an urbanized or a non-urbanized area who has as its clientele elderly persons and/or persons with disabilities can become eligible to receive Section 5310 assistance. Transportation services under this program can be open to all elderly persons, persons with disabilities, and the general public, after the immediate transportation needs as specified in the recipient's grant application are satisfied.

Transit service providers receiving 5310 assistance may coordinate and assist in providing meal delivery services for homebound persons on a regular basis if the meal delivery services do not conflict with the

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provision of transit services or result in a reduction of service to transit passengers.

◆ *Insuring Your Vehicle*

Insuring vehicles is one of the most important functions an agency must complete prior to operation and is an integral part of risk management, protecting the agency against a variety of liability issues. In the event of accident or injury, the agency must be covered against suits and liability.

✓ *Minimum Insurance Coverage*

At a minimum, an agency needs a general liability policy that covers accidents that occur once the passenger has boarded the vehicle. Special riders can be attached to the policy to cover volunteers, or special activities. Volunteer driver liability information is outlined in Chapter 6. **Kansas insurance requirements are also detailed in Chapter 6.**

◆ *Maintaining Accessibility*

All public and private entities providing transportation services must be in compliance with the ADA accessibility requirements, providing accessibility features, lifts and ramps on vehicles and at transit facilities. ADA legislation is discussed briefly in Chapter 1 and specific ADA accessibility requirements are detailed in Chapter 7.

◆ *Coordinating with Other Services*

FTA and KDOT encourage subrecipients of Section 5310 assistance to participate in coordinated systems with recipients of funds from the programs of the Department of Human Services, other federal and state programs, and other local providers. Coordinated transit may be organized in several different ways with various levels of coordination. Groups may form interlocal agreements and combine to purchase vehicles, equipment and fuel; or a central coordination organization may organize all of the transit activity in an area. The central agency may purchase vehicles and provide transportation to clients of social service agencies and to the general public, or contract out the transportation while retaining central billing and dispatching authority.

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For more information on coordinating transportation, see Chapters 9 and 14.

The Kansas Legislature mandated in 1992 that by July 1, 1995 all Section 5310 subrecipients must be part of a Coordinated Transit District. KDOT guidelines require recipients to attend CTD meetings on a regular basis. The purposes of the CTDs are to enhance coordination and management of all state and federal public transportation funds. CTDs are available for technical assistance in coordination.

Providers are also encouraged to coordinate activities with private sector organizations. Teaming up with the private sector benefits agencies by allowing them to tap into new markets and leverage their resources.

Section 5310 providers in urbanized areas must submit with their applications copies of notifications to any area Metropolitan Planning Organization (MPO) stating to apply for capital assistance for inclusion on the Transportation Improvement Plan (TIP).

◆ ***Maintaining and Inspecting Your Vehicle***

Detailed maintenance and inspection steps are outlined in Chapters 6 and 7. Recipients of federal funds agree to maintain property and equipment in good operating order, and in compliance with any guidelines, directives or regulations that FTA may issue.

Vehicle inspections ensure that all systems of the vehicle are operational and are safe for use. The inspection process also ensures that all participating agencies using the vehicle are maintaining it properly. Three types of vehicle inspections should be conducted: the delivery inspection, the pre-trip inspection, and the annual inspection, which are outlined in Chapter 6. The delivery inspection must be conducted by the agency at the time the vehicle is delivered. Annual inspections are conducted by KDOT personnel and are scheduled through one of six KDOT district shops.

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✓ *Inspection Records*

- 1) Conduct a Delivery Inspection Checklist, included in the *Transit Vehicle Inspections*' attachment, and keep this checklist with the vehicle maintenance records.
- 2) Keep accurate records of Pre-Trip Inspections daily to help guarantee that maintenance problems are identified early. These records also aid in the billing of each agency for use and maintenance of the vehicle when agencies are sharing within the CTD.

◆ *Scheduling and Dispatching Rides*

Table 4.2 describes steps for scheduling and dispatching rides.

Table 4.2: Scheduling and Dispatching Rides

Steps for Scheduling and Dispatching Rides	
Individual Agency-Controlled Systems	<ol style="list-style-type: none"> 1) Agencies should develop a specific plan for scheduling and dispatching rides to reduce confusion for employees and riders. Riders should be made aware of the scheduling and dispatching policy and should be notified of any changes in the policy. A copy of the policy should also be posted on the vehicle. 2) Potential riders generally contact the provider dispatcher by phone to schedule a ride or a series of rides. It is a good idea to require a specific time frame that rides must be scheduled by. 3) The dispatcher should note any special needs or circumstances so that the driver can be prepared en route. 4) The dispatcher records the ride and organizes the ride within the context of other scheduled rides as efficiently as possible. 5) It is a good idea to give the driver a copy of their schedule prior to the scheduled day so that they can prepare for any special needs or amend as necessary.
Coordinated Systems	<ol style="list-style-type: none"> 1) In coordinated systems, a lead agency or broker may act as a central dispatcher for the system. Under this system, all rides scheduled for providers in the system are established through the centralized broker. 2) Coordination can also occur through trip-sharing or vehicle-sharing. Under these agreements, providers can call each other to find rides for passengers that they cannot serve.

◆ *Accidents*

1) **Prevention**

Considering risk management and accident prevention will help providers to deal with potential loss or damage as well as reduce the likeliness of accidents. Having a comprehensive risk management system will allow providers to tie together individual activities meant to increase safety and the life of vehicles and other equipment. Organizational policies may help in the event of an accident or for insurance purposes. Agencies should objectively look at practices that put them at risk which could be avoided. However, some risk cannot be avoided or eliminated. In these cases, agencies should pursue strategies of loss control and prevention. These procedures should comprise a continuous, systematic attempt to minimize the loss potential.

Safety programs are a way to limit the potential damage from necessary risks. Providers should ensure that they comply with all Occupational Safety and Health Administration (OSHA) regulations. Providers can request that an OSHA inspector assist them in complying with regulations to improve the work environment.

All employees operating vehicles or performing maintenance procedures should be well informed of proper usage and safety procedures. Drivers should also be trained in life saving techniques and other measures to ensure passenger safety.

An agency should be adequately insured for liability and injury in the case of accidents. Insurance coverage information is provided in Chapter 6. Depending on the severity of accidents, an agency may elect to use system funds to pay for minor losses or to self-insure for small losses that occur with relative frequency. If this decision is made, a certain amount of money should be budgeted for self-insurance. In the event of loss due to casualty or fire, the damages paid by the insurance carrier or payable from the

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self-insured reserve account shall be considered fair market value.

2) **Accident Procedures and Reporting**

When there is an accident or emergency involving your vehicle and passengers, drivers are responsible for handling the incident in a way that lessens the risk of injury or death to passengers and to themselves while protecting the agency from fraudulent or excessive liability claims. Drivers must also protect the vehicle from further damage while keeping passengers as comfortable and as calm as possible. Drivers should follow the steps outlined in Table 4.3 when an accident or emergency occurs.

Table 4.3: Steps for Drivers Involved in Emergency Situations

- 1) **Keep Calm**—Your first duty is to keep calm, remaining rational to make informed decisions.
 - 2) **Contact the Dispatcher**—Advise the dispatcher of who and where you are; that you have had an accident and whether or not anyone is injured. The dispatcher will then contact the appropriate authorities. Stay in contact with the dispatcher at all times. If your agency does not operate with a dispatcher, determine in advance who will be contacted and how. A radio system or cellular phone is recommended to assist in responding quickly to emergencies on the vehicle.
 - 3) **Protect Your Passengers, Yourself and the Vehicle**—Remain aware of the circumstances around you and the safety of your passengers. If you are instructed to move the vehicle, move it into a location where it will be safe from further damage. Administer first aid in accordance with safety training and company policy. Get information from the driver of the other vehicle or vehicles if applicable. Pass out courtesy witness cards if required. Witness cards are generally available from your insurance agent.
 - 4) **Complete the Required Reports**—Fill out required incident reports completely and in full detail on the day that they occur. It is also beneficial to complete an incident report to keep in your own files and to file with the CTD and KDOT. An example of an incident report is provided as an attachment. Complete and thorough reports are for the purpose of settling claims and to help refresh your memory during future proceedings concerning the incident.
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3) **Vehicle Repair**

When an accident occurs, the insurance agency determines whether the vehicle is eligible for repair. If the vehicle is eligible for repair, the provider agency should follow the repair guidelines set up by their insurance company.

KDOT should be notified if the accident could create a liability issue for KDOT or FTA. For example, if the accident involved a fatality or the possibility of a lawsuit.

If the vehicle is not eligible for repair, the damages paid by the insurance carrier or payable from the self-insured reserve are considered fair market value.

The deductible amount on the insurance is an allowable reimbursement expense. For reimbursement, each provider must send their accident and insurance reports to their CTD to be combined into one report for the CTD. Reimbursement for 5310 is made only from state funds to a maximum of \$4,000 or 20 percent, whichever is less.

D. Completing Reports

- ◆ **Daily Driver's Trip-by-Trip Record** (Form 930) and the **Monthly Summary of Passenger Trips and Vehicle Report** (Form 932) are encouraged by KDOT, but are not required forms of documentation. These forms help providers keep track of daily and monthly activity and help in the completion of the required forms.
- ◆ **DOT Forms 934** and **935** are required to be filed with KDOT on a monthly basis for each project that the agency operates. The forms must be submitted by the 15th of the month following the month being reported. These documents will be sent to the local CTD to be compiled according to a schedule agreed upon with the CTD, and then the information will be sent to KDOT.
 - 1) *Form 934* must be filed for each vehicle that the agency operates, even if the vehicle was not in use during a particular month. The total number of passengers served in each of the three passenger classifications for the entire month needs to be reported. KDOT tracks the number of miles driven by each vehicle, requiring the provider to record the

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beginning and ending odometer readings. All operational expenses like driver salary, insurance cost, and advertising must also be recorded on the form.

- 2) *Form 935* tracks project expenditures monthly. Expenditures are listed in three categories: current, prior, and year to date. Current expenditures are tracked for a variety of items related to the operation of the vehicle. Prior expenditures in each of these areas must also be reported, and expenditures for each item must be tallied for year to date. Each of the matching requirements for state, local, and federal contributions is listed and these amounts must be calculated.

◆ **Monthly Ridership and Operating Reporting**

Forms Providers are required to submit monthly ridership/operating reporting forms to the CTD that itemize ridership, mileage and expenses. The CTD submits ridership reports along with monthly reimbursement requests to KDOT. These reporting forms are described in detail in Chapter IV, Section E, item 4 of the Kansas State Management Plan.

◆ **Vehicle Useful Life and Vehicle Disposition**

- 1) *Useful Life*

The useful life of a vehicle, as determined by KDOT for standard vans and body-on-chassis vehicles, is a minimum of:

- ✓ *100,000 miles or*
- ✓ *five years.*

- 2) *Fair Market Value*

When it has been determined that a vehicle has reached its useful life capacity, KDOT will work with the vendor to determine the fair market value of the vehicle at that time. In general, *depreciation is calculated at 25 percent in the first year and 10 percent each year thereafter.*

- 3) *Vehicle Disposition*

- ✓ To dispose of a vehicle, the subrecipient must apply for lease of lien from KDOT.

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- ✓ Once released, the vehicle is no longer eligible for operating assistance from Section 5310 funds.
 - ✓ Subrecipients are required to pay 80 percent of fair market value to KDOT upon disposition of any vehicle with a current lien and must document this value with KDOT.
- ◆ **Project Closeout Reporting Procedures**
Upon closeout of a project, transit providers must make all programmatic documentation available to KDOT for review and must prepare full project closeout financial documentation.
- ◆ **Transferring Equipment Procedures**
- 1) *Guidelines for Transfer*
Property may be transferred to any subrecipient eligible to receive assistance under 49 U.S.C. Chapter 53 as long as consent is given by the subrecipient. The subrecipient must be currently in possession of the equipment and the equipment must continue to be used in accordance with program guidelines.
 - 2) *Vehicle Transfer Agreement*
To ensure program eligibility, subrecipients must request a vehicle transfer in writing to KDOT. The security lien with KDOT is continued under the new owner. The new subrecipient must complete a Vehicle Transfer Agreement that certifies the equipment will be used in accordance with program guidelines.
- For specific procedures for vehicle disposition, please see Table 4.4 on the following page.

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Table 4.4: Procedures for Vehicle Disposition

Procedures for Disposition	
Application for Release of Lien	<ul style="list-style-type: none">❑ To dispose of a vehicle, a subrecipient must apply for a release of lien from KDOT.❑ If KDOT determines that the release of lien is appropriate, they respond with a letter of release.❑ Once released, it is important to realize that the vehicle is no longer eligible for any operating assistance from Section 5310 except under unusual circumstances approved in advance by KDOT.
Federal Share of Purchase Requirement	<ul style="list-style-type: none">❑ Upon disposition of any vehicle with a current lien, subrecipients are required to pay 80 percent of fair market value to KDOT, which is considered to be the federal share of the purchase.❑ The proceeds of the disposition that are paid to KDOT are deposited in a Vehicle Sales Account and are used for maintenance and other capital-related expenditures that arise within the Section 5310 program.

E. Annual Program Review

Annual program reviews are conducted by KDOT's office of Inspector General in accordance with OMB Circular A-128. A threshold of \$100,000 in federal funds received must be met before OMB requires an audit. Maintaining good records throughout the year will help facilitate the process of the audit.

✓ ***Subrecipient Responsibilities***

- 1) Subrecipients must make available all programmatic documents for review by KDOT.
- 2) Subrecipients are responsible for submitting current certifications and assurances for audit purposes along with their applications. A full list of required certifications and assurances can be found in the KDOT State Management Plan for Public Transportation Programs. Copies of annual external audits conducted for subrecipient programs are submitted as part of the annual project review.

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Chapter 4 Checklist

- ❑ What is the formula for Section 5310 apportionment?
4-1
- ❑ What are the accounting guidelines for Section 5310?
4-2 to 4-4
- ❑ How do you contract with the CTD? 4-5
- ❑ What are the steps for scheduling and dispatching rides? 4-7 to 4-8
- ❑ What should you do in case of an accident? 4-10 to 4-11
- ❑ What reports must you maintain as a Section 5310 provider? 4-11 to 4-13

Chapter 4 Resources

"Coordinated Transit District Handbook: A Guide for Kansas CTD Administration," KDOT.

"Strategies to Assist Local Transportation Agencies in Becoming Mobility Managers: TRCP Report 21," Transportation Research Board, National Research Council, FTA, 1997.