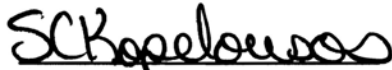


Approved:

Effective: December 11, 2008

Office: Transit

Topic No.: 725-030-030-i


Stephanie C. Kopelousos
Secretary

PUBLIC TRANSIT BLOCK GRANT PROGRAM

PURPOSE:

To detail the Florida Department of Transportation Public Transit Office's administration and management of the State Public Transit Block Grant Program.

AUTHORITY:

Sections 341.052, 341.071, 20.23(3)(a), and 334.048(3) Florida Statutes (F.S.), Rule Chapter, 14-73, Florida Administrative Code (F.A.C.)

SCOPE:

This procedure impacts the Department's Transit Office and District Modal Development Offices responsible for managing this program and Block Grant recipients.

REFERENCES:

Chapter 341, Florida Statutes (F.S.)
Procedure No. 725-030-025, Transit Vehicle Inventory Management
Procedure No. 725-030-005, Public Transit Service Development Program
Procedure No. 725-030-003, Transit Corridor Program
Procedure No. 725-000-005, Public Transportation Joint Participation Agreement
Rule Chapter 14-73, Public Transportation
CSFA Number 55010

DEFINITIONS:

Community Transportation Coordinator: A transportation entity so designated by the Florida Commission for the Transportation Disadvantaged, as provided for in **Chapter 427, F.S. and Rule Chapter 41-2, F.A.C.**, to serve the transportation disadvantaged population within a designated service area.

Central Office: For the purposes of this procedure, the Department of Transportation,

Public Transit Office and/or staff.

District Office: For the purposes of this procedure, the Department of Transportation, District Modal Development Office and/or staff.

Eligible Transit Capital Cost: Any costs related to the purchase of tangible property. Property includes tangible assets with an expected service life of more than one year at the time of their installation/purchase. Examples would include, but not be limited to: the acquisition of buses for fleet and service expansions; bus maintenance and administrative facilities; transfer facilities; intermodal terminals and park and ride facilities; acquisition of replacement vehicles; passenger amenities, such as passenger shelters and bus stop signs; and miscellaneous equipment such as mobile radio units, supervisory vehicles, fareboxes, computers, and shop and garage equipment.

Eligible Transit Operating Costs: The total costs of administration, management, and operations directly incident to the provision of public bus transit services, but excluding the depreciation or amortization of capital assets.

Front End Funding: Funding allocation method whereby a local grant recipient incurs eligible expenses to which state block grant funds are first applied and the required local share is applied only after state funds have been drawn down.

Joint Participation Agreement (JPA): A contract between the Department of Transportation and a local sponsor of a transportation project, defining a project and the Department's participation (**Form No. 725-030-06**).

Local Revenue Sources: The sum of money received from local government entities to assist in paying transit operation costs, including tax funds, and revenue earned from fare box receipts, charter service, contract service, express service, advertising, and non-transportation activities.

Local Tax Revenue: Local tax revenues are those revenues that are made available for operating expenses and are derived from local taxes, whether the taxes are collected by the public transit provider directly or not. Specifically those revenues properly coded to revenue object classes **408** and **409** in the **National Transit Data Base (Section 5335)** Report are local tax revenues.

Project Income: Revenues earned by the public transit agency such as those for advertisements, charter, and farebox.

Public Transit: The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be either government owned or privately owned. Public

transit includes those forms of transportation commonly known as "paratransit" characterized by their non-scheduled, non-fixed route nature.

Public Transit Operating Revenues: The total revenues received during the year to defray operation and administrative costs. These revenues include: project income, such as advertising and charter revenue; farebox; and local funds, including tax revenues.

Public Transit Provider: A public agency providing public transit service, including rail authorities created in **Chapter 343, F.S.**

Public Transit Service Development Project: A project to test a new or innovative technique or measure to improve or expand public transit services as defined in the **Public Transit Service Development Program, Procedure No. 725-030-005.**

National Transit Data Base (Section 5335): A report submitted by a public transit provider to the Federal Transit Administration in accordance with the uniform System of Accounts and Reports prescribed by **Section 5335** of the **Federal Transit Act**. This report is one basis for the allocation of block grant funds, and the uniform accounts therein are used to validate the lawful use of funds. Requirements can be found in **Attachment A.**

Section 5307 Provider: A public transit provider eligible to receive funds from the **Federal Transit Administration's Section 5307 Program** for the purpose of providing public transportation within their service area. Section 5307 funds may be granted to public agencies in urbanized areas of 50,000 population or more, as designated by the U.S. Bureau of the Census. Such an agency becomes eligible to receive block grant funds when the annual element of its Transportation Improvement Program contains a block grant project.

Section 5311 Provider: An agency receiving funds from the **Federal Transit Administration's Section 5311 Program** for the purpose of providing public transportation outside an urbanized area. For the purposes of this procedure, the term **Section 5311 Provider** does not include any Community Transportation Coordinators.

Supplant: To take the place of, to supersede. To use block grant program funds in place of local tax revenues made available for an eligible public transit provider for operations in the previous year. Such use would result in the block grant award to the public transit operator being reduced by the amount of supplanted local funds. As provided in **Section 341.052(3)(c), F.S.**, the Secretary of Transportation may waive this provision for public transit providers located in a county recovering from a state of emergency.

Transit Corridor Project: A project to relieve congestion and improve capacity within a transportation corridor as defined in ***Procedure No. 725-030-003, Transit Corridor Program***.

Transit Development Plan: A ***Transit Development Plan (TDP)*** is a locally adopted document which includes an assessment of the need for transit services in the local area, identifies the local transit policies, existing services and proposed service improvements, capital and operating costs of the proposed services, existing and proposed sources of funding and a staged implementation plan. The preparation and content of the ***TDP*** complies with the provisions of ***Rule Chapter 14-73, F.A.C.*** The Department will accept ***TDPs*** for review at any time. ***TDPs*** must be submitted by September 1. Late filed ***TDPs*** will be accepted if extenuating circumstances beyond the provider's control exist and the District Office is able to complete its review and approval process by the last business day of December.

Transportation Improvement Program (TIP): The result of a continuing, cooperative and comprehensive planning process which delineates transportation improvements recommended for federal and state funding during the program period. The TIP is submitted to the Department per the requirements of ***Chapter 339, F.S.***

1. GENERAL

- 1.1** The Public Transit Block Grant Program was enacted by the Florida Legislature to provide a stable source of funding for public transit. Funds are to be awarded to those public transit providers eligible to receive funding from the ***Federal Transit Administration's Sections 5307*** and ***5311*** programs and to Community Transportation Coordinators (see definitions). The Department of Transportation will distribute 85% of the funds to ***Section 5307*** providers and to ***Section 5311*** providers who are not Community Transportation Coordinators via this procedure. The Florida Commission for the Transportation Disadvantaged will distribute 15% of the funds to Community Transportation Coordinators according to their own procedures.
- 1.2** The block grant funds may be used for eligible capital and operating costs of public transit providers. Funds may also be used for transit service development and transit corridor projects. Projects shall be consistent with applicable approved local government comprehensive plans. State participation is limited to 50% of the non-federal share of capital projects. Up to 50% of eligible operating costs can be paid with program funds, or an amount equal to the total revenue, excluding farebox, charter, advertising revenue and federal funds, received by the provider for operating costs, whichever amount is less.

- 1.3 Local tax revenues made available for operating costs shall not be supplanted by block grant funds.

2. PROJECT DEVELOPMENT

- 2.1 The Central Office is responsible for distributing tables allocating funds to the District Offices and eligible public transit providers each year. The tables will be sent to the District Offices within 30 days following the signing of the appropriations act by the Governor. The Department may supplement the block grant allocations to recipients if **non PTO** funds are available, if requested by the Metropolitan Planning Organization (MPO) or, if there is no MPO, by the county with jurisdiction, consistent with **Section 341.052(8), F.S.**

- 2.2 District Offices are responsible for programming those funds according to work program instructions. District Offices are also responsible for informing eligible public transit providers of final allocations no more than 30 days after receipt of the allocation tables from the Central Office. The District Office shall also make final distribution of block grant funds to operating and/or capital projects in response to the written requests of the public transit providers. The District Offices are responsible for preparing Joint Participation Agreements (JPA) between the Department and eligible providers for the identified operating and/or capital projects.

2.3 Joint Participation Agreement (JPA)

- 2.3.1 The District Office shall obtain a written request for a JPA from a public transit provider prior to the preparation of any JPA. The request from the public transit provider shall include a statement of intent to use funds within the limits of the law and shall state how funds will be divided between eligible capital and operating expenses, and whether any funds will be used in a public transit service development project or transit corridor project. The request need only contain enough detail to complete a JPA and required exhibits. Prior to entering into contract with the provider, the District Office shall analyze the request to substantiate that block grant funds, including any supplemental funds, are not expected to 1) exceed the amount local revenue sources will provide to the system, 2) exceed eligible transit operating costs, or 3) supplant local tax revenues made available for operations. The analysis shall be documented by the District Office and kept in the project files. This analysis may be performed by the Central Office if requested by the District Office, or if questions arise regarding the ability of the transit operator to spend block grant funds within the limits of the law.

If the analysis reveals that a public transit provider may not be able to expend funds without breaching the limits listed above, the District Office shall contact the provider prior to preparation of the JPA to inform them of the finding and to discuss the means by which the public transit provider intends to use the funds within the limits of the law. For example, if the analysis indicates that the request for operating assistance appears to be for more funds than there appear to be eligible expenses, the public transit provider may indicate that there are service expansion plans which will generate the necessary eligible expenses.

If the Department and the provider agree that the total block grant cannot be expended, the provider may agree to accept a block grant of less than the total amount. The funds that exceed such lesser agreed-upon amount shall be redistributed to other eligible providers by formula on a statewide basis, in the subsequent block grant allocation.

- 2.4 The District Office shall prepare, within 30 calendar days of a request from an eligible public transit provider, a JPA between the Department and the public transit provider receiving block grant funds. An extension to this 30 days may be granted by the District Public Transportation Manager if the analysis of the request indicates that the recipient may not be able to use the funds within the limits of the law, or cannot be completed because the recipient failed to supply the Department with its **National Transit Data Base (Section 5335)** reports and most current budget. The District Office shall not execute a JPA for block grant funds with any transit agency until that agency's annual TDP has been approved. If the TDP is not approved by December 31, the funds for that fiscal year will return to the Central Office to be reallocated among all eligible transit systems in the next work program cycle. JPAs shall be executed as directed in **Procedure No. 725-000-005, Public Transportation Joint Participation Agreement**.
- 2.5 The District Office may prepare and execute separate JPAs for operating grants and for capital grants. Capital grants may be divided into as many separate project JPAs as necessary and desirable. Where block grant funds are to be used in eligible service development projects and/or transit corridor projects, the use of these funds is governed by the Department's **Procedure No. 725-030-005, Public Transit Service Development Program**, and/or **Procedure No. 725-030-003, Transit Corridor Program**.
- 2.6 Front End Funding (see definition) may be used at the discretion of the District Office, but is not recommended in cases where the questions raised in the analysis (above) are not answered to the satisfaction of the District Office. Any block grant funds distributed to an eligible provider which cannot be expended within the limitations of the block grant program shall be returned to the Department within the same year of the allocation. These funds will be retained

in the District cost center, but the amounts will be included in the subsequent statewide block grant formula allocation. Authority will then be reissued for the de-obligated funds, and the District Office will use these funds to reach 100 percent of the District's full block grant allocation in the fiscal year subsequent to the year the funds were de-obligated.

- 2.7 ***Exhibit "C"*** of the JPA shall include, at a minimum, the language in ***Procedure No. 725-000-005, Public Transportation Joint Participation Agreement***.

3. PROJECT MANAGEMENT

- 3.1 District Offices will visit each recipient no less than once a year at their place of business. The purpose of the visit will be to monitor the recipient's compliance with program guidelines. The visit will be documented in the agency file using the checklist found in ***Attachment B*** of this procedure.
- 3.2 The District Office shall monitor the progress that the public transit provider is making in preparing the ***Transit Development Plan*** as required by ***341.071(1), F.S., and Chapter 14-73, F.A.C.***
- 3.3 The District Office shall review for consistency with the ***Recipient's National Transit Data Base (Section 5335) report***, and approve any set of performance measures established by recipients which accurately includes the measures indicated in ***Attachment A*** of this procedure. Recipients may publish additional measures, but all recipients shall be required to publish the core set of measures indicated by the symbol o.
- 3.4 District Offices are responsible for collection of the material required to determine eligibility and allocations (***National Transit Data Base (Section 5335)*** reports and updates or revisions, and current adopted budgets.)
- 3.5 District Offices shall process all invoices in accordance with the ***Disbursement Operations Manual, Topic No. 350-030-400***. For operating costs, the format described in ***Attachment C*** of this procedure will serve as the necessary documentation for the invoice. Only if the invoice includes travel costs will additional documentation of incurred costs be required. If travel costs are included, documentation as outlined in ***Travel, Chapter 3, of the Disbursement Operations Manual, Topic No. 350-030-400***, shall be submitted. Invoices for capital expenses shall be supported by documentation of capital expenses as outlined in the JPA.
- 3.6 In the event the public transit provider cannot use its entire block grant allocation within the limits of the law, as provided in ***Subsection 2.3.1***, the District Office

shall de-obligate the funds and notify the Central Office of the amount of excess funds. These funds will be redistributed statewide in accordance with the provisions of **Section 2.6**.

- 3.7** If an audit reveals that an eligible provider expended block grant funds on unauthorized uses, the provider must repay to the Department an amount equal to the funds expended for unauthorized uses occurring in the year of the allocation. The Department shall redistribute such repayments to other eligible providers in the subsequent allocation per the process described in **Section 2.6**.
- 3.8** Upon project closure, the District Office shall have readily available, at a minimum:
- (A) a copy of the National Transit Data Base (**Section 5335**) report for the year funds were allocated (see **Attachment A**);
 - (B) the public transit provider's adopted budget for the year funds were allocated;
 - (C) a copy of the relevant pages of the TIP for the year funds were allocated;
 - (D) all Joint Participation Agreements for block grant funds and any amendments for the year funds were allocated together with the letter from the recipient requesting funds;
 - (E) a copy of the performance report for the year funds were allocated with the affidavit of publication or an actual copy of the newspaper publication;
 - (F) a copy of the Transit Development Plan prepared in the year funds were allocated;
 - (G) documentation that procurement was approved as required by the JPA;
 - (H) a copy of each invoice presented for payment;
 - (I) documentation of the site visit performed by the District Office; and
 - (J) the file may also contain additional correspondence and information considered by the District Office to be important to a comprehensive understanding of the project.

4. TRAINING

No training is required by this procedure.

5. FORMS

There are no forms required for this procedure. A sample invoice format is provided as a guide. Samples are not official forms of the Department. They provide only a starting point and can be changed or tailored to fit specific circumstances.

REQUIREMENTS FOR TRANSIT PERFORMANCE REPORTING

The 1990 Florida Legislature amended **Section 341.041(3), Florida Statutes (F.S.)**, which provides for the Department's transit responsibilities with respect to state transit measures, as follows:

Develop, publish, and administer state measures concerning system management, performance, productivity, cost distribution and safety of government owned public transit systems and privately owned or operated systems financed wholly or in part by state funding. Such measures shall be developed jointly with representatives of affected publicly owned transit systems and in coordination with affected privately owned systems, with full considerations given to nationwide industry norms.

Section 341.071, Florida Statutes, was also enacted requiring the following:

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall report annually to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area.

(3) Each public transit provider shall publish in the local newspaper of its area the productivity and performance measures established for the year and a report which provides quantitative data relative to the attainment of established productivity and performance measures.

For the purpose of performance measures reporting the public transit provider shall be defined as all **Section 5307** transit systems and **Section 5311** transit systems that are not designated as Community Transportation Coordinators pursuant to **Chapter 427 F.S.** (The Commission for the Transportation Disadvantaged is responsible for the program with respect to Community Transportation Coordinators as per **Section 341.052(5), F.S.**)

Specific Requirements for Transit System Performance Reporting

Pursuant to **Section 341.071, F.S.**, the following specific requirements for transit

system performance reporting shall be part of the Florida Department of Transportation Transit Block Grant Procedure:

1. The transit agency shall publish in the local newspaper of its area, in the form prescribed by the Department, the productivity and performance measures established for the transit providers' most recent completed fiscal year and the prior fiscal year.
2. The performance report shall be approved by the Department prior to its publication.
3. The performance report shall be submitted to the Department no later than September 15 of each year, and published either by November 1, or no later than twenty-eight (28) calendar days after the Department's written approval of the report.
4. The transit agency shall furnish an affidavit of publication and a copy of the newspaper report to the Department within twenty-eight (28) calendar days of publication.
5. Publish performance measures must be consistent with the transit agency's ***National Transit Database (NTD)*** report.
6. In computing per capita measures, service area population shall be used as the denominator. Service area population shall be determined according to the Federal Transit Administration's NTD guidelines.
7. For agencies operating both fixed-route and demand response systems, performance measures shall be reported separately for fixed-route and demand response services. Published fixed-route and demand response data shall include purchased transportation data for each of those modes. If data for purchased transportation are not available to compute any of the required measures, agencies can report that measure for directly-operated service only, but make a notation (footnote) that the reported value for that measure does not include purchased transportation.
8. When a new system begins to report, the first year becomes the baseline and that system would only report their first year data. In the second year of reporting, a new system shall report two years of performance data. To allow for meaningful comparison, computation of all prior year data must be consistent with methodology used to compute current year measures.
9. Performance reports shall be given as much prominence as possible in newspaper publications and must include an introductory paragraph as to why these measures are being published.
10. The newspaper publication shall at the minimum report the values of the following nine (9) performance measures (**1 – 9, shown in Table A-1**):

Table A-1
Required Performance Measures for Newspaper Publication
(update based on FY 2002 NTD online reporting forms)

INDICATOR/MEASURE	DEFINITION	SOURCE
GENERAL PERFORMANCE INDICATORS		
1. Passenger Trips	Annual number of boardings on transit vehicles. A trip is counted each time a passenger boards a transit vehicle.	Transit Agency Service Module Form S-10 non-rail: line 13, column <i>d</i> rail: line 16, column <i>d</i> — note the modes included
2. Revenue Miles	Number of annual miles of vehicle operation while in active service (available to pick up revenue passengers).	Transit Agency Service Module Form S-10 non-rail: line 8, column <i>d</i> rail: line 12, column <i>d</i> — note the modes included
3. Total Operating Expense	Reported annual total spending on operations, including administration, maintenance, and operation of service vehicles.	Financial Module Form F-30 line 15, column <i>e</i> — note the modes included
4. Operating Revenue	Directly-generated revenue, including passenger fares, park-and-ride parking revenues, auxiliary transportation revenues, non-transportation funds, and other transportation revenues. Operating revenue excludes taxes or funds dedicated to transit or other government subsidies.	Financial Module Form F-10 add column <i>d</i> from line 01 (for DO total), line 03, line 04, line 08, line 09, and line 22. Include line 02, column <i>d</i> if reporting purchased transportation service.
5. Vehicles Operated in Maximum Service	The largest number of vehicles required for providing service during peak hours (typically the rush period).	Transit Agency Service Module Form S-10 line 01, column <i>a</i> ; or Basic Information Module Form B-10 — note the modes included
6. Base Fare	The base price of one transit trip, not including any discounts or passes.	Report by mode.
EFFECTIVENESS MEASURES		
7. Revenue Miles Between Vehicle System Failures	Number of revenue miles divided by vehicle system failures. Indicates the average frequency of delays due to equipment problems.	Reported for directly-operated service only. Subtract any purchased transportation miles from item "2." (revenue miles), then divide by Total Revenue Vehicle System Failures for the modes included in item "2.", found on Form R-20 (Maintenance Performance) of the Resource Module.
8. Days/Hours Service is Available	Hours per day and days per week service is provided.	Transit Agency Service Module Form S-10 non-rail: lines 03-04, column <i>a</i> and line 16 rail: lines 03-03, column <i>a</i> and line 18
EFFICIENCY MEASURES		
9. Operating Expense per Passenger Trip	Annual operating expense divided by total annual trips; a measure of the efficiency of transporting riders.	Item "3." divided by item "1." — keep modes consistent

RECIPIENT MONITORING SITE VISIT

Review all block grant files pertaining to the recipient. Become familiar with the status of each project, fund balances, audit exceptions, Transit Development Plans, etc. Note any problems that have arisen in the past.

If possible, coordinate the required site visit with visits required by other Department procedures such as the transit safety program or the triennial review conducted by FTA staff. Schedule the visit with the recipient in advance. Try to accommodate local schedules as much as possible, but don't permit excessive delay. The following checklist is provided as a suggested format for recording the site visit. Notations should document any problems that might be identified, as well as how the issues will be resolved.

CHECKLIST

1. What is the status of the TDP at the time of the visit? Has the TDP been adopted by the policy board and been reviewed by the MPO?
2. Are recommendations for service changes in the TDP being adopted?
3. Has FTA, the A-128 auditors or the Office of the Inspector General taken exception to or disallowed any of the recipient's **National Transit Data Base (Section 5335)** data in the past? If so what corrective actions have been taken?
4. Review the RFP or other instructions to auditors retained to perform the audits required by the **Single Audit Act of 1984**. Have the auditors been instructed to specifically test and certify that the limitations of the block grant program have been adhered to? Review the A-128 audit to identify whether any audit exceptions were identified. Contact the Public Transportation Auditor within the Office of Inspector General, if A-128 audit exceptions are found from the review of the recipient's files.
5. If the review of the recipient's files revealed any problems, discuss each of those problems with the recipient. Make discussion notes as part of the documentation for the site visit.
6. At the end of the visit, ask the recipient if they have any questions about or problems with DOT policies and procedures that they need to discuss further. If questions arise that you are unable to answer immediately, make the commitment to follow up quickly.

District Staff Person Making the Visit

Date

SAMPLE INVOICE FORMAT
RECIPIENT LETTERHEAD

DATE _____

(Addressed to Public Transportation Manager at appropriate District Office)

In accordance with **Chapter 341, F.S.**, the **Joint Participation Agreement** and any **Supplemental Agreements** dated _____ between the Florida Department of Transportation and:

The Agency incurred the indebtedness listed below between

_____ and _____.
(JPA Date) (Date)

This invoice (is) (is not) for costs incurred on a pre-qualified Joint Participation Agreement.

FDOT Financial Project Number _____

FDOT Contract Number _____

We have incurred costs eligible for reimbursement under the public transit block grant program as follows:

Total Expenses:	\$ _____
Ineligible Expenses:	\$ _____
Total Eligible Expenses:	\$ _____
Maximum DOT participation:	\$ _____
Total State share of eligible expenses incurred to date:	\$ _____
Previously billed:	\$ _____
This billing	\$ _____

I certify that the aforesaid listing is true and correct, and that all of the costs included are eligible operating costs for eligible public bus transit or local public fixed-guideway projects, and that the aforesaid listing does not include costs for depreciation or

amortization of capital assets, and that the amounts billed do not exceed local revenue, and that public transit block grant funds have not been used to supplant local tax revenues made available for operations in the year immediately preceding this agreement, and that any travel costs included are documented in attachments to this invoice, and that costs included in aforesaid listing were incurred during the term of the Joint Participation Agreement dated _____ and that where costs attributable to third party contracts or capital expenses have been billed, the Florida Department of Transportation has issued written concurrence as outlined in **Sections 12.10 and 15** of the ***Joint Participation Agreement***.

I certify that the aforesaid listing
is true and correct.

I certify that the Agency has
complied with the provisions of
this agreement.

Approved

By /s/

(Agency Head or Auth.Rep.)

Title

District Public Trans. Manager

Date _____

Date

Approved as Meeting Terms of Contract

District Project Manager

Date