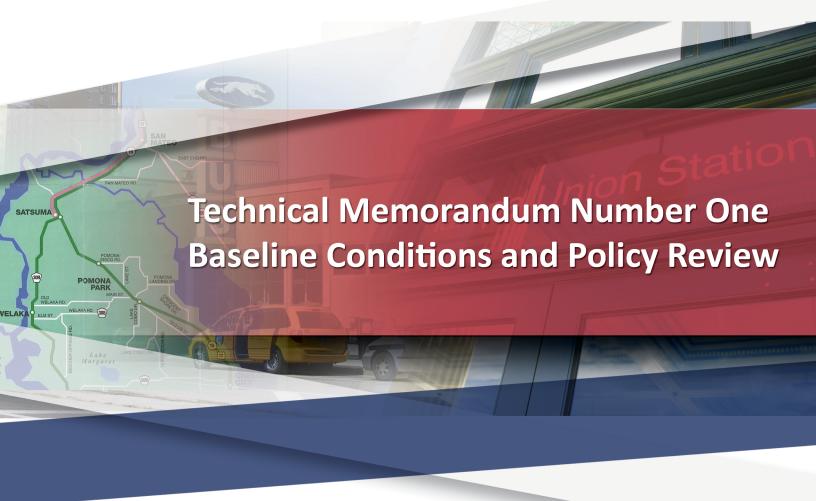


FLORIDA DEPARTMENT OF TRANSPORTATION

Florida Intercity Bus Service Needs Assessment and Action Plan

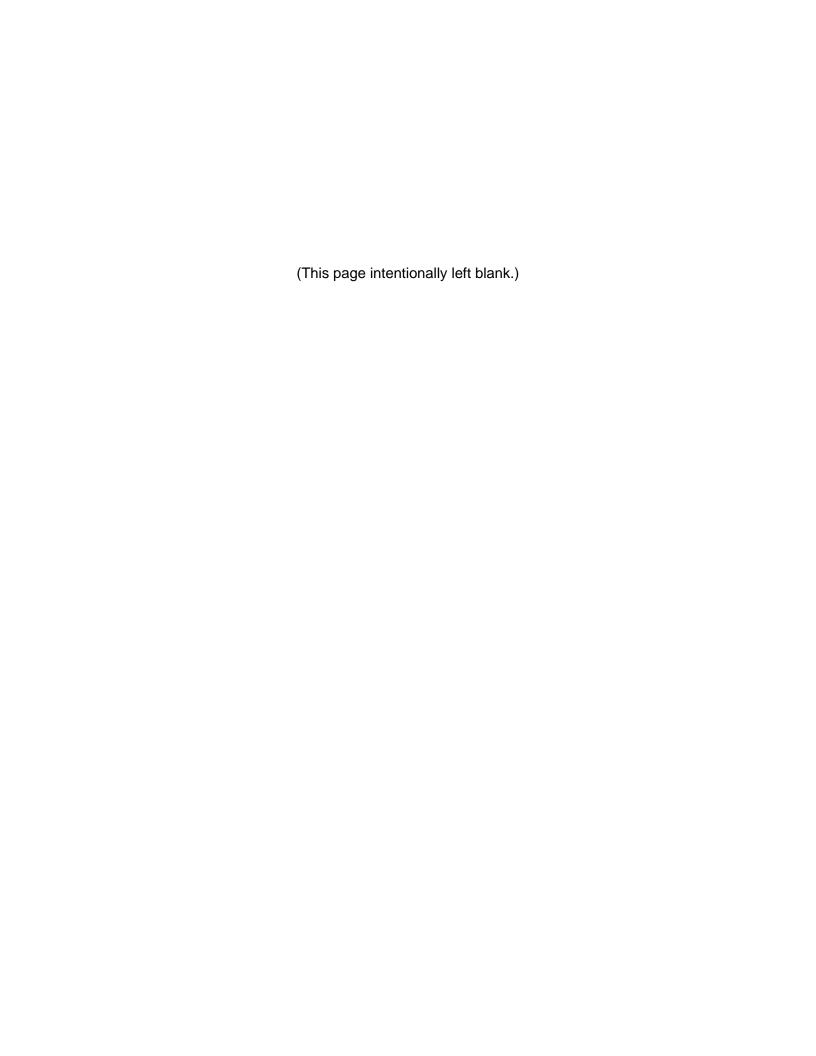
Final

October 2009



Prepared for: Florida Department of Transportation Transit Office





Florida Intercity Bus Service Needs Assessment and Action Plan

Technical Memorandum Number One Baseline Conditions and Policy Review

Prepared for



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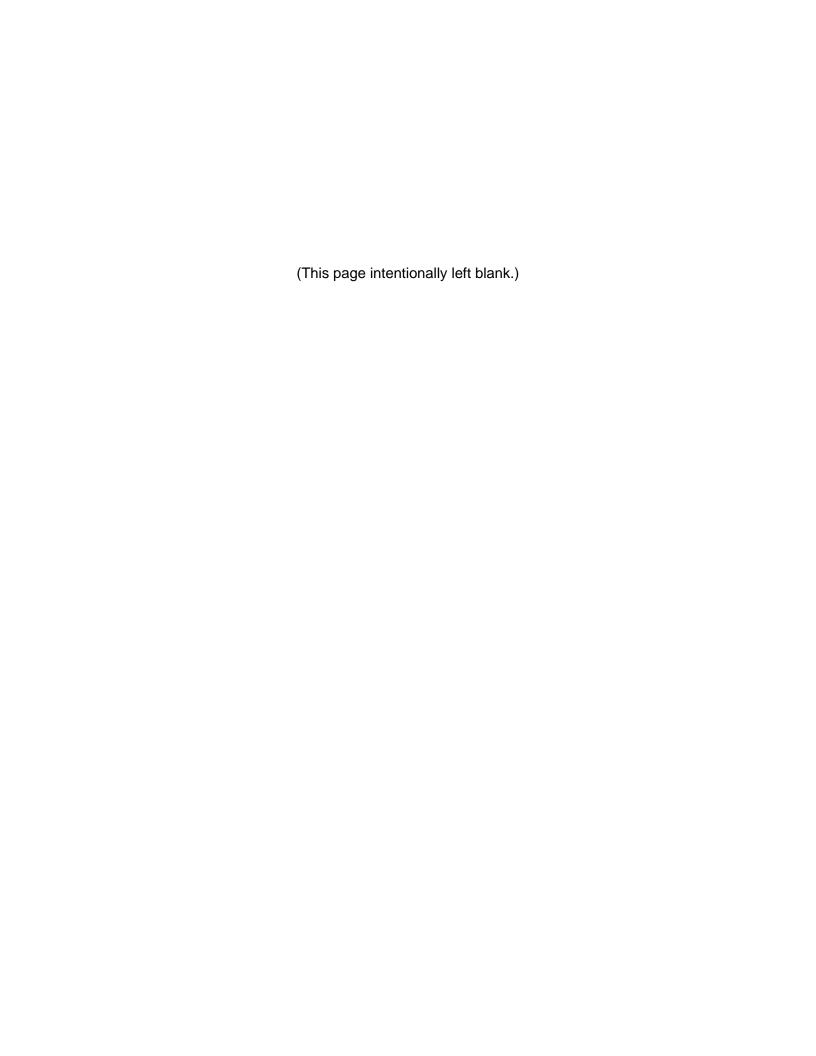




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LIST OF ACRONYMS

This acronym list includes all acronyms included in the two technical memorandums and action plan.

- ADA Americans with Disabilities Act
- ARRA American Recovery and Reinvestment Act
- BCT Broward County Office of Transportation
- CAC Citizen's Advisory Committee
- CAT Collier Area Transit
- CDBG Community Development Block Grant
- CDTLS Community Development Transportation Lending Services
- CMAQ Congestion Management and Air Quality
- COAMC Council on Aging of Martin County
- CSBG Community Service Block Grants
- CTO Central Transit Office
- **CUTR** Center for Urban Transportation Research
- DRI Development of Regional Impact
- ECAT Escambia County Area Transit
- **EPA Environmental Protection Agency**
- ESRI Environmental Systems Research Institute
- FCTD Florida Commission for the Transportation Disadvantaged
- FDOT Florida Department of Transportation
- FEMA Federal Emergency Management Administration
- FHWA Federal Highway Administration
- FMCSA Federal Motor Carrier Safety Administration
- FS Florida Statutes
- FTA Federal Transit Administration
- FTIS Florida Transit Information System
- FTP Florida Transportation Plan
- HART Hillsborough Area Regional Transit Authority
- HUD U.S. Department of Housing and Urban Development
- IBSGP Intercity Bus Security Grant Program
- ISTEA Intermodal Surface Transportation Efficiency Act
- JARC Job Access and Reverse Commute
- JTA Jacksonville Transit Authority





LAMTD - Lakeland Area Mass Transit District

LCHSTP - Locally Coordinated Human Services Transportation Plans

LRTP - Long Range Transportation Plan

LYNX - Central Florida Regional Transportation Authority

MCAT - Manatee County Area Transit

MCSS - Marion County Senior Services

MDT - Miami-Dade Transit

MIC - Miami Intermodal Center

MPO - Metropolitan Planning Organization

MTS - Marion Transit Services

NAAQS - National Ambient Air Quality Standards

NBTA - National Bus Traffic Association

NHTS - National Household Travel Survey

NTD - National Transit Database

OCT - Okaloosa County Transit

PCPT - Pasco County Public Transportation

PCTSD - Polk County Transit Services Division

PSTA - Pinellas Suncoast Transit Authority

RACEC - Rural Areas of Critical Economic Concern

REDI - Rural Economic Development Initiative

RFP - Request for Proposal

RTS - Gainesville Regional Transit System

SAFETEA-LU - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

SCAT - Sarasota County Area Transit

SCAT - Space Coast Area Transit

SCTA - Sarasota County Transportation Authority

SFRTA - South Florida Regional Transportation Authority

SIS - Strategic Intermodal System

SMP - State Management Plan

SRTNA - Strategic Regional Transit Needs Assessment

STB - Surface Transportation Board

STP - Surface Transportation Program

STS - Special Transportation Service

STSPAC - Statewide Transit Strategic Plan Advisory Committee

TBARTA - Tampa Bay Area Regional Transportation Authority

TCAP - Tri-County Access Plan





TCC - Technical Coordinating Committee

TCRP - Transit Cooperative Research Program

TCSP - Transportation, Community, and System Preservation

TD - Transportation Disadvantaged

TDC - Tourist Development Council

TDP - Transit Development Plan

TDSP - Transportation Disadvantaged Service Plan

TPO - Transportation Planning Organization

UASI - Urban Areas Security Initiative

USC - United States Code

USF - University of South Florida

USDA - U.S. Department of Agriculture

USDOT - U.S. Department of Transportation

UWF - University of West Florida





Section 1: Introduction

The Federal government requires that each state allocate a portion of its annual Federal funding dedicated to providing public transportation in rural areas to intercity bus service. While local bus service provides service within a localized urban area, intercity bus service connects two or more urban areas. According to Chapter 341 of the Florida Statutes, intercity bus service has to be regularly scheduled, have the capacity to carry luggage, and cannot primarily serve commuters.

Federal funding for rural transportation services is provided under 49 U.S.C. §5311. One objective of the §5311(f) funding program is to support intercity connections both between non-urbanized and urbanized areas and non-urbanized areas and the national intercity bus system. Additional objectives include supporting services to meet non-urbanized residents' travel needs and to support infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities.

In many states, including Florida, intercity bus service is a vital link between otherwise isolated rural communities and the rest of the nation. In the 1980s and more recently, major intercity bus carriers abandoned less productive routes. Nationally, intercity bus services peaked in 1970, with over 17,000 communities served and about 130 million passengers. By the beginning of 2006, only about 5,000 communities were receiving services, and only about 40 million passengers rode intercity buses.

Despite the overall downward trend, intercity bus use had its highest growth rate in 40 years in 2008. Even with the recent increase in ridership, there have been severe cuts in services, leaving some Florida areas no longer connected to the national system. The combination of increased demand for intercity bus service and declining service make this an important time to undertake this study, the *Intercity Bus Service Needs Assessment and Action Plan for Florida*.





This needs assessment and action plan is being conducted in accordance with the State Management Plan that the Federal Transit Administration (FTA) requires of the Florida Department of Transportation (FDOT).

PROJECT OVERVIEW

An overview of the flow of the project and its components in developing the *Intercity Bus Service Needs Assessment and Action Plan* is illustrated in Figure 1-1.

As part of the initial background research and numerous Project Team discussions conducted in preparation for the needs assessment, the Project Team documented a number of observations about the Intercity Bus Program in Florida. These observations include:

- FTA has three objectives that should be included as part of intercity funding decisions: supporting the connection between non-urbanized areas and the national system, supporting services to meet non-urbanized residents' travel needs, and supporting infrastructure of the network.
- FTA requires states to conduct an assessment of service availability and needs. During this assessment, current providers and potential providers must be consulted.
- Florida Statutes define eligiblity guidelines for funding intercity services, which is documented in Section 3 of this Technical Memorandum.
- Intercity bus service has been declining since the Federal government deregulated service in the 1970's. Despite the more recent increase in ridership, the past decade has seen severe cuts in service, with many areas in Florida no longer connected to the national system.
- FDOT Central Transit Office (CTO) is responsible for developing policy and allocating funding for transit projects throughout the state. The CTO sets policy on intercity bus funding and services, which guides the distribution of the funding. FTA provides funding for intercity bus services, and requires a needs assessment to be completed every four years.
- Intercity bus service funding comes from FTA, but Florida Statutes require a state match to the Federal funding by FDOT.



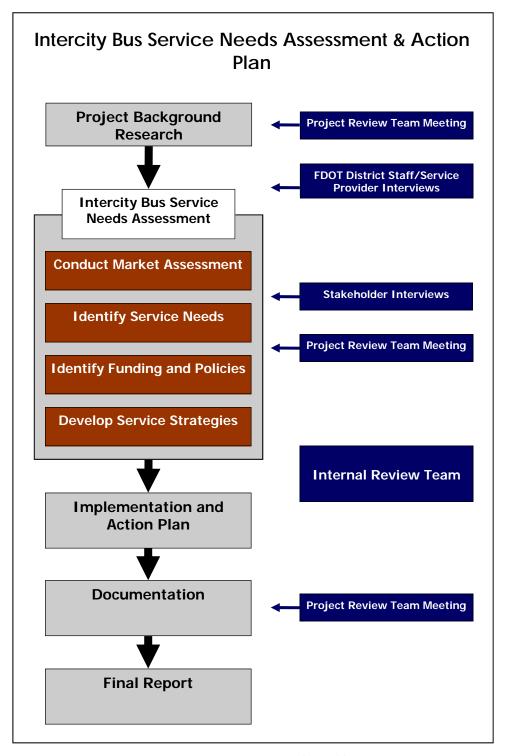


Figure 1-1: Project Flow Chart





- There are only two recipients, Greyhound Lines, Inc. (Greyhound) and Ride Solution, Inc. (Ride Solution), that meet Florida's eligibility requirements to receive intercity funds.
- The CTO administers all intercity funding, with FDOT policy directing nearly all funding decisions. Additionally, statewide needs have not been prioritized based on an independent assessment.
- The Florida Intercity Bus Services Needs Assessment and Action Plan will result in a roadmap that will guide potential policy revisions, Federal and state intercity bus investments, and service provision to areas that have needs not currently being met.

REPORT ORGANIZATION

This report, which is the first of two technical memoranda compiled to support the *Florida Intercity Bus Services Needs Assessment and Action Plan*, is composed of five major sections, including this introduction. Each remaining section following this introduction is briefly described below.

Section 2 provides a review of the study area and its population, employment, and demographic characteristics that are related to demand for transit services. Statewide information on population, employment, and demographic conditions derived from various data sources are summarized together with tables and maps. In addition, a review of existing transit service providers also is included to assess the extent of intercity and non-intercity type mobility options currently available. A review of activity centers is conducted to identify those that could be considered intercity bus trip generators.

Section 3 provides an overview of Federal and state policies and regulations regarding intercity bus service. This section describes how intercity bus assessments, such as this project, should be undertaken. This section also describes funding mechanisms for intercity service and provides an overview of state requirements for state documents to include intercity assessments.

Section 4 presents an evaluation of the two FTA §5311(f) funded carriers of intercity passengers currently operating in Florida, Greyhound and Ride Solution. This section includes an overview of the service providers, analysis of the service characteristics, performance review, and a summary of available financial information. The service evaluation summarized in this





section is conducted based on data provided by the two service providers, discussions with staff members, and information collected through Internet and published literature research.

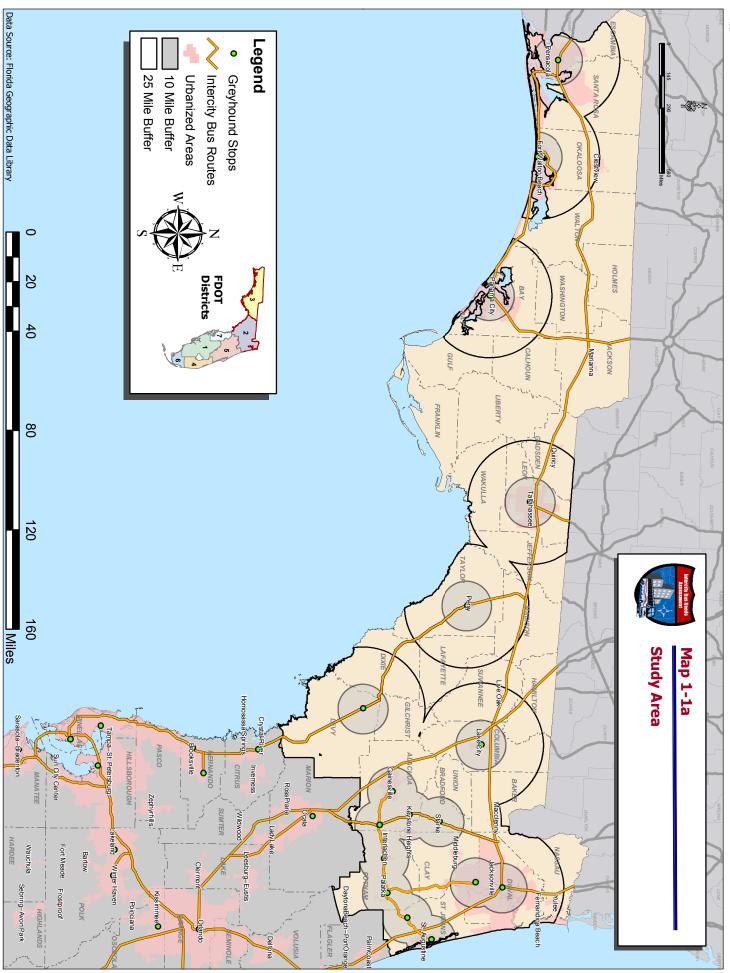
Section 5 provides a summary of state, regional, and local plans that provide information on intercity services currently being provided and indentify needs for intercity services.

STUDY AREA

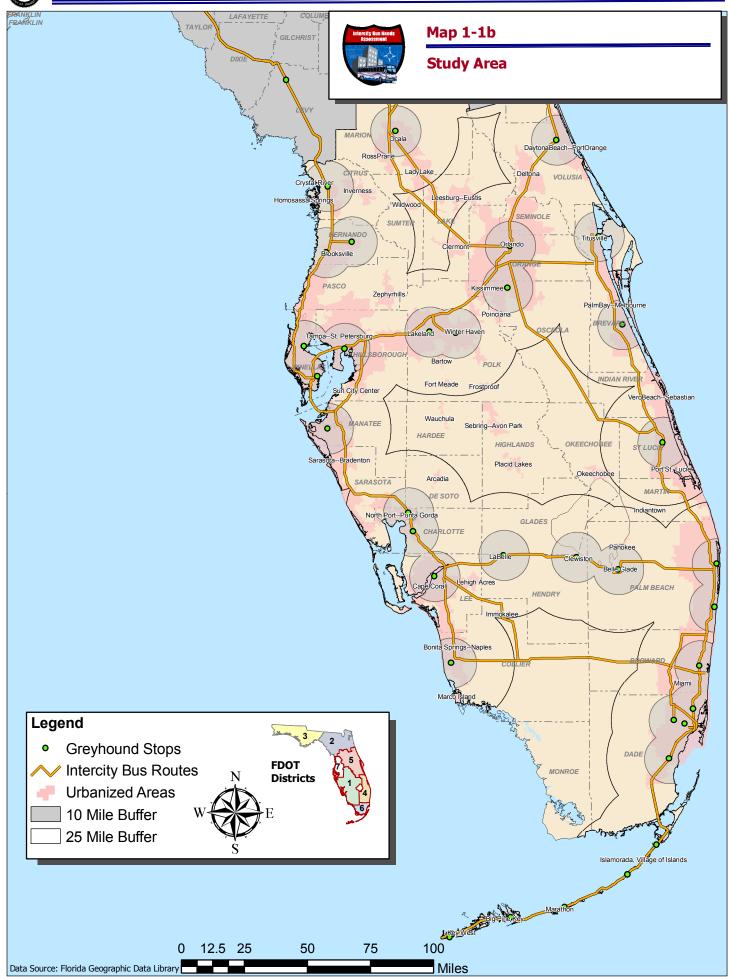
The study area consists of the State of Florida in its entirety. However, for the purposes of presenting data with more clarity, the study area is geographically divided into two sections where necessary. Map 1-1a presents the areas with FDOT Districts 2 and 3, and Map 1-1b presents the areas with FDOT Districts 1, 4, 5, 6, and 7.

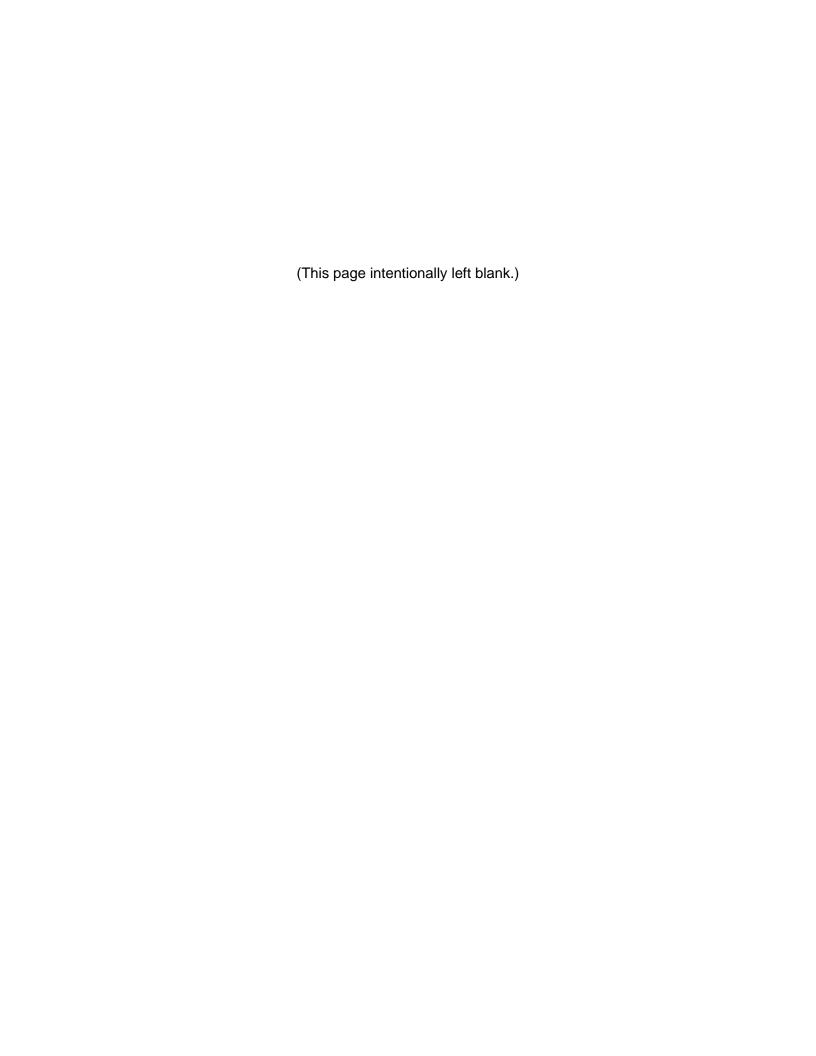














Section 2: Baseline Conditions Assessment

After a review of intercity trip and passenger characteristics, this section provides an overview of the study area and its population, employment, and demographic characteristics that are related to demand for transit services. Statewide information on population, employment, demographic, and trip characteristics derived from various data sources are summarized, followed by a discussion of intercity bus passenger markets in Florida. A review of existing transit service providers also is included to assess the extent of intercity service and intercity-related mobility options currently available. Activity centers that are potential intercity bus trip generators are mapped.

INTERCITY TRIP CHARACTERISTICS

Even though transit trip characteristic data for short-distance local bus transit are available in abundance, survey data for long-distance travel in Florida are rarer. As part of this study, an attempt is being made to gather such data, if available, from the limited intercity providers in Florida, primarily Greyhound and Ride Solution.

On a national level, several travel surveys have been conducted that summarize data on intercity bus passengers. The National Household Travel Survey (NHTS) conducted by the Federal Highway Administration (FHWA) provides survey data on intercity type travel. In this analysis, 2001 NHTS data is used because there was no separate collection of long-distance trip information in the 2009 NHTS survey. Long-distance trips in the 2001 NHTS are defined as trips of 50 miles or more from home to the farthest destination traveled.

Table 2-1 presents the percent of long-distance trips by mode and distance. For trips between 100 and 499 miles, travel by bus is identified as the second most popular mode choice, after





the personal vehicle. For trips of 300 - 499 miles, travel by bus makes up 3.4 percent. For trips longer than 499 miles, air travel becomes a more popular mode than bus.

Figure 2-1 presents the distribution of trip purposes for trips using long-distance bus. Regarding trip purpose, trips made for personal reasons or family business (e.g., shopping trips, medical visits, and visiting friends and family) accounted for approximately 59 percent of all long-distance bus trips nationally; 23 percent of trips using long-distance bus were made primarily for pleasure purposes. Pleasure trips consisted of vacations and sightseeing excursions, as well as trips taken for rest, relaxation, and outdoor recreation.

Table 2-1
Percent of Long-Distance Trips by Mode and Distance

Mode	Roundtrip Miles of Travel (%)					
Mode	100-299	300-499	500-999	1000-1999	2000+	
Personal vehicle	97.2	94.3	85.9	53.9	22.2	
Air	0.2	1.5	10.3	42.4	74.8	
Bus	1.6	3.4	3.2	2.6	1.4	
Train	0.9	0.7	0.6	0.9	0.8	
Other	0.2	0.1	0.0	0.1	0.8	

Source: 2001 National Household Travel Survey, preliminary long distance file, U.S. DOT

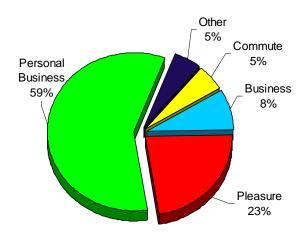


Figure 2-1
Percent of Long-Distance Bus Trips by Trip Purpose

Source: 2001 National Household Travel Survey, preliminary long distance file, U.S. DOT





In addition to the NHTS, Greyhound, one of Florida's two §5311(f) intercity service providers, has analyzed its own passenger data on the national level. According to Greyhound, which provides the most intercity service coverage in Florida, the typical profile of the intercity bus passenger is described as follows:

- Income Two-thirds of passengers make less than \$35,000 per year.
- Education Over 50 percent of riders are educated beyond high school.
- Age Approximately 42 percent of passengers are between the ages of 18 and 34.
- Distance Traveled Nearly 60 percent of passengers travel fewer than 450 miles per trip.
- Trip Purpose The majority of travel is to visit family and friends.
- Vehicle availability The majority of the passengers are from zero-vehicle households.
 However, many riders with automobiles that are sufficiently reliable for a trip of a similar distance choose to travel by bus because they believe it is safer and more economical.

Note: This profile data is based on national data and not data specific to Florida.

INTERCITY BUS PASSENGER MARKETS IN FLORIDA

Report 79 of the Transit Cooperative Research Program (TCRP), *Effective Approaches to Meeting Rural Intercity Bus Transportation Needs*, identified several demographic characteristics of regular-route intercity bus passengers, which include:

- regular-route intercity bus passengers are more likely to be younger or older more passengers are under age 24 or over age 60 than on other modes;
- regular-route intercity bus passengers are more likely to have a low-income bus passengers have lower household incomes than those using other intercity modes; and
- regular-route intercity bus passengers are less likely to own a vehicle in operating condition about 30 percent do not own a vehicle.

From these characteristics, the following five intercity markets are identified and each is described below. It is important to note that these markets are not independent of one another. One individual may fall into two markets such as being low-income and elderly.





Low-Income Population

Typically, population segments with income below the Federal poverty guidelines are considered to be more dependent on transit, whether local or intercity. Based on the U.S. Census Bureau's annual report on poverty in the United States, the poverty threshold in 2008 for a family of four (two adults and two children) was approximately \$22,000. For the purpose of the intercity needs assessment for Florida, population segments with an annual income of less than \$25,000, between \$25,000 and \$49,000, and \$50,000 or greater were selected and analyzed. Figure 2-2 presents the distribution of long-distance trips (i.e., 50 miles or more) by mode for these three income categories. For populations with annual incomes less than \$25,000, the mode split for intercity bus is four percent. It is only two percent for those with incomes \$25,000 and higher.

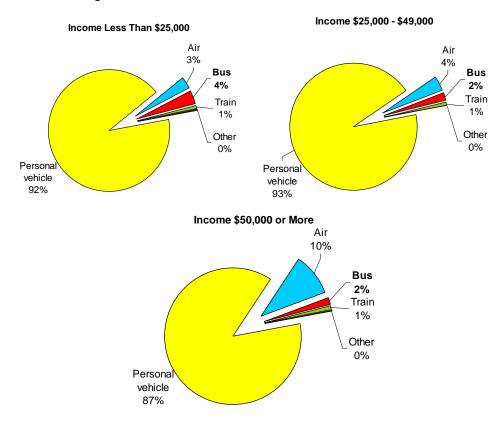


Figure 2-2
Long-Distance Trips by Household Income

Source: 2001 National Household Travel Survey, preliminary long-distance trip file, U.S. Department of Transportation





Youth (between ages 16 and 24)

Based on the findings in the *Effective Approaches to Meeting Rural Intercity Bus Transportation Needs* report, one market category would be youth. Ridership among this group may be due to a lower likelihood that they own a car. This age group mainly consists of older high school-age students, college/university students, enlisted military personnel, and youth on leisure/personal trips. Individuals younger than 16 years of age were not included as they are presumed to be too young to ride intercity bus service by themselves.

Elderly (over 60 years of age)

This segment includes those in the population that are over the age of 60. Many of the individuals in this segment of the population either cannot drive or avoid driving due to diminishing ability to operate an automobile, especially for longer-distance trips.

Transportation Disadvantaged Population

The Florida Commission for the Transportation Disadvantaged (FCTD) defines persons who are unable to transport themselves or purchase transportation due to a physical or mental disability, income status, or age as transportation disadvantaged (TD). As a result, the TD population is dependent upon others to provide transportation to health care, employment, education, shopping, and social activities. Figure 2-3 presents trip purpose information for this group. Approximately one-third of the trips are made for medical purposes followed by educational and training trips at 21 percent of the trips. Employment makes up 17 percent of the trips.

Zero-Vehicle Households

The population segment with no vehicles is identified as one of Florida's intercity bus passenger markets since these persons have to rely on alternative modes of transportation for their travel needs.





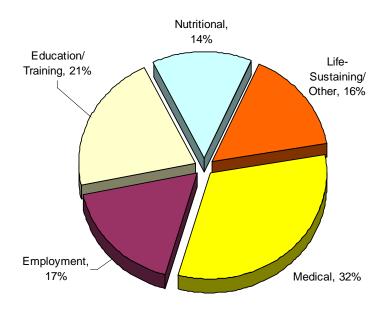


Figure 2-3
Distribution of Trip Purpose by
Florida's Transportation Disadvantaged Population

Source: Florida Commission for Transportation Disadvantaged

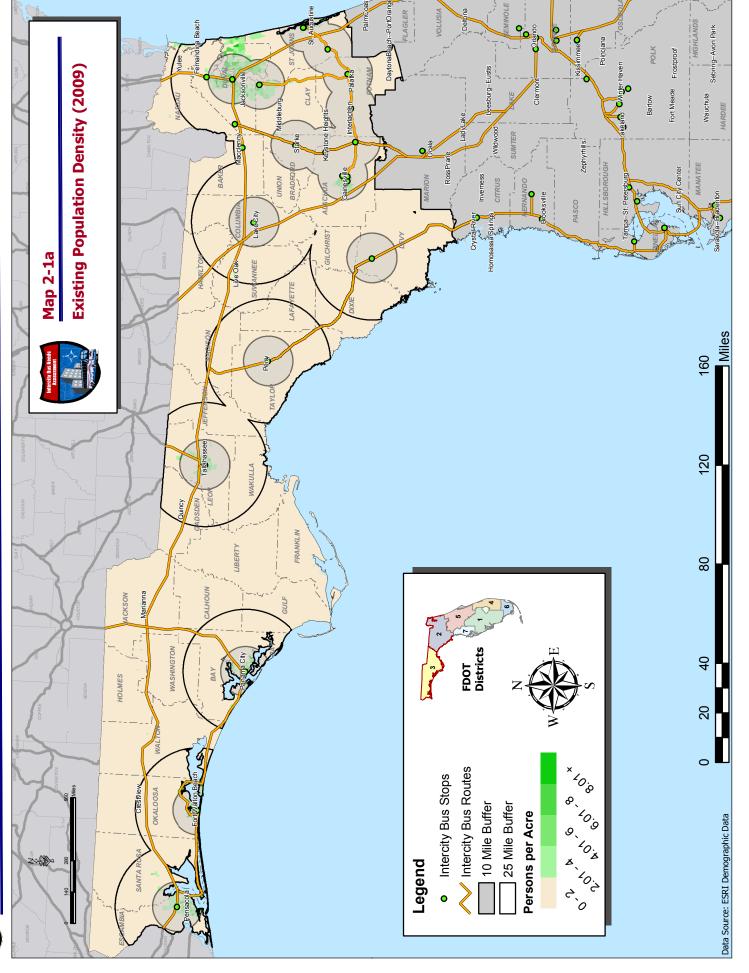
POPULATION AND EMPLOYMENT PROFILE

Typically, population density is an indicator of existing and future travel demand in both rural and urban areas. The data are compiled for 2009 and 2014 using the Environmental Systems Research Institute's (ESRI) 2009/2014 demographic data update. Maps 2-1a and 2-1b show 2009 population densities across Florida by block group; Maps 2-2a and 2-2b show future population densities for 2014 for the same area. (Note: For the sake of presentation, the routes of the two Federal §5311(f) recipients are included on these maps.)

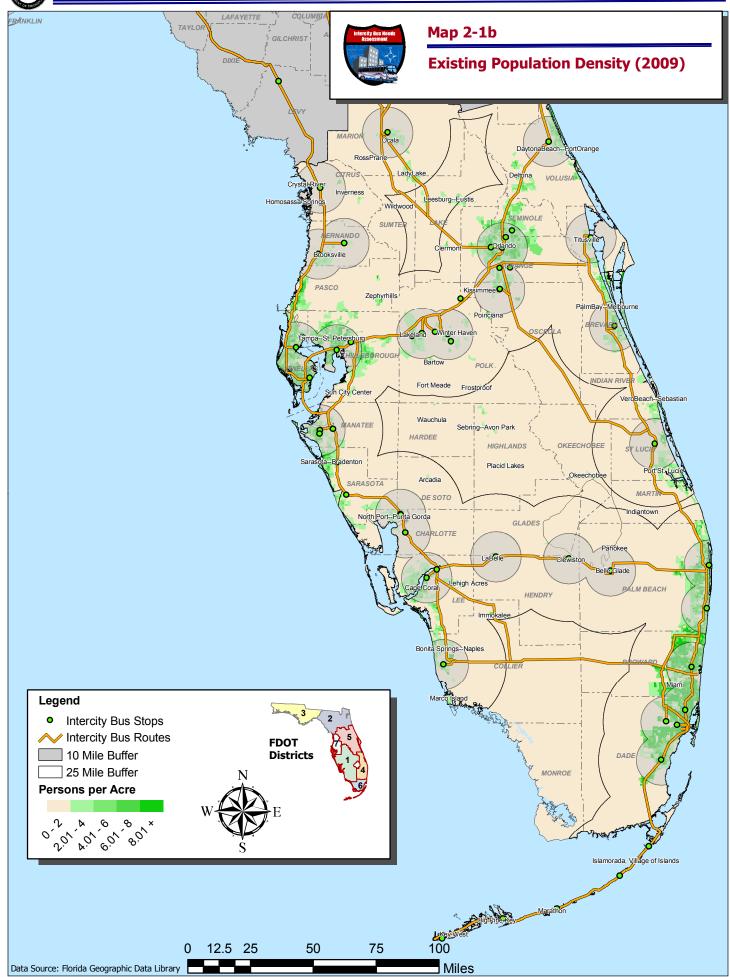
Based on these maps, it appears that population in Florida's rural population will change little over the next five years. The current network of intercity service shows connectivity to the majority of rural areas with relatively high population. The two areas of the state with population density greater than two persons per acre that do not have an intercity bus stop within 25 miles are the Leesburg-Eustis area and the Sebring-Avon Park area. This fact does not change between 2009 and 2014.



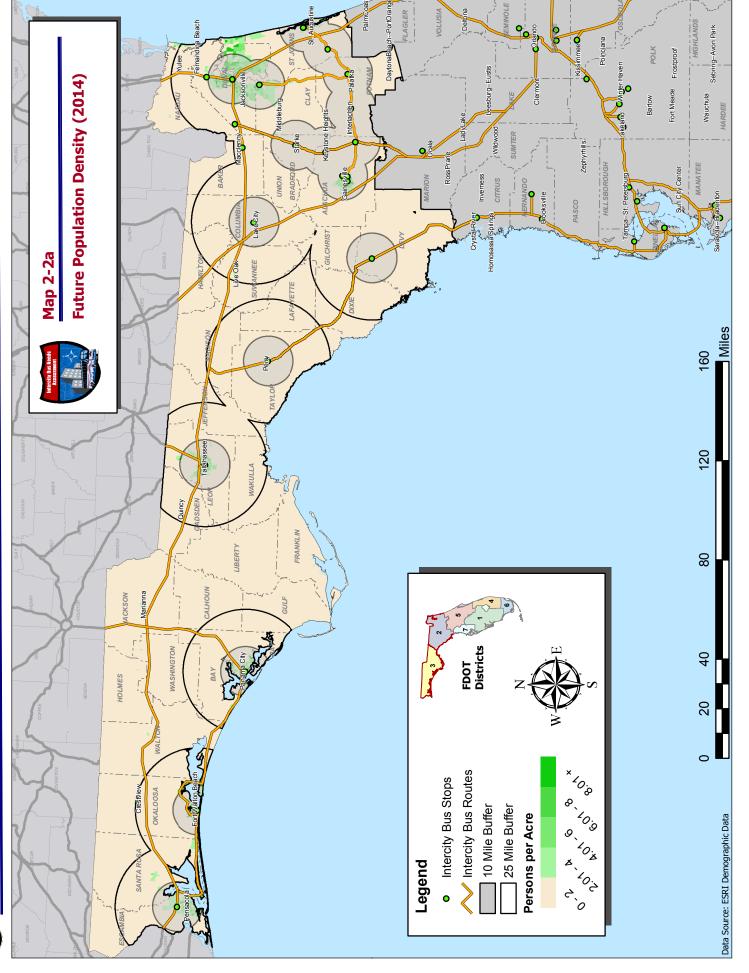




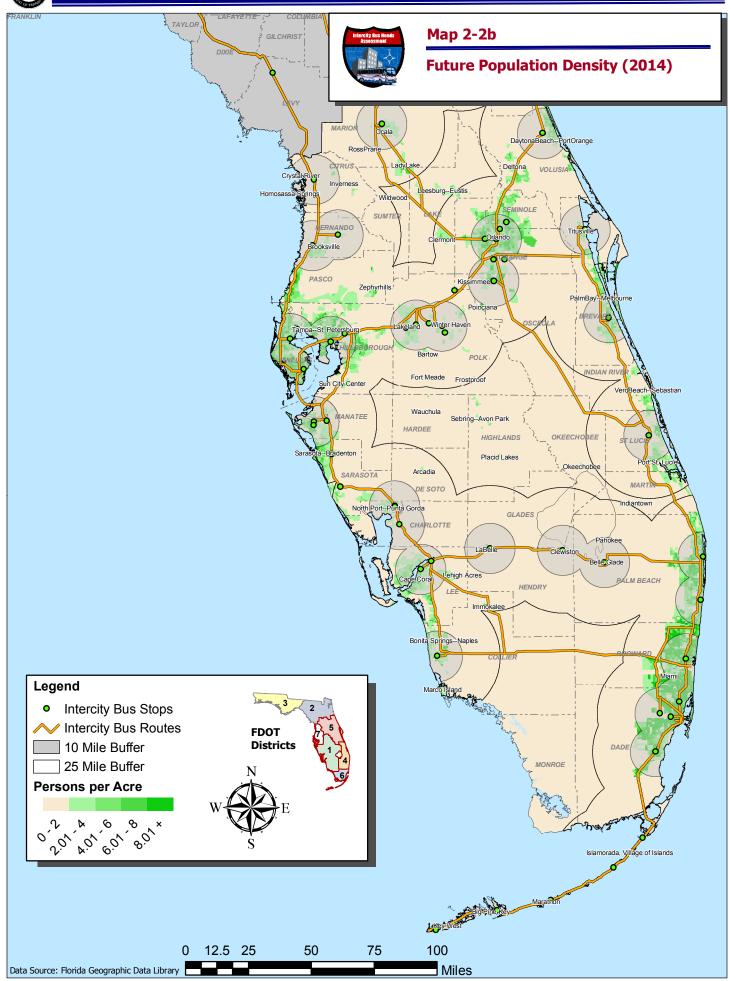














In addition, this study includes a review of existing employment densities to assess areas with concentrations of employees in both rural and urban areas of Florida. Maps 2-3a and 2-3b show the 2009 employment densities by Census block group for Florida. Based on the maps, areas with high employment densities are already connected by intercity routes operating through Florida's rural areas. Similar to the population density maps, there are two small areas in Leesburg-Eustis and Sebring-Avon Park that indicate greater than two employees per acre. However, the majority of the rural areas, especially in Florida's Heartland area, still are not connected to the intercity network, limiting access by transit-dependent residents of those areas to major employment opportunities or to other destinations within the Heartland.

DEMOGRAPHIC CHARACTERISTICS

Age, income, and vehicle ownership are all characteristics that influence bus ridership. Using the 2009 ESRI demographic data update, data for the following population segments were analyzed:

- Youth population between the ages of 16 and 24¹,
- Elderly population ages 60 and above, and
- Low-income population with an annual household income of less than \$25,000.

As data regarding vehicle ownership were not available from ESRI, 2000 Census data are used. The Census data is older, but perhaps it can indicate areas where there are larger concentrations of zero-vehicle households.

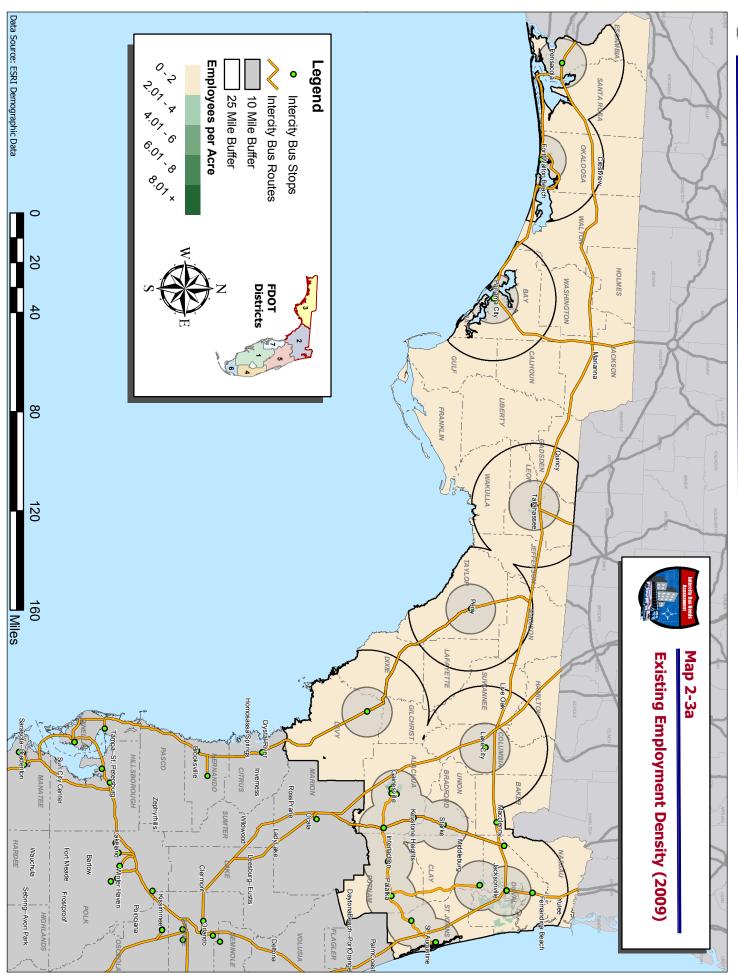
Maps 2-4a through 2-7b present the percentages of youth, elderly, low-income population, and zero-vehicle households in each Census block group in Florida. The areas having greater than 20 percent of the population in the youth category and not within 25 miles of an intercity bus stop include portions of Madison, Highlands, Hendry, and Okeechobee Counties. There are many more areas in the state with high concentrations of elderly people and no intercity service. There are also large areas of the state that do not have intercity service and have high concentrations of low-income populations or zero-vehicle households.

¹The age 16-to-24 category was based on Report 79 from the Transit Cooperative Research Program (TCRP), *Effective Approaches to Meeting Rural Intercity Bus Transportation Needs*, which found that intercity bus passengers were more likely to be under 24. Sixteen as the minimum age for this category is chosen as it identified a group that is able to travel independently of their parents.

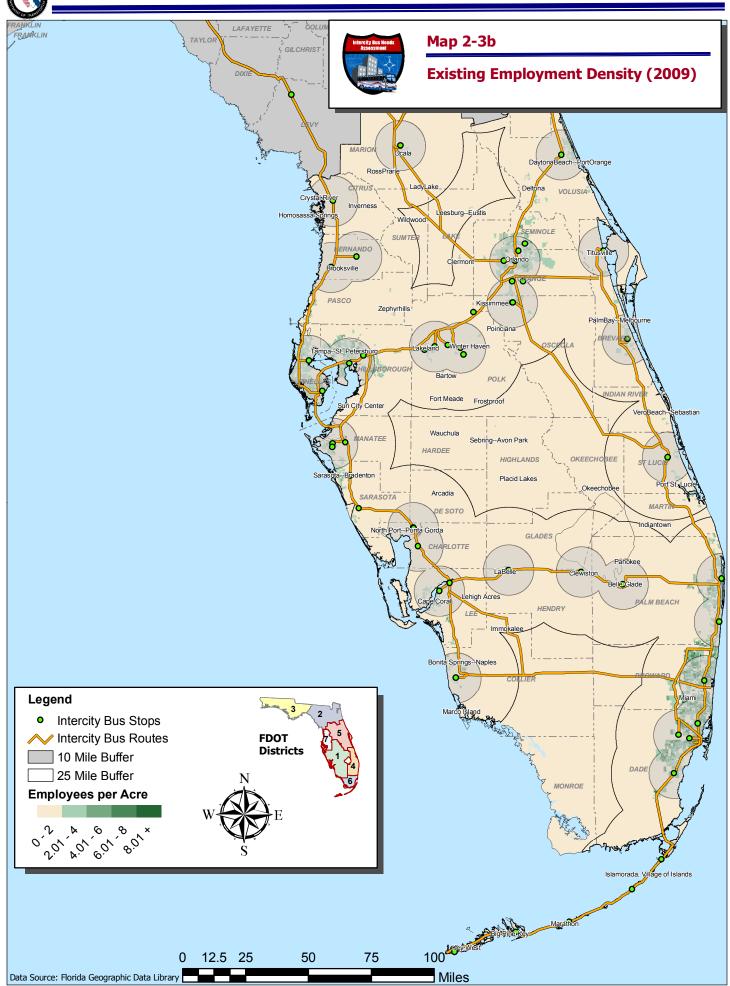


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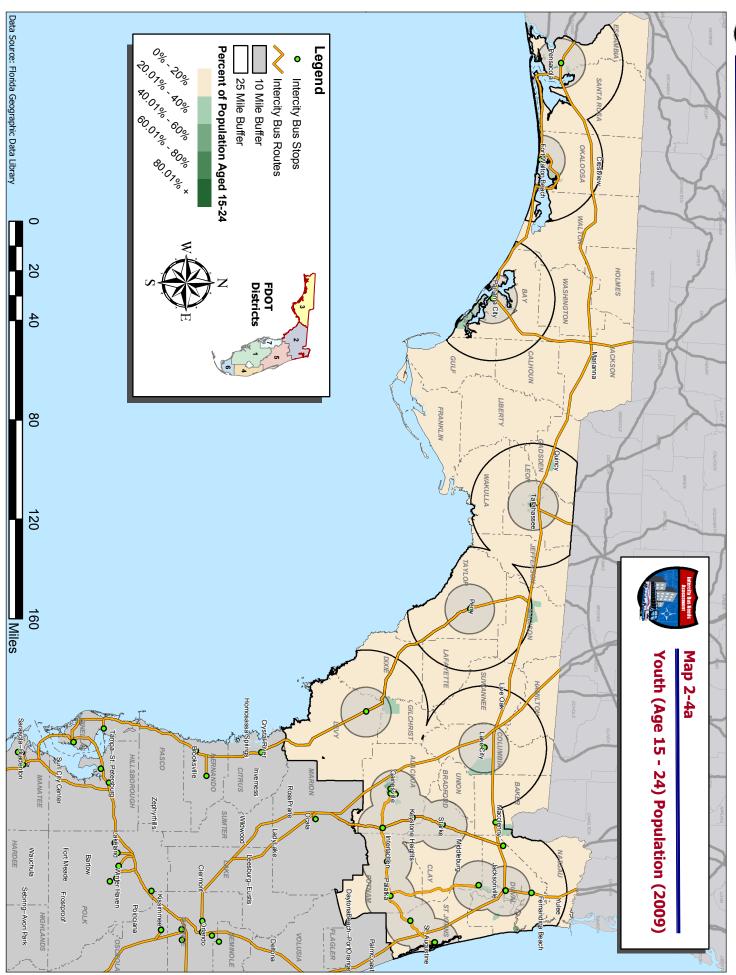




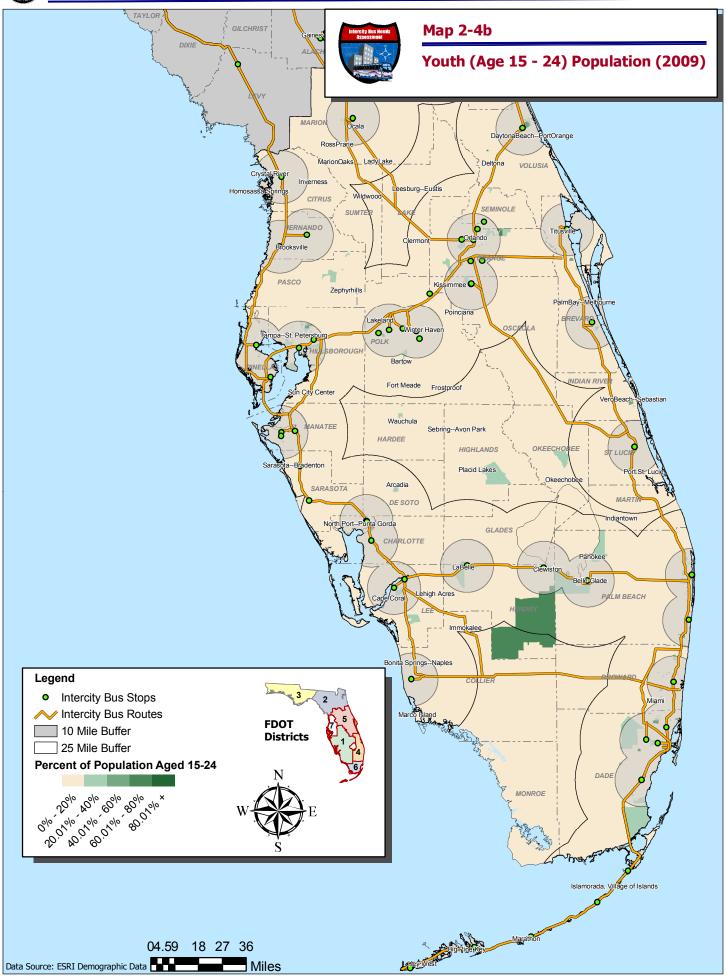




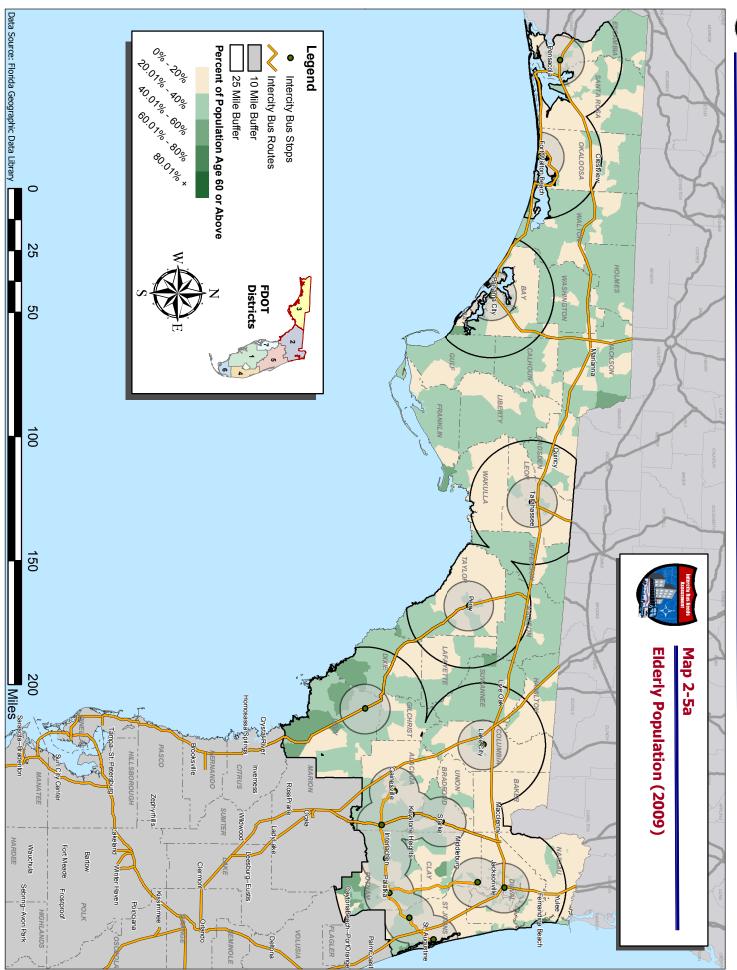




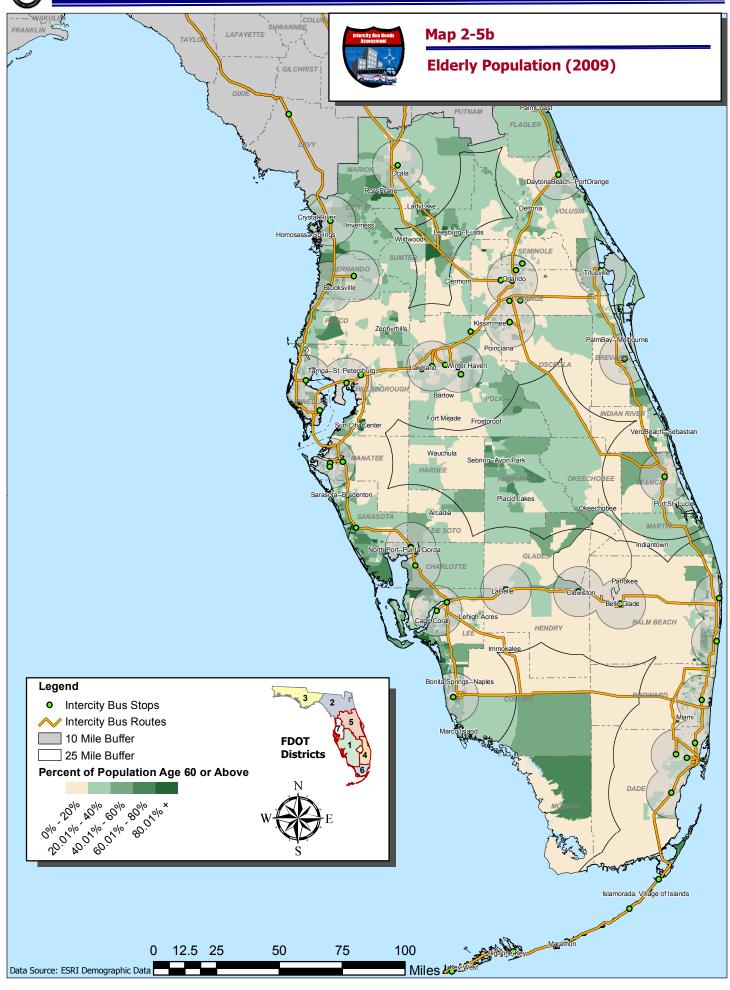




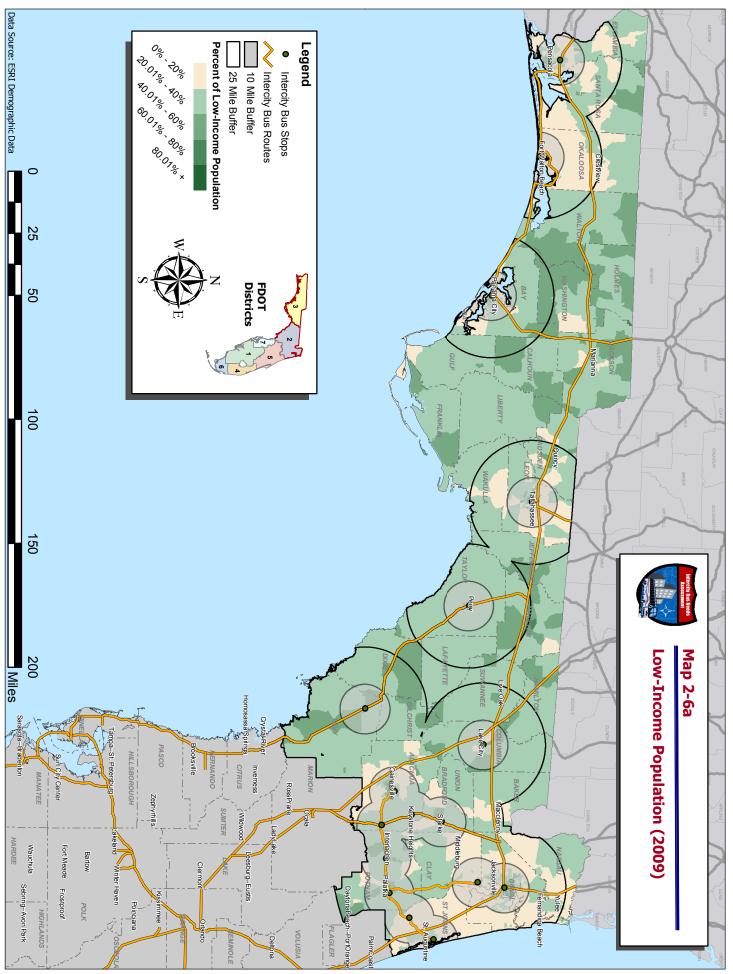




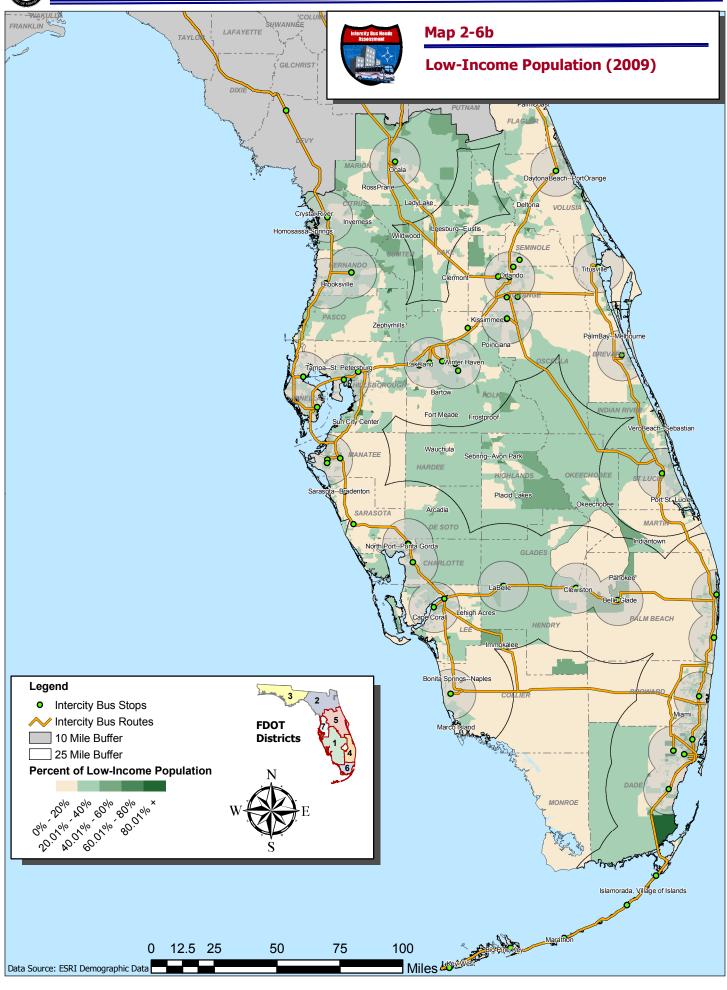




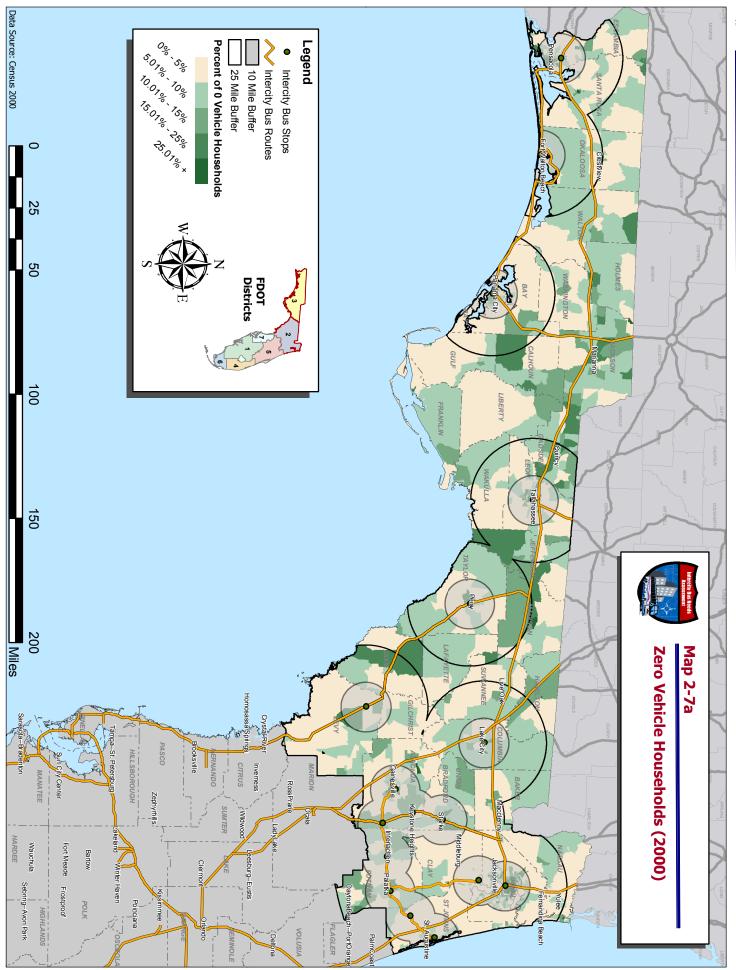




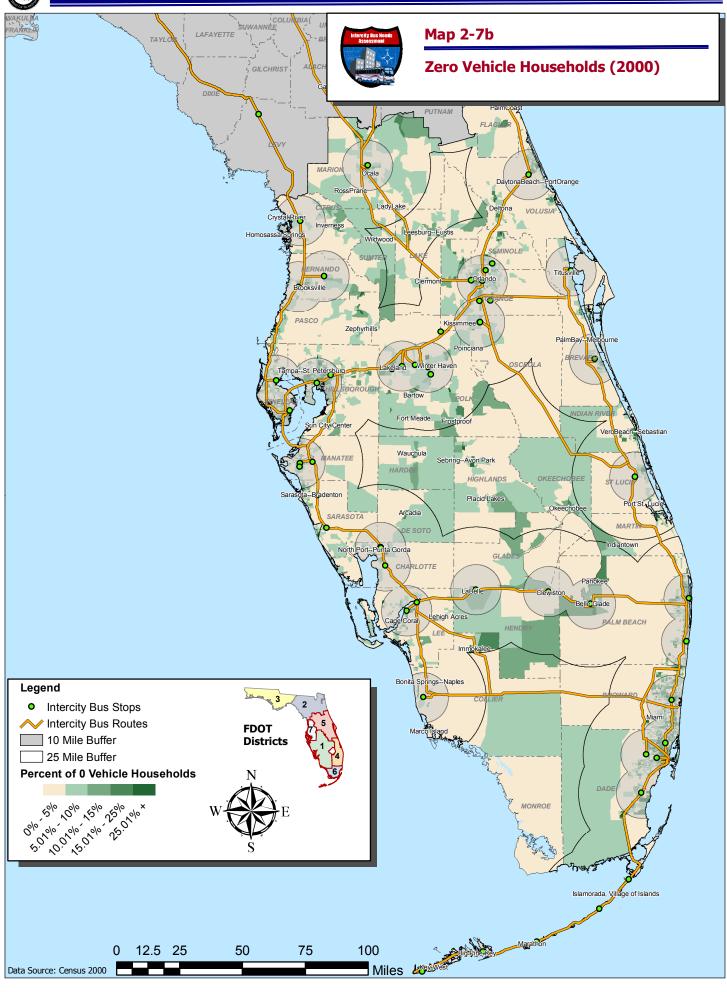














EXISTING MOBILITY OPTIONS

This section provides an overview of currently operating bus options in Florida. While not all of these bus options are considered intercity service, many of them can fill the need that is served by intercity service. For this reason, they are discussed below.

For the purpose of this study, fixed-route bus operators providing bus transit services in Florida are categorized into three groups:

- FTA Title 49 U.S.C. §5311(f) Funded Intercity Operators These operators include the intercity bus operators currently receiving capital and operating funds under FTA's §5311(f) Intercity Bus Grant program
- Other Intercity Operators Bus transit operators that currently provide intercity bus service or are planning to provide such services, but do not receive §5311(f) funding.
- Local and Regional Transit Agencies These include all other major fixed-route transit service providers with routes connecting rural communities in their respective service areas locally and regionally.

Each of these categories and the transit service providers within them is summarized below.

Section 5311(f) Funded Intercity Operators

This fixed-route bus category includes transit service providers funded by the §5311(f) Intercity Bus Program, which is designed to fulfill the intercity travel needs of potential riders in non-urbanized areas throughout the United States. Section 5311(f) requires that each state set aside 15 percent of its §5311 appropriation for funding intercity bus capital and operating needs within the state.

Currently, Greyhound and Ride Solution are the only recipients of §5311(f) funding in Florida. Greyhound provides the majority of service statewide, while Ride Solution's services are limited to areas in northeast Florida. Descriptions of both providers are presented below; a more detailed analysis of their service characteristics, performance levels, and funding is presented in Section 4.





- **Greyhound** Greyhound is currently the largest provider of fixed-route intercity bus transportation in North America. Greyhound actively serves 52 locations in Florida, with its service linking urbanized areas, as well as rural locations to urbanized areas.
- Ride Solution Ride Solution provides both intercity and other bus services. Its
 two intercity routes are based out of Palatka. Ride Solution provides service to
 Gainesville, St. Augustine, Jacksonville, Hawthorne, Interlachen, and Hastings.

Ride Solution is also Putnam County's public flex-route bus system. As a flex-route system, time is added between stops on the regular route to pick up passengers who need door-to-door service. Ride Solution is a subcontractor for paratransit services to Jacksonville Transit Authority (JTA) and Duval County. Its four local routes include the South Putnam Feeder Route and the Cross County Express.

Map 2-8 shows the intercity bus network for Greyhound and Ride Solution.

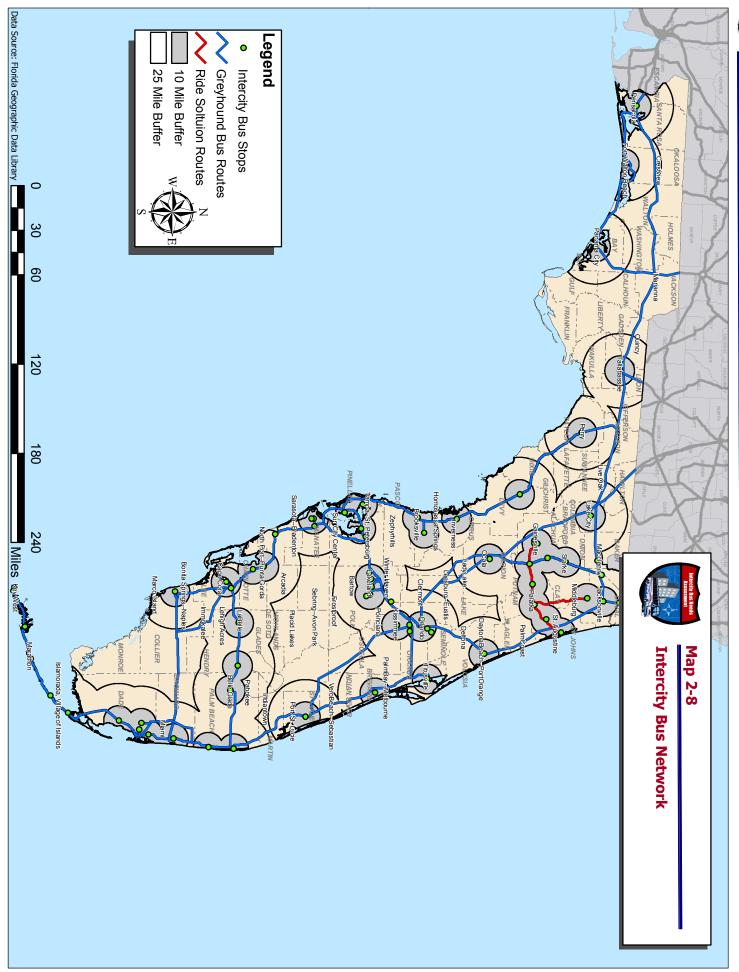
Other Intercity Operators

There are other transit services operating in Florida that are not funded by the Federal §5311(f) Intercity Bus Program and do not meet the definition of intercity bus service as provided under the Florida Public Transit Act, but that do provide intercity-type service in that they connect two or more urban areas that are not in close proximity. Descriptions of these providers are presented below.

 Amtrak Thruway Bus - Thruway bus is Amtrak's system of Amtrak-owned intercity coaches and locally-contracted transit buses that connect Amtrak stations not served by Amtrak's railroads. Train and Thruway bus tickets are purchased together from Amtrak for the length of a passenger's journey, and the connections are timed for convenient transfers between the two services. In addition to providing connecting service to areas not served by Amtrak rail, some Thruway buses operate service along well-established passenger rail corridors to add extra capacity.









Currently, three routes operate in Florida: Jacksonville to Lakeland, DeLand to Daytona Beach, and Orlando/Fort Meyers via Lakeland, Tampa, St Petersburg, Bradenton, Sarasota, and Port Charlotte. Amtrak thruway bus service also is used when normal rail service encounters disruptions.

- Runways Transportation Company In Central Florida, Runways operates intercity transportation along fixed routes using Sprinter vans. Destinations for Runways include Orlando International Airport, Jacksonville International Airport, RTS Rosa Parks terminal in Gainesville, the University of Florida, Baldwin, and Macclenny.
- ESCOT Bus Lines ESCOT recently launched intercity bus service between Tampa and four different cities: Orlando, Sarasota, Ft. Myers, and Winter Haven. ESCOT offers shipping services as well. ESCOT also operates charter services that range from longdistance, cross-country-type tours, to local charter and shuttle service within the Tampa Bay region, Central Florida, and South Florida. ESCOT also provides contract services for employee shuttles and transit type services.
- **Good Wheels** Good Wheels, which operates the Lake Region Commuter Service, provides fixed-route transit service on S.R. 80 connecting Clewiston in Hendry County to Belle Glade in Palm Beach County.
- **Airport Shuttles** There are a number of airport shuttles that operate scheduled service between more remote areas and popular airports such as Orlando International Airport. While not meeting the definition of intercity bus service, these shuttles do provide niche service that adds to mobility options for Florida residents and visitors.

Local and Regional Transit Agencies

According to 2007 National Transit Database (NTD) data, as provided by the Florida Transit Information System (FTIS) that FDOT maintains, there are currently 28 fixed-route transit agencies serving an area of 16,573 square miles, or 28 percent of the state. The counties served by public transit are those with larger populations and are typically more urbanized. The counties that are more rural in nature have very limited local transit service or do not have any transit service. Table 2-2 presents a summary of the fixed-route services currently operating in Florida.





Table 2-2 Fixed-Route Transit Providers in Florida

Provider	Location (County)	Mode	2007 System- wide Ridership	Total Area Served (sq mi)
		Rail	8,622,729	
Miami-Dade Transit (MDT)	Miami-Dade	Heavy Rail	17,504,736	306
,		Motorbus	83,458,376	
Broward County Office of Transportation (BCT)	Broward	Motorbus	41,608,063	410
Central Florida Regional Transportation Authority (LYNX)	Orange	Motorbus	25,322,312	2,538
Hillsborough Area Regional Transit Authority	Hillohorough	Light Rail	562,320	254
(HART)	Hillsborough	Motorbus	12,208,985	254
Pinellas Suncoast Transit Authority (PSTA)	Pinellas	Motorbus	11,407,445	229
Jacksonville Transportation Authority (JTA)	Duval	Rail	619,414	242
Jacksonville Transportation Authority (JTA)	Duvai	Motorbus	10,171,201	242
Board of County Commissioners (PalmTran)	Palm Beach	Motorbus	10,133,250	365
Gainesville Regional Transit System (RTS)	Alachua	Motorbus	8,939,334	74
City of Tallahassee (StarMetro)	Leon	Motorbus	4,136,790	102
South Florida Regional Transportation Authority (SFRTA)	Miami-Dade/ Broward/ Palm Beach	Rail Motorbus	3,408,486 301,437	5,128
Lee County Transit (LeeTran)	Lee	Motorbus	3,037,194	121
County of Volusia (VOTRAN)	Volusia	Motorbus	2,953,041	1,207
Sarasota County Area Transit (SCAT)	Sarasota	Motorbus	2,194,600	213
Manatee County Area Transit (MCAT)	Manatee	Motorbus	1,558,942	90
Lakeland Area Mass Transit District (Citrus Connection)	Polk	Motorbus	1,515,914	77
Collier Area Transit (CAT)	Collier	Motorbus	1,180,147	1,513
Escambia County Area Transit (ECAT)	Escambia	Motorbus	1,046,453	160
Space Coast Area Transit (SCAT)	Brevard	Motorbus	1,021,110	432
Pasco County Public Transportation (PCPT)	Pasco	Motorbus	961,362	745
Polk County Transit Services Division - Polk County Board of County Commissioners	Polk	Motorbus	557,078	27
City of Ocala (SunTran)	Marion	Motorbus	327,623	55
Bay County Council on Aging (Bay Town Trolley)	Bay	Motorbus	370,594	48
Okaloosa County Transit (OCT)	Okaloosa	Motorbus	169,389	200
Hernando County Board of County Commissioners (THE Bus)	Hernando	Motorbus	140,436	64
Council on Aging of St. Lucie, Inc. (Treasure Coast Connector)	St Lucie	Motorbus	116,278	572





Table 2-2 (continued)
Fixed-Route Transit Providers in Florida

Provider	Location	Mode	2007 System- wide Ridership	Total Area Served
St Johns County, Florida, Board of County Commissioners (The Sunshine Bus Co)	St. Johns	Motorbus	105,068	600
Lake County Transit (Lake Transit)	Lake	Motorbus	33,028	71
Council on Aging of Martin County (Community Coach)	Martin	Motorbus	19,979	555
TOTAL			255,989,233	16,573

Source: 2007 National Transit Database data, as provided by the Florida Transit Information System

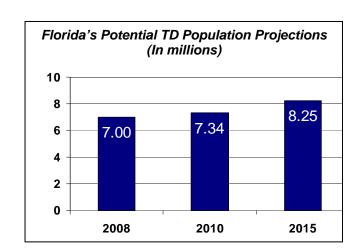
Paratransit Services

Section 427.011, F.S., defines paratransit service as those elements of public transit that provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and provider of the service. Paratransit is typically provided by taxis, "dial-a-ride," buses and other demand-responsive operations that are characterized by their non-scheduled, non-fixed-route nature. Paratransit service is designed to provide trips for individuals who are TD.

As mentioned previously, the TD Program in Florida is overseen by the FCTD. This program is a coordinated statewide effort to group riders together for shared-ride services. Federal- and State-funded agencies join together to provide the transportation services in all 67 Florida counties.

Who is Transportation Disadvantaged?

Those persons who because of physical or mental disability, income status, age are unable to transport themselves or purchase transportation and are, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities or children who are handicapped or high-risk or atrisk as defined in s. 411.202, Florida Statutes." (Chapter 427, Florida Statutes)







INTERCITY TRIP GENERATORS

As certain population segments are more likely to use intercity bus transit than others, certain activity centers may also generate more intercity-type trips than others. Therefore, the types of major trip generators that are likely to be major trip destinations are selected and mapped as an alternative means of identifying current service levels and additional needs for intercity bus transit service. Selected major trip generators connected to the intercity routes include airports, seaports, hospitals, correctional facilities, colleges/universities, regional shopping malls, immigration offices, tribal lands, and military bases. These major trip generators are discussed in more detail below and also are presented in Maps 2-9 through 2-16 following the summary.

For the purposes of this analysis, trip generators are considered to be connected by the intercity bus network if they were within certain distances from an intercity bus stop, in this case a 10-mile and 25-mile buffer. The 10-mile buffer represents the distance passengers on shorter overall trips are willing to travel between the end of the intercity line and their ultimate destination. For example, a passenger traveling a total of 50 miles via intercity bus may be willing to use a taxi to access an ultimate destination that is 10 miles from the intercity bus station. The 25-mile buffer represents the zone in which a passenger on a much longer overall trip is willing to travel by other mode to reach their ultimate destination. For example, an intercity passenger traveling a total of 450 miles may be willing to use another mode to reach an ultimate destination that is 25 miles from the intercity bus station. All trip generators that are accessible by local transit from the intercity line are considered connected to the intercity line regardless of proximity to the station.

Airports and Seaports

As an important part of the transportation system, airports and seaports provide connections to other states and countries. Access to airports and seaports is important to allow for travel over long distances. In recognition of the importance of the connection between modes, the Federal Aviation Act of 1996 requires, as a condition of Federal funding, that airports permit access to intercity buses. Intercity bus access to airports and seaports also may enhance the economic competitiveness of the facility as a major employer and economic driver.

Intercity Bus Network Connectivity: There are 18 Strategic Intermodal System (SIS) and emerging SIS airports in Florida. Of these, 14 are within 10 miles of the intercity system. As





for SIS and emerging SIS seaports, five of six are within 10 miles of the intercity system. All of the SIS and emerging airports and seaports were within 25 miles of the intercity system. In addition to these facilities, there are 125 other public airports. Currently, 58 airports (46 percent) are within 10 miles of an intercity bus stop while 110 airports (88 percent) are within 25 miles of a bus stop.

Hospitals

Although hospitals generate a small portion of intercity bus trips, adequate service from rural areas and small towns to major medical facilities is quite important. Connectivity may benefit those requiring treatment as well as those wishing to visit family and friends being treated in these facilities.

Intercity Bus Network Connectivity: There are a total of 339 hospitals in Florida, with a combined total of 75,916 beds. Of the total number of facilities, 254 (75 percent) are within 10 miles of the existing intercity network while 323 (95 percent) are within 25 miles of an intercity bus stop.

Correctional Facilities

Similar to the scenario with hospitals, trips generated to and from correctional facilities represent a small percentage of intercity trips, but play a crucial role for employees, released inmates, and the families of current inmates.

Intercity Bus Network Connectivity: Within Florida, there are 188 correctional facilities with an approximate total of 98,192 inmates. (Note: The inmate population figure is only for defined prison populations provided by the Department of Corrections [DOC]. This figure does not include county jail facilities not under jurisdiction of the Florida DOC.) Currently, 92 correctional facilities (49 percent) are within 10 miles of the intercity network and 159 (85 percent) are within 25 miles.

Colleges/Universities

As colleges and universities cater to one of the five previously identified intercity bus markets (i.e., youth), they are an important intercity bus passenger generator. This market includes





two-year colleges and technical schools, four-year colleges and universities, and independent post-secondary schools in Florida.

Intercity Bus Network Connectivity: Of the 325 colleges and universities identified, 247 (76 percent) are within 10 miles of the intercity network and 316 (97 percent) are within 25 miles of the intercity network.

Regional Shopping Malls

Regional malls pose a potentially large portion of intercity trips, based on the nature of the trip generator. Not only do regional malls serve expansive geographic areas, but they require a large number of employees, many with service and custodial jobs.

Intercity Bus Network Connectivity: Within Florida, there are 332 regional malls and other large shopping centers. Of these, 275 (83 percent) are within 10 miles of an intercity bus stop and 327 (98 percent) are within 25 miles.

Immigration Offices

Immigration offices are considered intercity bus trip generators as well. These locations handle non-asylum-related applications on a scheduled basis. Services include interim employment authorization cards, temporary evidence of permanent resident status, case status and referral follow-ups, and international adoptions.

Intercity Bus Network Connectivity: There are eight U.S. immigration offices throughout the state, serving the Miami metropolitan area, Jacksonville, West Palm Beach, Orlando, and Tampa. Seven of the U.S. immigration offices are within 10 miles of an intercity stop, while the eighth office is slightly further (10.2 miles) from the nearest intercity bus stop.

Tribal Lands

Native American tribal lands are identified as potential trip generators for intercity bus trips. Two tribes currently reside and have most of tribal lands in the state: the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida. Other tribes in the state include the Eastern Creek Tribe of Indians and the Poarch Band of Creek Indians.





Intercity Bus Network Connectivity: In total, there are 11 separate tribal land areas. Three are within 10 miles of the intercity bus system. Nine are within 25 miles of the intercity bus system.

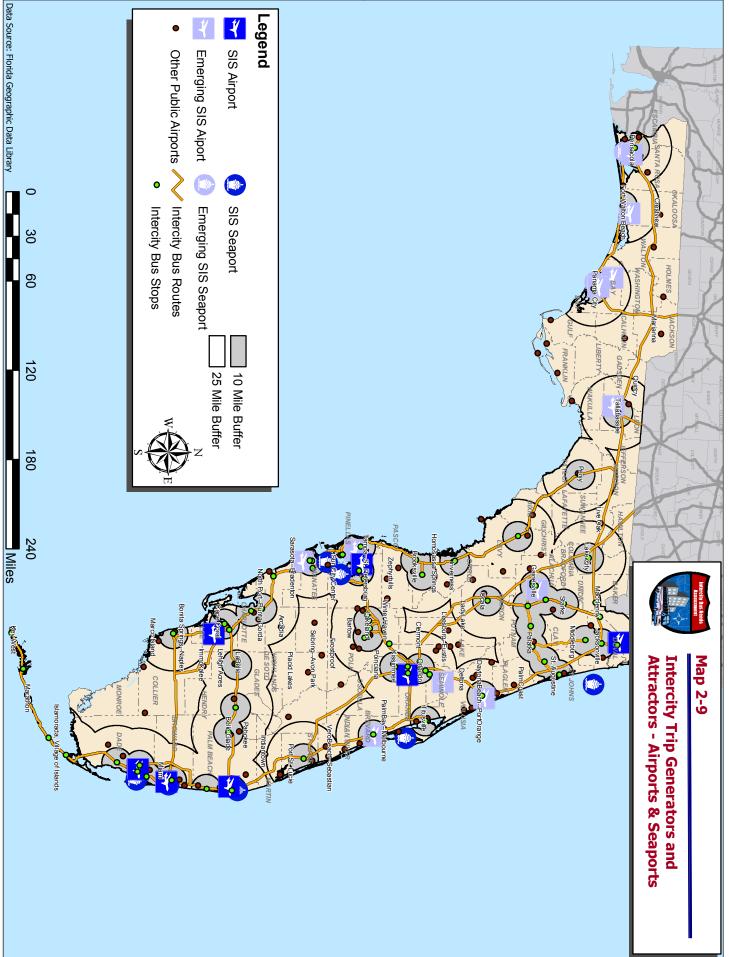
Military Bases

Military bases are an important part of the intercity bus service market, both in Florida and elsewhere, since military personnel and service men and women may not have access to private vehicles to transport themselves for active duty or reserve activities. Intercity service allows military personnel the ability to travel outside the base without the need for a private automobile.

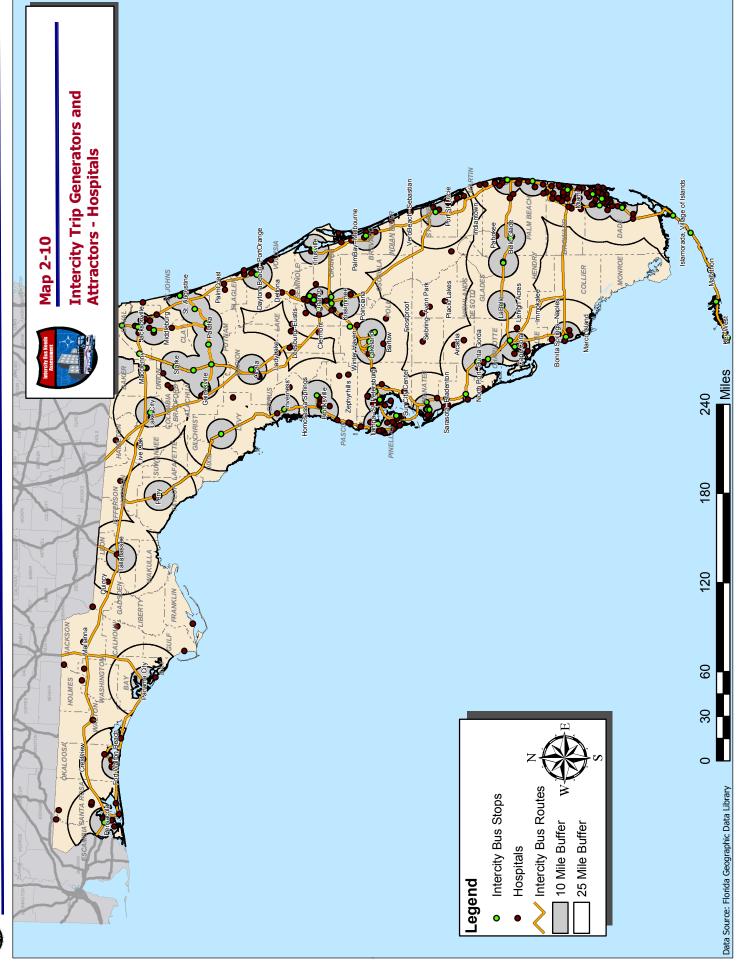
Intercity Bus Network Connectivity: In total, there are 11 military bases in the state. Currently, 7 are within 10 miles of an intercity bus stop. All of them are within 25 miles of a bus stop.



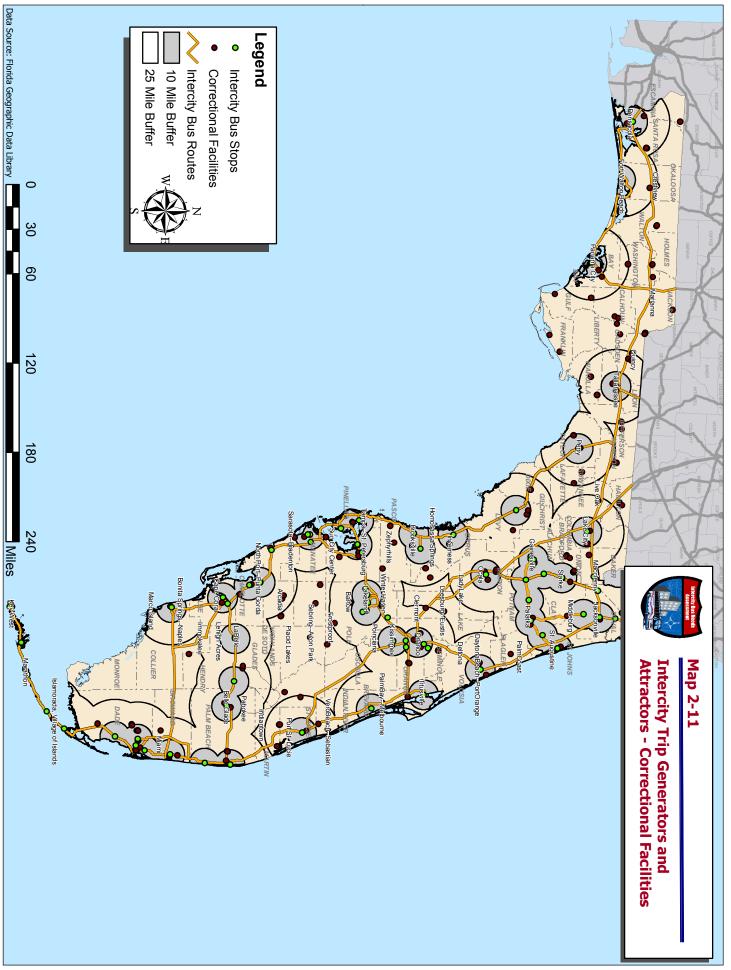




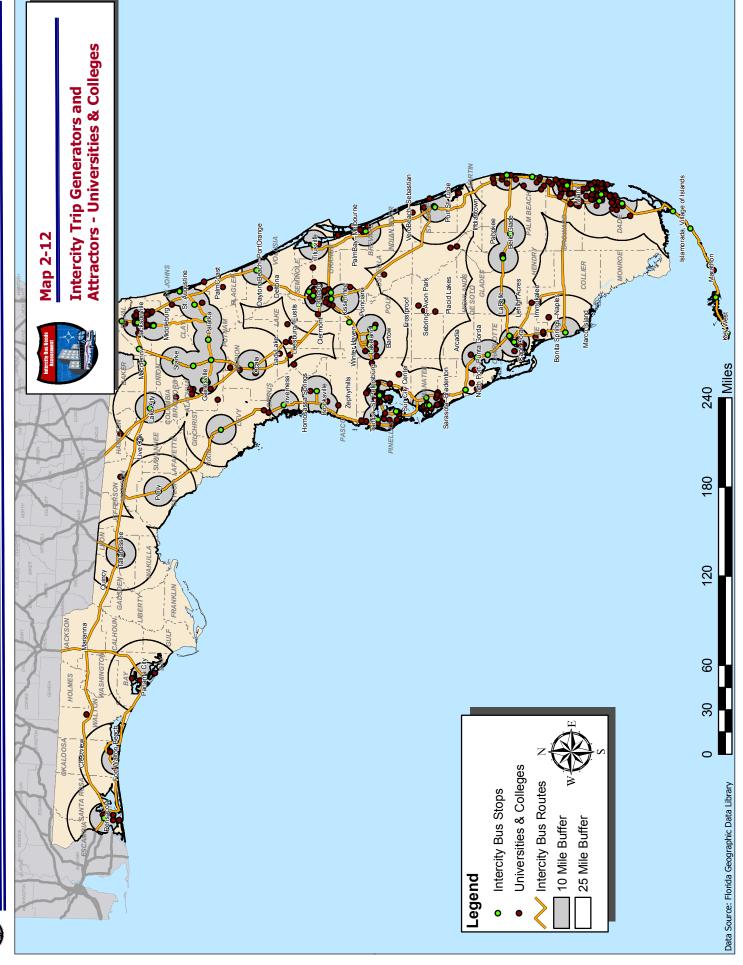




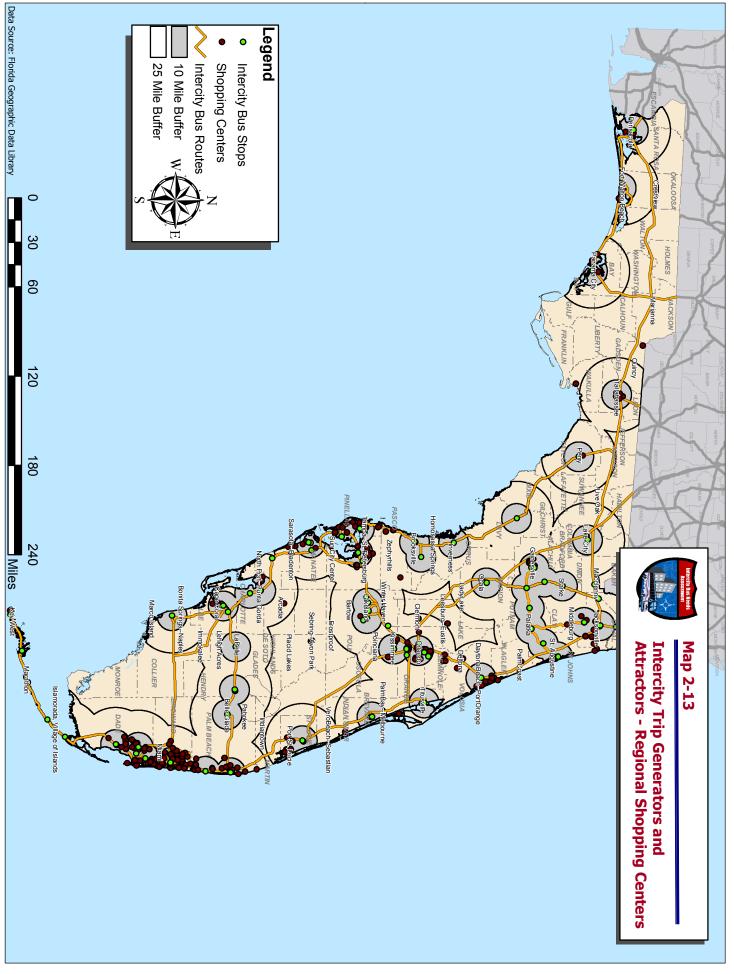


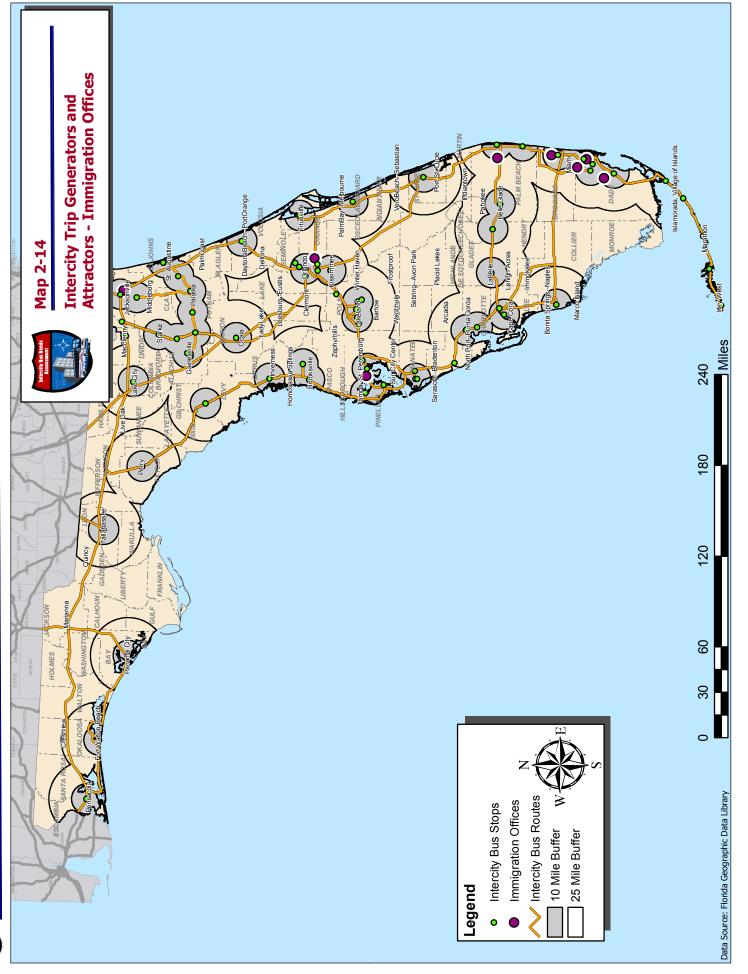






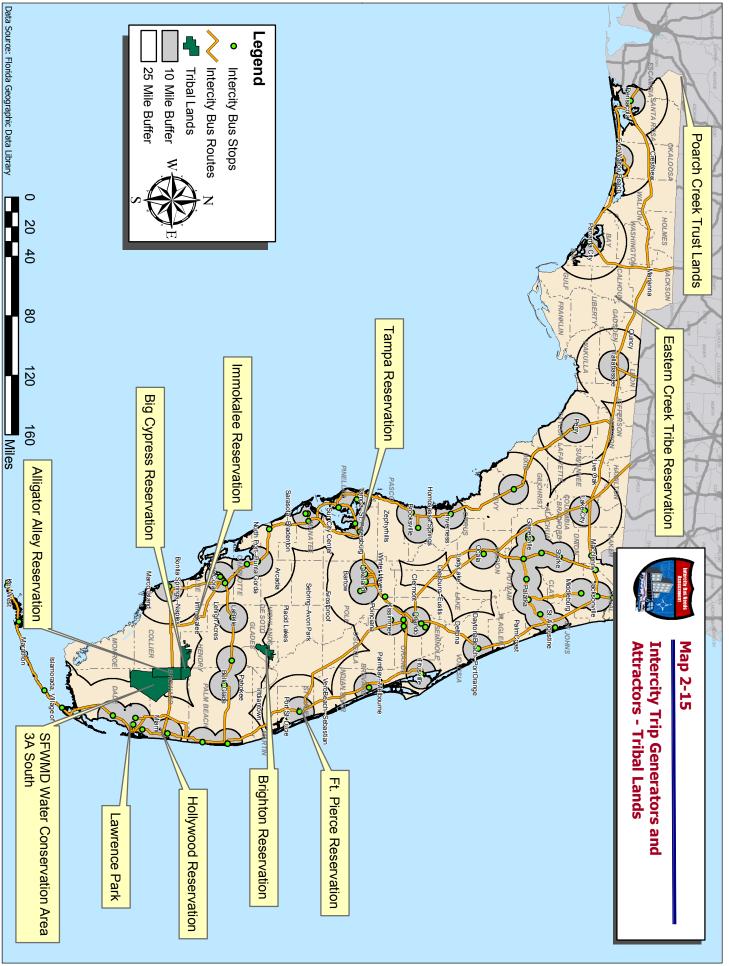






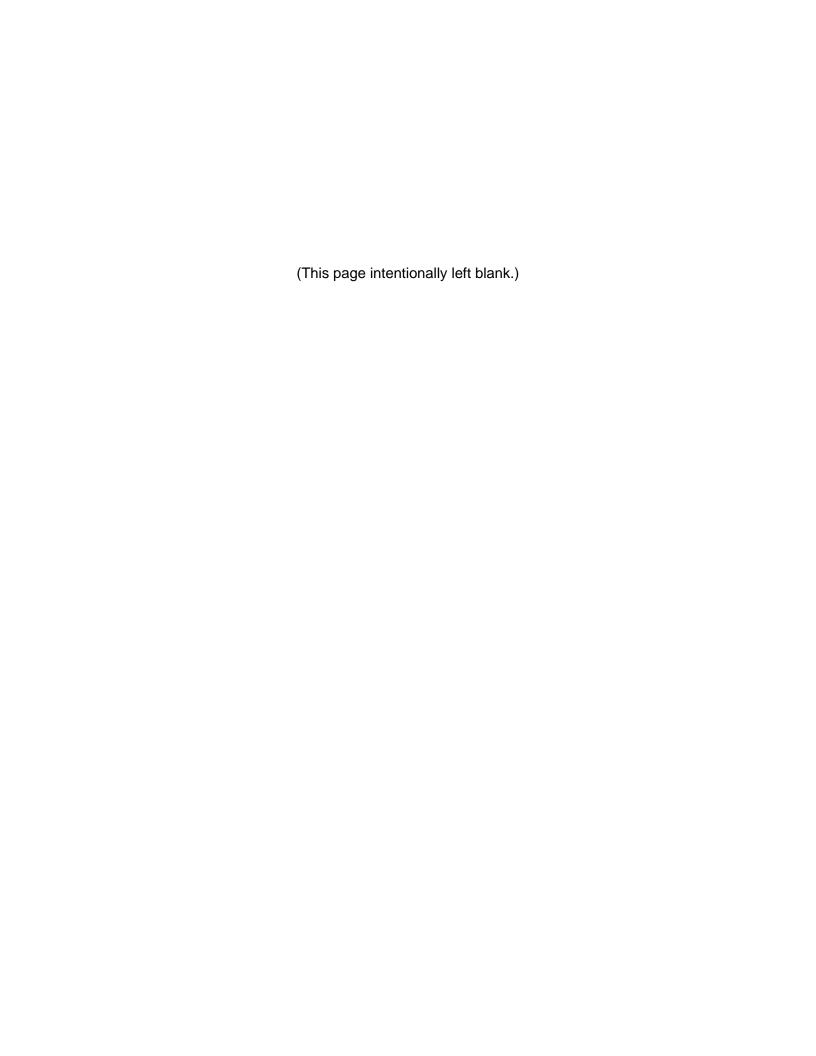














Section 3: Review of Policy & Regulations

To better assist with the *Intercity Bus Service Needs Assessment and Action Plan*, a summary of the applicable Federal and state regulatory information that guides and impacts the intercity bus system is presented in this section. Additional information on the resources referenced in this section is included in Appendix A.

FEDERAL INTERCITY BUS PROGRAM

In 1991, the Federal government took an active role in assisting the intercity bus industry through the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA). Each reauthorization of the highway and transit program since 1991 has increased and continued the requirement that a percentage of §5311 funds be used to support intercity bus service.

Today, each state must expend as least 15 percent of its annual apportionment of §5311 funds to support intercity bus service, unless the "Chief Executive Officer of the State certifies to the Secretary of Transportation, after consultation with affected intercity bus providers, that the intercity bus needs of the State are being met adequately."²

The goal of the intercity bus program is to connect rural areas to urban areas with a viable and effective intercity bus service. The objectives of the program include:

² Title 49 U.S.C, Section 5311(5)







- Supporting the connection between nonurbanized areas and the larger regional or national system of intercity bus service.
- Supporting services to meet the intercity travel needs of residents in nonurbanized areas.
- Supporting the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities.

To accomplish these objectives, FTA expects that states have in place a planning process to assess currently available intercity bus service as well as any unmet needs for service. A basic outline for the intercity bus service planning process includes:

- Conducting periodic assessments of needs by contacting or working in partnership with bus associations and/or carriers individually.
- Assessing intercity bus needs in the development of Coordinated Public Transit-Human Services Transportation Plans.
- Adding intercity bus transportation to statewide long range planning.³

To foster the development of a partnership with intercity bus service providers, FTA provides the following direction for the consultation process:⁴

- Identify intercity carriers and the service(s) each provide through:
 - o Russell's Official National Motor Coach Guide,
 - websites of private intercity bus operators,
 - bus industry directories,
 - state regulatory agency listings, and
 - o trade associations, such as the American Bus Association and the United Motorcoach Association.

⁴ FTA Circular 9040.1F *Nonurbanized Area Formula Program Guidance and Grant Application Instructions*, April 1, 2007.



³ Title 23 U.S.C, Section 450.214



Consultation activities should include:

- Informing intercity bus carriers of the state's rural planning process and encouraging their participation in that process, and where a state is considering possible certification, providing an opportunity to submit comments and/or request a public meeting to identify unmet needs and discuss proposals for meeting those needs;
- including the participation of intercity providers in scheduled meetings, such as state agency transit meetings and public transit conferences;
- meeting periodically with intercity providers;
- o notifying providers either through direct mail or advertisements in various locations around the state of availability of funds for the current year's intercity bus program;
- informing intercity bus providers about the development of the locally developed, coordinated public transit-human services transportation plans and encouraging their participation; and
- o soliciting comments through direct mail and advertising in newspapers in various locations around the state of the State's intent to certify unless needs are identified.

To accomplish the objectives of the program, FTA has generally allowed the State to pass funds through to local public bodies and private nonprofit organizations as sub-recipients, while requiring that assistance to private for-profit operators of transportation service is in the form of third-party contracts. Additionally, FTA permits states to pass through funds to private intercity bus providers in a sub-recipient relationship for these §5311(f) funds only. In either case, the State should use a merit-based selection process to ensure that the private operator is qualified, will provide eligible service, can comply with Federal and State requirements, and is the best, or only, provider available to offer service at a fair and reasonable cost.

Projects that are eligible for funding include:

- planning and marketing for intercity bus transportation,
- capital grants for intercity bus shelters,
- joint-use stops and depots,
- operating grants through purchase-of-service agreements,
- user-side subsidies and demonstration projects,





- coordination of rural connections between small public transportation operations and intercity bus carriers,
- capital grants to purchase vehicles or vehicle-related equipment such as wheelchair lifts,
- improvements to existing intercity terminal facilities for rural passengers,
- operating assistance to support specific intercity route segments, and
- capital grants for intelligent transportation systems (ITS) technology.

The §5311 Program State Management Plan (SMP) provides the procedures for the administration and management of §5311(f) funds. As part of the SMP, the methodology for assessing statewide intercity bus needs and the consultation with affected intercity bus service providers must be documented. In addition, FTA encourages the State to work with neighboring states to develop a network of intrastate services that connect to a national network of interstate service. Details for this program are included in Federal Circular 9040.1F, Non-Urbanized Area Formula Program Guidance and Grant Application Guidelines, which is included in Appendix A.

The Federal Motor Carrier Safety Administration (FMCSA) and the Surface Transportation Board performs regulatory oversight of intercity bus carriers. This oversight includes such areas as:

- applications for operating authority,
- adequacy of intercity motor common carrier passenger service,
- workplace drug and alcohol testing program,
- · hours of service for drivers,
- vehicle safety standards,
- inspection, repair and maintenance,
- driving of commercial motor vehicles, and
- intercity bus company structure, financial, and operational matters.

Specific information on regulatory oversight can be found at www.fmcsa.dot.gov and www.stb.dot.gov.

FLORIDA'S REFERENCES TO THE INTERCITY BUS PROGRAM

Chapter 341 of the Florida Statutes provides a definition for intercity bus service, which is:





regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity; has the capacity for transporting baggage carried by passengers; makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available; maintains scheduled information in the National Official Bus Guide; and provides package express service incidental to passenger transportation.

Key sections of Chapter 341 include the following:

- Section 341.031 defines "eligible bus carrier" as a private company that has operated
 defined intercity bus service in the state, in accordance with the rules and regulations of
 the Federal Motor Carrier Safety Administration (FMCSA) and the Surface Transportation
 Board (STB) of FDOT, for a minimum of two years.
- Section 341.041 outlines how the State fulfills the FTA planning requirements for intercity bus service. It calls for intercity bus service to be included in the statewide plan for public transit. In addition, transit plans adopted by local and regional planning agencies are to be incorporated into the statewide plan.
- Section 341.051(5)(f) states that FDOT may fund up to 100 percent of the Federal-aid apportionment for intercity bus service.

Additional key provisions of Chapter 341 are outlined below:

- Develop a program of projects to be included as part of the FDOT's five-year work program.
- Develop, publish, and administer State measures regarding the performance of systems.
- Provide technical and financial assistance to intercity bus carriers based on problems and needs.
- Coordinate activities between public entities and private entities on matters relating to intercity bus services.
- Assist in the development and implementation of marketing programs for intercity bus services.
- Support projects that serve to maintain and enhance statewide intercity bus service.





o FDOT is authorized to fund up to 100 percent of the cost of any intercity bus service project that is statewide in scope or involves more than one county where no other governmental entity or appropriate jurisdiction exists.

A copy of Florida Statutes Title XXVI, Chapter 341, Public Transit, is included in Appendix A.

LOCAL REFERENCES TO THE INTERCITY BUS PROGRAM

Federal guidance on local involvement with regard to the development of intercity bus service is geared towards the inclusion of intercity needs assessments and the participation of intercity bus carriers in the locally coordinated human services transportation plans (LCHSTP). The State's guidance is to incorporate transit plans adopted by the local and regional planning agencies into the statewide transit plan.

Based on the above guidance, this study includes a review of FDOT's transit development plan (TDP) requirements and the FCTD requirements for a transportation disadvantaged service plan (TDSP). Based on this review, it is found that, in Florida, the TDSP can satisfy the Federal requirement for an LCHSTP.

There is very limited specific discussion of intercity bus service in the guidance for either document. The TDP requirements mention intercity bus service as a component of facilities and systems which provide intermodal access. The TDSP requirements include intercity bus operators as transportation partners in the public participation process.

TRANSIT COOPERATIVE RESEARCH PROJECT (TCRP) REPORT 79

The TCRP Report 79, Effective Approaches to Meeting Rural Intercity Bus Transportation Needs, is a valuable resource that touches on all of the important issues in the provision of intercity bus service. It discusses funding options at the Federal, State, and local levels, including private investment. The most common implementation barriers for intercity service are evaluated with accompanying strategies to overcome these obstacles.

A variety of barriers are cited by states responding to the project's survey. The most common barriers include:





- limited funding,
- lack of knowledge about intercity needs,
- unfamiliarity with the application process,
- difficulty in finding local entities to sponsor or match applications, and
- lack of coordination between intercity bus services and rail for projects involving both modes.

To combat these barriers, the report offers several strategies that can be used to mitigate the obstacles. These include:

- Determining interest in rural intercity service;
- Planning, including cost estimation, revenue projections, ridership analysis, route structuring, and fleet components identification;
- Developing a program, including program goals, ongoing funding sources, meeting Federal and other requirements, and other systemic program needs;
- Providing operating assistance as a means to maintain or implement specific services addressing gaps or needs;
- Providing capital assistance to support rural intercity operations;
- Providing marketing assistance to ensure the program goals of ridership and community support are being met; and
- Creating project combinations by using the funds in a combination of the different strategies to provide the most efficient and effective service.

Table 3-1 presents a summary of the funding available for intercity services. Each of these sources is discussed in detail in TCRP Report 79. These funds can be expended on a number of projects, including capital, operating, planning, and administrative assistance to state agencies, local public bodies, nonprofit organizations, and operators of public transportation services.

In addition, President Barack Obama signed the American Recovery and Reinvestment Act (ARRA - also referred to as the 2009 Stimulus Bill) into law by on February 17, 2009. Of the \$787 billion of stimulus funds available over the next several years, approximately \$48 billion will be invested in transportation infrastructure, including \$8.4 billion for transit capital improvements through FTA programs. Highlights from the ARRA related to potential intercity-type service or funding for rural areas include the following:





- National appropriations in the amount of \$8 billion will be allocated toward capital
 assistance for high speed rail corridors and intercity passenger rail service. Florida's
 state budget for high speed intercity passenger rail appropriations has yet to be
 determined. In Florida, as of October 2009, 170 transit stimulus projects totaling \$316
 million are in the process of being implemented.
- In Florida, the non-urbanized area formula program (fewer than 50,000 people) is appropriated \$20.3 million through FY 2011.
- In Florida, local governments received \$5.41 million for modernizing or improving existing rail and bus rapid transit systems.

SUMMARY

The purpose of this section is to provide an overview of current legislation affecting intercity transit. As the *Intercity Bus Service Needs Assessment and Action Plan* continues, state policies, rules, and regulations will be assessed to determine if there are any recommendations to be implemented to strengthen intercity service provision in Florida.





Table 3-1

Fund Sources Summary

Funding Source	Agency	Summary Description	Eligible Recipients	Eligible Uses	Potential Rural Intercity Application
Section 5311Nonurbanized Area Formula Transit Assistance Program (Section 5311[f] Rural Intercity Program)	U.S.DOT, FTA	Formula allocation of funds to states for distribution to small urban and rural areas with populations less than 50,000	States, local political jurisdictions, private carriers (as subrecipients)	Operating assistance, capital assistance, planning and marketing	Rural intercity and feeder service: operating assistance, capital assistance, planning, and marketing
Section 5309 Transit Capital Investment Program	U.S.DOT, FTA	Congressionally designated capital funding for transit	Transit authorities, state and local public bodies	Capital for buses and bus-related facilities, modernization of fixed-guideway systems	Vehicle capital, terminals, maintenance facilities; most likely for vehicles and intermodal terminals
Surface Transportation Program (STP), National Highway System-Flexible Funding	U.S.DOT, FHWA, FTA	Capital funding for highways; can be used for transit capital projects including bus terminals and facilities	Transit authorities, state and local public bodies; private carriers can lease facilities for nominal rents	Capital for intercity passenger vehicles, terminals and other facilities	Intercity passenger vehicles, terminals and other facilities, both publicly and privately owned; most likely for intercity bus portion of intermodal terminals
Congestion Mitigation and Air Quality Improvement Program	U.S.DOT, FHWA, FTA	Capital and operating funds for projects that reduce congestion or improve air quality	Transit authorities, state and local bodies; private carriers could be subrecipients	Operating assistance (3 years maximum), vehicle capital, other transit-related projects	Vehicle capital; alternate-fuel vehicles, facilities, and equipment





Table 3-1 (Continued)
Summary of Funding Sources

Funding Source	Agency	Summary Description	Eligible Recipients	Eligible Uses	Potential Rural Intercity Application
					Fund portion of incremental costs of lifts
					on new OTRBs or retrofits on existing
					coaches; fund training costs for drivers.
					maintenance staff, and
					terminal staff on
					accessibility
		Funding for accessibility			implementation; funding
Rural Transportation		for private operators of	OTRBs. including fixed-	capital costs of lifts and	provided local share
Accessibility Incentive		overthe-road buses	route and charter and	related equipment, and	technical support to
Program	U.S.DOT, FTA	(OTRBs)	tour firms	related training costs	carrier applicants
				Fund operating costs of	Fund operating costs of
	U.S. Department of			transportation in	transportation in
Community Services Block	Health and Human	Funding for a range of	States and Native-	support of social	support of social
Grant	Services (USDHHS)	social services	American tribes	programs	programs
					Fund portions of intermodal terminals for
		Funding and information			use by community
		for communities to	Transit systems, local		services or groups or
		enhance quality of life,	governments,	Capital and planning for	support joint-use
Liveable Communities	IIS DOT ETA	economic base, and	community private	projects supporting	efforts, and provide
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Table 3-1 (Continued)
Summary of Funding Sources

Funding Source	Agency	Summary Description	Fligible Recipients	Fligible Uses	Potential Rural Intercity Application
Job Access and Reverse-Commute Program	U.S.DOT, FTA	Develop transportation services for emloyment trips by low-income workers and city-to-suburb work trips	Transit systems, local governments, community private nonprofit organizations, private carriers as contractors	Capital, operating costs of new work related transit services; promote use of vouchers and employee benefit passes	Fund vehicles and operations of intrcitytype services providing long-distance commuter services (peak-hour, peak-direction)
Transportation Enhancement Program (part of STP)	U.S.DOT, FHWA	12 categories of projects related to historic preservation, beautification, and pedestrian and bicycle access	States and subrecipients	Capital costs, provision of some planning, and educational activities	Capital for historic preservation of transportation facilities that potentially can be used as intermodal terminals (historic railroad stations); pedestrian and bicycle access to terminal
Rural Passenger Transportation Technical Assistance Program	U.S. Department of Agriculture (USDA), administered by the Community Transportation Association of America (CTAA)	Planning and technical assistance for projects in rural areas enhancing economic development	Local public agencies, private non profit agencies, private for- profit organizations	Planning and technical assistance for transportation projects in rural areas	Planning studies for rural intercity and feeder services, service coordination, and feasibility studies for intermodal facilities
Community Development Fund (CDF)	USDA, administered by CTAA	Low-interest loans for improvements of transit programs in rural areas	Local public agencies, private non profit agencies, private for- profit organizations	Low-interest loans of up to \$150,000 for vehicle purchase, operations, land or facilities, and startup costs	Provide funding for land for intermodal and intercity local share, vehicles, and communication equipment





Table 3-1 (Continued) Summary of Funding Sources

		•	•		
Funding Source	Agency	Summary Description	Eligible Recipients	Eligible Uses	Potential Rural Intercity Application
Transportation and		Fund activities that address relationships among transportation,	States, local governments, metropolitan planning	Planning and capital for activities that improve efficiency, reduce	Provide planning and capital fpr intermodal facilities served by intercity buses,
Community System Preservation Program	U.S.DOT, FHWA	preservation, and the private sector	organizations, and tribal governments	environmental impacts, and affect development	particularly historic railroad stations
		Provide funds to low income persons for		Operating costs of	Contribute to local match for rural intercity
		medical services and for	States, who can provide	transportation for	routes, purchase trips
Medicaid—Title XIX of the Social Security Act	U.S.DHHS	transportation to reach such services	transportation funding in various ways	medical services for eligible individuals	for Medicaid recipients on intercity services
		Transportation for persons 60 and older to	States Area Agencies		Contribute to local
Older Americans Act - Title		reach support services,	on Aging, private	Transportation services	match for rural intercity
III B	U.S.DHHS	including nutrition	nonprofit subrecipients	for eligible persons	routes
			Local governments,	Transportation services	Capital for portions of
	U.S. Department of	Funding for community	housing authorities, and	as a support service to	intermodal terminals in
Community Development	Housing and Urban	and economic	economic development	community development	economic
Block Grants	Development	development	authorities	projects	redevelopment areas

Source: TCRP Report 79, Effective Approaches to Meeting Rural Intercity Bus Transportation Needs





Section 4: Existing Intercity Bus Profile

This section presents an overview of historical funding for intercity services in Florida as well as an evaluation of the two intercity carriers currently receiving §5311(f) funds: Greyhound and Ride Solution. Included are an overview of the intercity bus providers (i.e., §5311(f) recipients and non-§5311(f) recipients), an analysis of the service characteristics, a performance review of the §5311(f) recipients, and a summary of available financial information. The service evaluation summarized below is based on the data provided by the two service providers, discussions with their staffs, and information collected through Internet and published literature.

OVERVIEW OF HISTORICAL FUNDING

Table 4-1 provides an overview of the historical funding for Florida. The majority of the funding since FY 2001 has been awarded to Greyhound. Of the nearly \$26 million awarded to intercity bus transit providers since FY 2001, only 2.3 percent was awarded to providers other than Greyhound.

OVERVIEW OF EXISTING SERVICES

To the extent data are available, a review of the two existing intercity bus service providers is conducted to assess their performance and provide a more comprehensive look at the overall services they offer. These two providers, primarily Greyhound, connect a significant number of rural as well as urban destinations in Florida to the national intercity bus transit network and





have become eligible to receive §5311(f) funds from FDOT by providing a "meaningful connection" to the intercity bus traveler.

Table 4-1
Historical FDOT Funding Data

Fiscal Year	Provider	Total Funding	Federal Share	Local Share
2001	Greyhound	\$1,534,254	\$866,127	\$668,127
2002	Greyhound	\$1,433,025	\$923,513	\$509,512
2003	Greyhound	\$1,867,375	\$1,017,552	\$849,823
2004	Greyhound	\$2,009,186	\$1,004,593	\$1,004,593
2005	Greyhound	\$2,005,372	\$1,002,686	\$1,002,686
2006	Greyhound	\$2,098,990	\$1,049,495	\$1,049,495
2007	Greyhound	\$3,214,385	\$1,607,193	\$1,607,193
2007	Runways	\$206,225	\$103,113	\$103,113
2008	Greyhound	\$3,455,324	\$1,727,662	\$1,727,662
2008	Ride Solution	\$150,000	\$75,000	\$75,000
2009	Greyhound	\$3,653,504	\$1,826,752	\$1,826,752
2009	Ride Solution	\$225,000	\$112,500	\$112,500
2010	Greyhound	\$3,929,322	\$1,964,661	\$1,964,661

Source: Florida Department of Transportation

Note: In FY 2010, \$150,000 was set aside from the intercity funding apportionment to fund the *Florida Intercity Bus Service Needs Assessment and Action Plan.* These funds are not shown in this table.

Greyhound

Greyhound was founded in 1914 as the Mesaba Transportation Company in Hibbing, Minnesota. The company was renamed Motor Transit Corporation in 1922 and Northland Transportation Company in 1926 before incorporating under the Greyhound name in 1930. The current Greyhound Lines was organized in 1987 after it purchased the U.S. bus holdings of the former Greyhound Corporation (now known as Viad Corporation). Greyhound Lines was acquired by Laidlaw International, Inc., in 1999, which was subsequently acquired by FirstGroup plc in 2007.

Serving more than 1,700 destinations in the United States, Greyhound provides a comprehensive intercity network. It uses approximately 90 company-operated bus terminals and 850 agency-operated terminals or sales agencies. In Florida, Greyhound actively serves 52





locations, linking rural locations to major urbanized areas. Appendix B provides a list of Greyhound bus stations in Florida.

Typically, Greyhound maintains company-operated terminals providing full-service ticketing facilities and extensive hours of operation in most major cities. In smaller communities, locations may be operated by independent agents, which also provide schedule and package express service. In addition, bus stops provide limited schedule service for a large number of locations that do not support a full-service terminal or agency. However, no ticketing or baggage service is offered at these locations. Some of these locations may be at a local airport or transit center; others may simply be a stop along a highway route, without an enclosed waiting area. Greyhound also still allows passengers to flag down the bus although this is not the typical method of purchasing a ride.

Ride Solution

Ride Solution, Putnam County's public flex route bus system, currently operates two intercity routes that are funded by Federal §5311(f) funds. These include the route operating from Palatka connecting Gainesville and St. Augustine and the route from Palatka to Orange Park Mall in Jacksonville. These services are provided on a contractual basis to Greyhound's connector service.

Escot Bus Lines

Escot Bus Lines operates THE SUNLINER between Orlando and Tampa, Sarasota and Tampa, Fort Myers and Tampa, and Winter Haven and Tampa. The service is designed to allow for connection in Tampa to service to Pinellas County and in Orlando to service to Volusia County. At most, Escot serves these routes four times per week. Escot does not receive Federal §5311(f) funds as it does not meet the Florida definition of intercity service which requires a provider to have been in operation for two years before receiving these funds.

SERVICE CHARACTERISTICS AND PERFORMANCE REVIEW

Service characteristic and performance data for Greyhound and Ride Solution are presented in this section.





Greyhound

Figure 4-1 and Map 4-1 present annual boardings and alightings in Florida from 2004-2009 (2009 figures are from January to September). Appendix B includes a detailed tabular summary of the boardings and alightings by stop during this period, as provided by Greyhound.

Map 4-2 illustrates the average annual passenger load data for key intercity Greyhound routes.

In addition to the above, the following facts are provided by Greyhound on its website.

- Ridership Greyhound's U.S. operation, as well as its operating subsidiaries and Greyhound Canada, carries approximately 25 million people annually.
- Statement of Service Greyhound passengers accrued nearly 5.8 billion passenger miles last year.

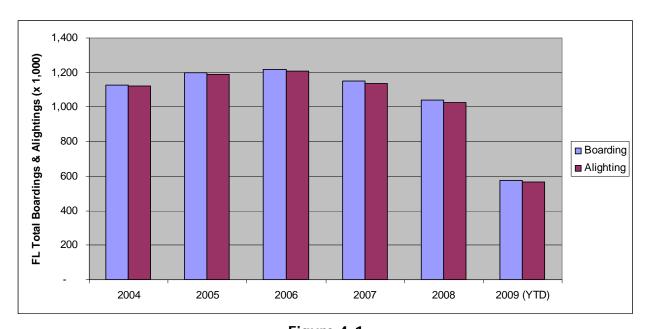
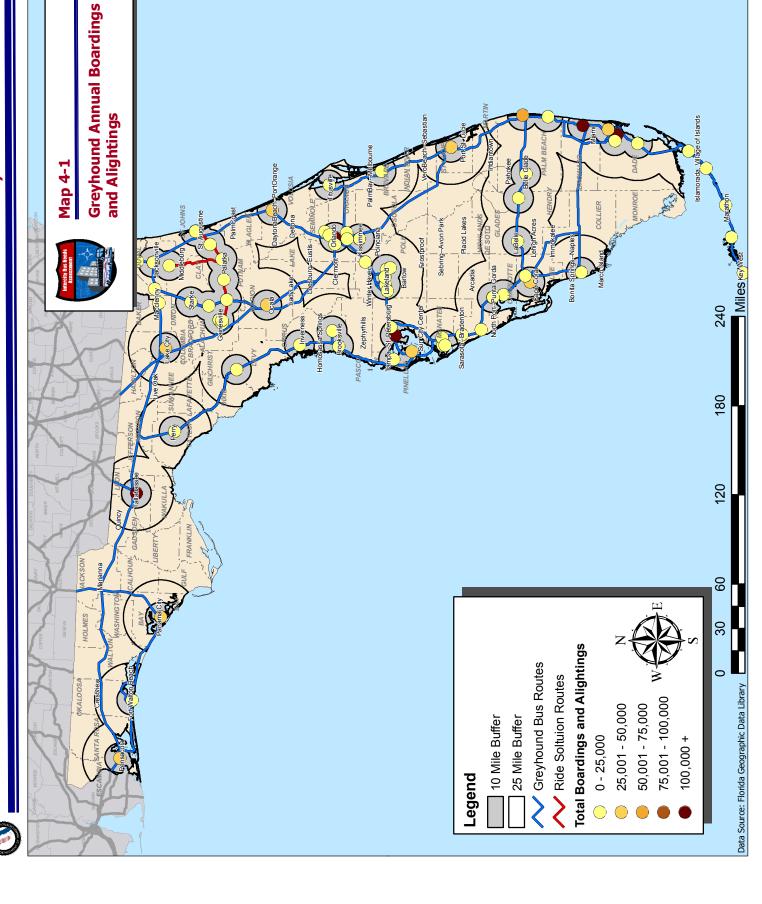


Figure 4-1
Annual Greyhound Boardings and Alightings

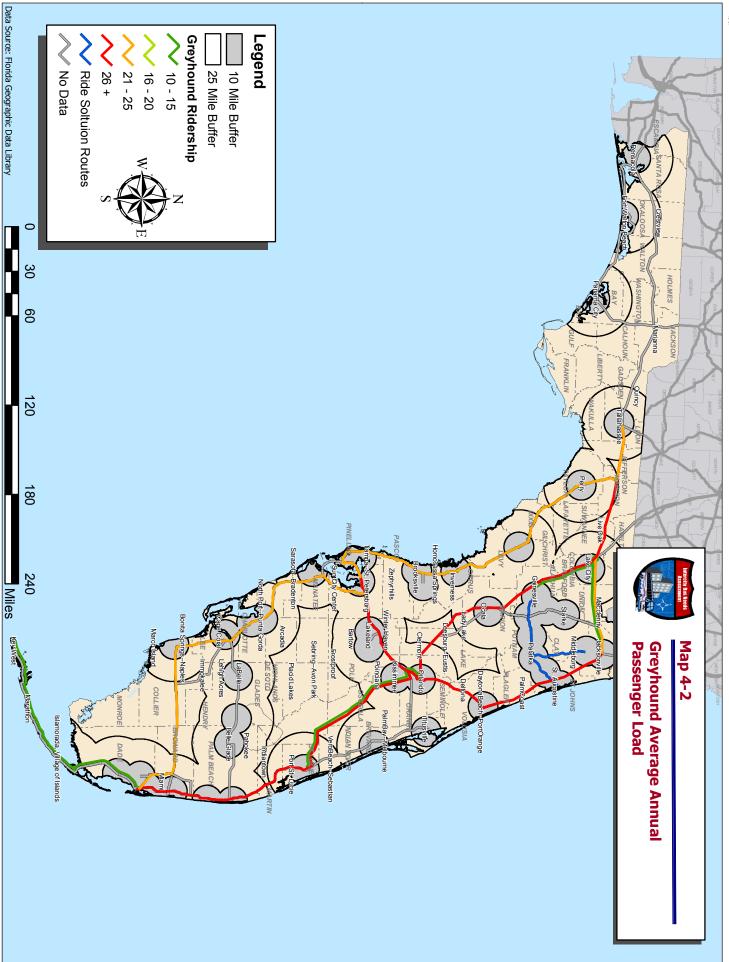
Source: Greyhound Lines, Inc.
Note: Data for 2009 are for January to September only.













 Fleet size - The Greyhound fleet consists of about 1,250 buses, with an average age of 7.2 years.

According to 2009 ticket data, Greyhound's total passenger count in Florida was more than 1 million. According to a 2009 survey conducted by Greyhound, the majority of passengers (56%) use the service for visiting family or friends. Commuting is the least common trip purpose, at 4 percent. Thirty percent of riders do not have a valid driver's license, and more than half (53%) own or lease a vehicle. The most commonly-cited marital status is single, and a quarter of riders are 18 to 24 years old. Thirty-nine percent of respondents are employed full-time, while 35 percent are either unemployed or work part-time. Thirty percent of respondents make less than \$10,000 per year. Nineteen percent of riders are full-time students, though about a quarter of respondents report not completing high school. Nearly half (47%) of Florida's Greyhound users are Hispanic, and 30 percent of all respondents speak Spanish in their homes. Eleven percent reside in rural areas.

Ride Solution

The service characteristic and performance data received from Ride Solution is summarized below. Ride Solution operates intra-city transit service as well, but the data provided below are only for its two intercity bus routes for which it receives §5311(f) funding.

- Ridership Ride Solution provided 5,091 trips passenger trips from July 2008 to June 2009 (FY 2009) on its two intercity routes. The average per-trip load at the current time is approximately 10 passengers per trip. The routes provide a total of four trips per day.
- Service Efficiency In FY 2009, Ride Solution operated a total of 4,240 hours for the two intercity routes, resulting in an average 1.2 passengers per revenue hour. (For the first three months of FY 2009, routes operated only five days per week; for the remainder of the year, routes operated seven days per week.)
- Fleet size Ride Solution has a total of five buses, with one for each of the two routes and backup vehicles. (These numbers reflect only the vehicles insured for Greyhound connector services).





Escot Bus Lines

As service began in recent months, there is no operational data.

FINANCIAL SUMMARY

The following section analyzes the financial information for Florida's intercity providers.

Greyhound

Figure 4-2 presents the annual outbound passenger sales in Florida from 2004-2009. The data for 2009 is from January 2009 to September 2009 only. Appendix B includes a detailed tabular summary of the sales data, as provided by Greyhound.

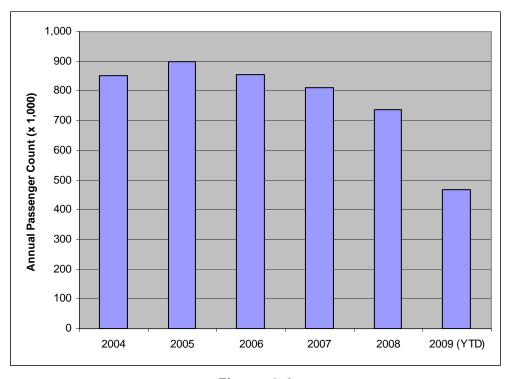


Figure 4-2
Annual Greyhound Outbound Passenger Counts

Source: Greyhound Lines, Inc.

Note: Data for 2009 are for January to September 2009 only.





Figure 4-3 presents the average outbound passenger miles in Florida from 2004-2009.

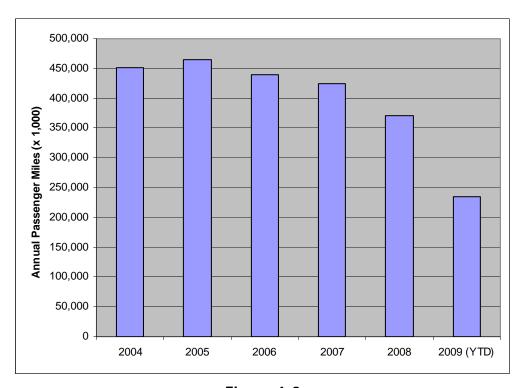


Figure 4-3
Annual Greyhound Outbound Passenger Miles

Source: Greyhound Lines, Inc.
Note: Data for 2009 are for January to September 2009 only.

Ride Solution

The annual operating costs and funding for the two routes provided by Ride Solution are summarized in Table 4-2.





Table 4-2 Annual Operating Costs and Revenues Ride Solution Intercity Bus Service

Mode	Cost/Revenue (\$)	% of Cost
Costs		
Annual Operating Cost	297,272	n/a
Revenues		
§5311(f) Funds	233,124	78
Commuter Assistance Funds	64,148	22
Total	297,272	100

Source: Ride Solution

Notes:

- 1. The §5311(f) portion of annual cost funds the following segments: Weekdays: Palatka to Gainesville (2 runs, 5 days a week), Orange Park to Jacksonville (2 runs, 5 days a week). Weekends: Palatka to St. Augustine/Gainesville (4 runs), Palatka to Jacksonville (2 runs).
- 2. The Commuter Assistance Portion of annual cost funds the following segments: Palatka to St. Augustine (5 days a week, 2 runs), Palatka to Orange Park (5 days a week, 2 runs).





Section 5: Existing Service Gaps and Needs

As Florida has developed during the past 20 years, there has been explosive population and employment growth, as well as a continued increase in opportunities for tourism development. Many jobs for the middle- to lower-middle-income workers remain service-oriented jobs at hotels, tourist attractions, hospitals, and malls, for example.

With Florida's growth has come a resurgence in the development of rural communities, where owning or renting a home is more affordable than in the urban counterparts. In addition, it is not uncommon for retirees to move from more expensive coastal communities or urbanized areas in favor of the lower living costs found in inland rural communities. This has led to the need for better connectivity between rural and urban communities. To better prepare for the intercity needs assessment to be completed as part of Technical Memorandum Number Two, a detailed review of state, regional, and local plans is undertaken to identify intercity service needs gathered through previous stakeholder/public involvement efforts. In addition, this review complies with the requirements of §341.041, F.S., to include intercity needs addressed in local plans in the statewide needs assessment.

This section provides a summary of the intercity service needs organized by FDOT district that are identified through this review. In addition, Appendix C documents the detailed review completed for each plan, including a summary of the services each agency provides, public and stakeholder input received during the development of the plan, existing intercity service, and intercity needs identified in the plan.

It should be noted that intercity services discussed in this section refers to a broader definition of services, such as fixed-route transit service, that fulfill a need for intercity connections, rather





than only §5311(f)-eligible intercity service providers. It also includes needs that focus on commuters if they are found in intercity discussions in the reviewed documents.

STATEWIDE PLANNING EFFORTS

A review of statewide plans indicates that, in addition to interstate and interregional service, intercity service is identified as a critical component of the intermodal system. Policies recommended in statewide planning efforts that relate to intercity service are summarized in this section. These policies will be used to guide the development of the needs assessment and action plan.

- Identify means of increasing capacity in the form of rail and urban transit systems to provide viable options for moving people and freight within and between urban areas.
- Develop and expand regional transportation service in corridors where the number of inter-county trips exceeds established thresholds.
- Provide an effective and efficient mix of transit modes and transfer facilities to achieve seamless intermodal travel.
- Develop a multi-modal transportation planning process that addresses the wide range of policy issues involved in making sound, long-range transportation investment decisions, including technological innovation and the environmental and economic benefits of transit.
- Implement policy guidance to shape the framework of State plans with a focus on facilities with regional (intercity/intercounty) significance that connect rural, transitioning, and urban areas within multi-county regions, as well as connections from regional economic centers to the SIS.
- The Florida Rail System Plan recognizes increased interest in employing rail options as a
 way to meet intercity and regional mobility needs. This would provide a way to combat
 increased road congestion, increase the mobility of target groups (e.g., commuters,
 tourists, business travelers, and older Floridians), and decrease dependency on foreign
 oil.





- Implementation strategies in the Florida Rail System Plan focus on the development of intercity passenger rail service between commuter rail hubs and key city pairs, including connections between:
 - o Orlando and Tampa,
 - Miami and Jacksonville,
 - o Miami and Orlando/Tampa mid-point, and
 - Miami and Orlando/Jacksonville mid-point.

FDOT DISTRICT 1

FDOT District 1 includes the following counties in Southwest Florida:

Charlotte

Hardee

Manatee

Collier

Hendry

Okeechobee

DeSoto

Highlands

Polk

Glades

• Lee

Sarasota

FDOT District 1 includes a mix of both urbanized and rural areas. In general, the more urbanized areas of this district are located along the costal portions of Collier, Lee, Charlotte, Manatee, and Sarasota Counties, as well as Lakeland and Bartow in Polk County. Of the more urbanized counties, fixed-route service is provided in all but Charlotte County. In addition, the remaining inland counties of this district (DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee), known collectively as "Florida's Heartland," are more rural in nature and do not have fixed-route transit service. Intercity service provided in the Heartland consists of the following types:

- Good Wheels, which operates the Lake Region Commuter Service, provides fixed-route transit service on S.R. 80 connecting Clewiston in Hendry County to Belle Glade in Palm Beach County.
- Greyhound, which began service in June 2009 connecting Ft. Myers and Miami, via LaBelle and Clewiston (Hendry County) and Belle Glade (Palm Beach County), is also in operation.

While the Heartland Counties do not have fixed-route transit service, a separate plan addressing mobility alternatives for this area is reviewed as part of this effort. Intercity service needs





resulting from the *Heartland Rural Mobility Plan* are included below, with a more detailed summary of this plan also found in Appendix C.

Several intercity or intercity-type service needs for the Heartland counties were identified based on a review of available plans.

- Timely and affordable access to medical and social services is a critical need for the Heartland region's citizens. Transportation is needed within the region's communities as well as to neighboring communities and to outside the region.
- There is a need for a single point of contact for the region's residents to obtain regional travel information and trip planning assistance.
- An opportunity for intercity bus service exists between the Heartland region and the nearby cities of West Palm Beach, Punta Gorda, Fort Myers, Bradenton, Sarasota, Lakeland, and Winter Haven. (In 2005, Greyhound cancelled its bus service through the Heartland region.)
- The need to provide transportation for the region's veterans to travel to local and regional Veterans Administration hospitals will continue to grow. Coordination of these services across the region should be pursued.

Intercity-type bus service provided in FDOT District 1 is described below.

- LeeTran provides service between Fort Myers, Cape Coral, and Bonita Springs. In addition, the Rosa Parks Transportation Center, a transfer center for several of LeeTran's routes also includes a Greyhound station.
- Intercity services currently offered in the Sarasota-Manatee area include:
 - o Venice/Sarasota
 - North Port/Venice
 - Venice/Englewood
 - Sarasota/Bradenton/Palmetto
- Intercity services currently offered in Polk County include:
 - Lakeland/Winter Haven via Bartow
 - Lakeland/Winter Haven via Auburndale
 - Winter Haven/Haines City
 - Ft. Meade/Bartow
 - Frost Proof/Winter Haven





- There are several bus routes on I-4 serving the Disney area near Orlando, downtown Tampa, and Plant City, with stops at existing and proposed inter-modal centers in Polk County:
 - o Walt Disney World Express I-4/S.R. 559 to Walt Disney World;
 - Plant City Express 1-4/North Socrum Loop Road to Plant City;
 - Downtown Tampa Express I-4/North Socrum Loop Road to downtown Tampa;
 and
 - Two LYNX route connecting Poinciana with eastern Polk County.

Intercity or intercity-type service needs identified for FDOT District 1 based on a review of available plans as described in the following bullets.

- Premium express service between downtown Bartow and the Citrus Connection terminal in downtown Lakeland:
- Express bus service between Lakeland and Winter Haven;
- Express bus service in the U.S. 27 corridor between the Eagle Ridge Mall in Lake Wales and I-4;
- High speed rail service along I-4 in Polk County as part of the Tampa-to-Orlando route;
- Commuter/express routes to connect the major urban and suburban centers of the Sarasota-Manatee area, including Bradenton, Ellenton and Palmetto in Manatee County and Sarasota, Venice, and North Port in Sarasota County, as well as rapidly developing areas such as Lakewood Ranch and east of I-75;
- Cross-county service to provide inter-county connectivity between Sarasota County and Manatee County and to provide opportunities for local bus service connections between Charlotte, Hillsborough, and Pinellas Counties;
- Intercity service from Punta Gorda to Arcadia via Kings Highway I-75 interchange in Charlotte County to provide access to employment opportunities;
- Express service connecting Charlotte County to Ft. Myers to permit residents a direct connection with Lee County's public transit service at the main LeeTran transfer center on Peck Street:
- Regularly scheduled service on U.S. 41 from North Port to Murdock and Port Charlotte to meet travel demand for shopping opportunities in the Murdock area and medical services in Port Charlotte;
- Inter-county express service to provide a connection between Lee County and Collier County via I-75 or U.S. 41 into downtown Fort Myers; and





• Inter-county service to connect northern Lee County with Charlotte Park in Charlotte County via U.S. 41.

Additional stakeholder input indicates that the following service is needed:

- Regular service from Ft. Myers to Sarasota; Cape Coral to Ft. Myers; and Clewiston to LaBelle with continuing service to Ft. Myers, as this would allow residents in Clewiston to obtain jobs in the Ft. Myers area;
- Service along US Highway 27 connecting Sebring, Lake Placid, and Avon Park; and
- Service connecting the Treasure Coast to Okeechobee, Hardy, Polk, and Highlands Counties.

Due to the concentration of rural counties located in FDOT District 1, the subsequent needs assessment conducted as part of the *Intercity Bus Service Needs Assessment and Action Plan* should focus on intercity bus service connecting the rural areas to their more urbanized counterparts.

FDOT DISTRICT 2

FDOT District 2 includes the following counties in Northeast Florida:

- Alachua
- Baker
- Bradford
- Clay
- Columbia
- Dixie

- Duval
- Gilchrist
- Hamilton
- Lafayette
- Levy
- Madison

- Nassau
- Putnam
- St. Johns
- Suwannee
- Taylor
- Union

Similar to District 1, FDOT District 2 covers a large geographic area and includes a mix of both urbanized and rural areas. The more urbanized counties of this district with fixed-route transit service include Alachua County (Gainesville), Duval County (Jacksonville), and St. Johns County (St. Augustine). Transit service plans including public involvement generally were available for the areas with fixed-route service. The remaining counties are more rural in nature and public transportation options are more limited. In addition, as previously discussed in this Technical Memorandum, Ride Solution, Putnam County's public flex-route bus system, currently operates two intercity routes that are funded by Federal §5311(f) funds.





Intercity-type bus service provided in FDOT District 2 includes the following options.

- Bus service operated by the Sunshine Bus Company and the St. Johns County Council on Aging provide a connection between St. Johns County and Jacksonville where transfers to JTA are possible.
- Bus service operated by Clay Transit and the Clay County Council on Aging, providing a connection between Clay County to Orange Park Mall, where transfers to JTA are possible.
- Bus service operated by Ride Solution, which connects Palatka to Gainesville, St. Augustine, and Orange Park, where transfers to JTA are possible.
- The Baldwin Commuter Shuttle, operated by JTA, which connects passengers from Macclenny and Baldwin to the Rosa Parks Transit Station in downtown Jacksonville.
- Ride Solution also is providing commuter assistance which runs from 7:00 A.M. to 9:00
 P.M.

Intercity or intercity-type service needs identified for FDOT District 2 based on a review of available plans include are provided in the following bullets.

- As part of the 2006 Gainesville RTS TDP update, stakeholders expressed the belief that
 a more regional approach to funding transit services will be needed, particularly
 regarding potential expansion of services to the west. A more regional transit system
 would provide for the connection of smaller, more rural town centers to the more
 urbanized Gainesville area.
- Bus services between key destinations in St. Johns, Flagler, Putnam, and Duval Counties, connecting to local services for access to employment, education, and human service agencies.

Additional stakeholder input indicates that the following service is needed:

- Service from Fernandina Beach into Jacksonville;
- Daily service connecting Levy County to Alachua County in order to provide riders with access to education, heath services, and shopping areas throughout the region;
- Service connecting the Gainesville area to Central Florida, Tampa, and Ft. Lauderdale/Miami; and
- Intercity service connecting north Florida to states immediately to the north.





The subsequent needs assessment conducted as part of the Intercity Bus Service Needs Assessment and Action Plan should focus on intercity bus service connecting those rural areas that do not currently have intercity service, in particular intercity connections to Gainesville.

FDOT DISTRICT 3

FDOT District 3 includes the following counties in Northwest Florida:

- Bay
- Calhoun
- Escambia
- Franklin
- Gadsden
- Gulf

- Holmes
- Jackson
- Jefferson
- Leon
- Liberty
- Okaloosa

- Santa Rosa
- Wakulla
- Walton
- Washington

Consisting of the Panhandle region, FDOT District 3 includes the state capital (Tallahassee) and several other tourism-driven destinations (e.g., Destin, Panama City); the remaining area is largely more rural in nature. The more urbanized counties of this district with fixed-route transit service include Leon (Tallahassee), Okaloosa (Ft. Walton), Bay (Panama City), and Escambia (Pensacola) County. The remaining counties are more rural in nature and public transportation options are more limited.

Intercity-type bus service provided in FDOT District 3 are listed in the following bullets:

- The Bay Town Trolley provides fixed-route services within Panama City with connections to Panama City Beach;
- The City of Tallahassee and StarMetro are funding the "Express," which will run from Quincy to Tallahassee Community College.
- Star Metro provides express service to the Tallahassee suburbs in Gadsden County.
- Escambia County Area Transit (ECAT) provides express service from Perdido Key to Pensacola, Pensacola to Sentry, and Crestview to Ft. Walton.

Intercity or intercity-type service needs identified for FDOT District 3 based on a review of available plans includes the following options.





- Intercity needs within Escambia County:
 - Connections between Milton and Pensacola and possibly along U.S. 90
 - o Service to Milton via the north transit at Target on Nine Mile Road
 - Service to Navarre to connect Escambia residents with Navarre as well as connect with Okaloosa County Transit
 - o Expansion to the west to connect to Innerarity Point and Lillian, Alabama
 - o Better service between Pensacola, Gulf Breeze, and the Pensacola beaches
 - o A network of transit and paratransit connections to Santa Rosa County
 - A Pensacola/Navarre regional route connecting ECAT's main transfer facility to Navarre transit hub
 - A West Transit Center/Lillian regional route connecting residents of Lillian to the regional system via the West Transit Center on Mobile Highway
- There is significant development occurring in Panama City Beach and Mexico Beach with anticipated new development in the northwest portions of the county with the development of the new airport. Community leaders are aware of Bay Town Trolley and annual increases in ridership, and most feel that the focus of the trolley should continue to be connecting people to employment opportunities in Panama City Beach. This also includes a need to expand connections between Mexico Beach and Panama City to five days per week.
- Access to jobs and connections between north and south Okaloosa County were intercity needs often expressed in the various public involvement activities.
- Public involvement conducted for the StarMetro TDP Update indicated that there are a number of areas within Tallahassee to which bus patrons would like to see service expanded, with a few riders specifically indicating a need for service outside the city limits. However, since Tallahassee is the only municipality within Leon County, service connecting Tallahassee to other municipalities or counties was not specifically addressed.

Additional stakeholder input indicates that intercity service is needed to connect Quincy to Havana to provide transportation for workers. In addition, service is needed from Chipley to Marianna, with service continuing on to Tallahassee, as well as service from Crawfordville to Tallahassee.





Fixed-route transit service in FDOT District 3 is largely contained within the district's municipal areas, providing few opportunities for intercity travel. In addition, existing intercity service is largely limited to intra-county connections, rather than connections between cities in different counties. Therefore, the subsequent needs assessment conducted as part of the *Intercity Bus Service Needs Assessment and Action Plan* should focus on intercity bus service connecting these rural areas to their more urbanized counterparts as well as intercity service across the panhandle and to other areas, as needed.

FDOT DISTRICT 4

FDOT District 4 includes the following counties in Southeast Florida:

Broward

Indian River

Martin

Palm Beach

St. Lucie

FDOT District 4 includes Palm Beach and Broward Counties that, along with Miami-Dade County, make up the South Florida Metropolitan Area, which is the most populous area in Florida. FDOT District 4 also consists of Indian River, Martin, and St. Lucie Counties, which are generally characterized as being more urbanized along the coast line with less urbanization inland.

Intercity-type bus service provided in FDOT District 4 is described below.

- Palm Beach and Broward County are served by commuter rail service, known as Tri-Rail, provided under the South Florida Regional Transit Authority (SFRTA), which provides service from Palm Beach to Miami and connecting to Miami-Dade Transit (MDT).
- Beginning August 2009, Palm Tran provides commuter express service connecting Stuart in Martin County to downtown West Palm Beach in Palm Beach Count via Jupiter, Palm Beach Gardens, and Mangonia Park (connection to Tri-Rail).
- The Treasure Coast Connector is operated by Community Transit of St. Lucie County between Martin and St. Lucie Counties. Service is provided from Martin Memorial Hospital to downtown Stuart, the Treasure Coast Square Mall, and north to Fort Pierce.
- The Council on Aging of Martin County (COAMC) through their transportation department, Community Coach, provides service between Hobe Sound and south Stuart, as well an express route between Hobe Sound and downtown Stuart.





 GoLine, Indian River County's transit system, provides service from Indian River County to Barefoot Bay, which is a deed restricted recreation district in south Brevard County.

Intercity or intercity-type service needs identified for FDOT District 4 based on a review of available plans include:

- Over time, a future need exists to expand Palm Tran's commuter service currently connecting Martin and Palm Beach Counties north into St Lucie County.
- Treasure Coast Connector "Plus" service is needed to connect Ft. Pierce to U.S. 1 service and the Port St. Lucie trolley route.
- An east-west connector service along the S.R. 714 corridor between Palm City and the County Administrative Center on SE Monterey Road continuing via Ocean Boulevard to meet the Treasure Coast Connector and the U.S. 1 South corridor at Haney Circle.

Additional stakeholder input indicates that intercity service is needed to connect the workforce from western Palm Beach County to eastern Palm Beach County.

Existing transit service already connects Palm Beach and Broward Counties to Miami-Dade County, providing cohesive transit service within the South Florida Metropolitan Area. Existing intercity service elsewhere in FDOT District 4 is limited and does not provide intercity connections outside the District or to Palm Beach and Broward Counties. Therefore, the subsequent needs assessment conducted as part of the *Intercity Bus Service Needs Assessment and Action Plan* should focus on intercity bus service connecting Indian River, St. Lucie, and Martin Counties to Brevard and Volusia Counties in the North, Orange County to the West, and South Florida, as needed.

FDOT DISTRICT 5

FDOT District 5 includes the following counties in Central Florida:

- Brevard
- Flagler
- Lake

- Marion
- Orange
- Osceola

- Seminole
- Sumter
- Volusia





The counties that comprise FDOT District 5 encompass a range of densities from the higher density Orlando Metropolitan Area to counties with moderate density concentrated in pockets along the coastline or within municipal areas that are largely surrounded by less urbanized or rural unincorporated areas.

Intercity-type bus service provided in FDOT District 5 is described below.

- LYNX provides the following intercity service:
 - Silver Star Road Crosstown Orlando/Apopka
 - Volusia County/Downtown Orlando
 - o Clermont/Downtown Orlando
 - Downtown Orlando/Downtown Disney
 - o Pine Hills/Downtown Disney
 - o Rosemont/Downtown Disney
 - Washington Shores/Downtown Disney
 - Rio Grande/Vistana
 - Metro West/Downtown Disney
 - Oviedo/Winter Springs / Rosemont
 - Orlando/Winter Park
- LakeXpress, Lake County's fixed-route transit system, recently began providing service from Umatilla to Zellwood, where passengers can then transfer to LYNX. Lake County also contracts with LYNX to provide express commuter service from Clermont to downtown Orlando.
- Space Coast Area Transit (SCAT) in Brevard County provides intercity service within Brevard County, which includes the following connections:
 - Melbourne to Titusville
 - Titusville to Mims
 - Cocoa to Rockledge
 - Palm Bay to Melbourne

Intercity or intercity-type service needs identified for FDOT District 5 based on a review of available plans include:

- Establish connections for Brevard County to Volusia, Orange, and Indian River counties in collaboration with Votran, LYNX, and GoLine for commuter-based trips.
- Commuter rail service is needed from Volusia County through Seminole and Orange Counties and ending in Osceola County





 An intercity route is needed to connect transit services in Lake, Sumter, and Marion counties. This service could provide for travel between major municipalities in three counties and The Villages.

Additional stakeholder input indicates that the following service is needed:

- Service connecting Palm Coast to Daytona Beach;
- Service providing transportation to individuals needing medical treatment, both within and outside of the immediate region;
- Service connecting Bartow to Orlando; and
- Service connecting Umatilla to Zellwood to Orlando.

FDOT DISTRICT 6

FDOT District 6 includes the following counties in South Florida:

Miami-Dade

Monroe

FDOT District 6 is comprised of Miami-Dade County, one of the three counties that make up the South Florida Metropolitan Area, as well as Monroe County, which includes the Florida Keys.

Intercity-type bus service provided in FDOT District 6 is described below.

- Miami-Dade Transit's Metrorail Miami-Dade County's 22-mile, elevated rapid transit system runs from Kendall through South Miami, Coral Gables, and downtown Miami; to the Civic Center/Jackson Memorial Hospital area; and to Brownsville, Liberty City, Hialeah and Medley in northwest Miami-Dade, with connections to Broward and Palm Beach counties at the Tri-Rail/Metrorail transfer station.
- MDT's Metrobus Metrobus offers countywide service from Miami Beach to West Miami-Dade and from the Middle Keys to the southern portion of Broward County.
- MDT's Metromover Metromover is a free automated people-mover system that serves downtown Miami from Omni to Brickell and connects with Metrorail.
- The Key West Department of Transportation operates the Lower Keys Shuttle, which provides service from Key West to Marathon.
- The Lower Keys Shuttle connects to MDT's Monroe Express in Marathon several times per day, seven days per week, providing public transportation north of Marathon and connecting to mainland Florida in Florida City.
- American Coachlines contracts with MDT to provide service between Marathon and Florida City.





Intercity or intercity-type service needs identified for FDOT District 6 based on a review of available plans include:

- Connectivity between the Lower and Middle Keys for persons with service jobs in Key West.
- Inter-modal connectivity between transit, airports, and seaports.

FDOT DISTRICT 7

FDOT District 7 includes the following counties in West Central Florida:

Citrus

Hillsborough

Pinellas

Hernando

Pasco

FDOT District 7 includes five of the seven counties that are included in the Tampa Bay Area Regional Transportation Authority (TBARTA). The Florida State Legislature established TBARTA in July 2007, for the purpose of implementing a Regional Transportation Master Plan for the counties included in FDOT District 7, as well as Manatee and Sarasota Counties. The TBARTA Regional Transportation Master Plan is intended to create the framework for a seamless, linked transportation network, using a variety of modes (e.g., highways, rail, bus and ferry) where they are most effective. In addition to TBARTA, which is providing a regional planning framework, each county in FDOT District 7, with the exception of Citrus County, currently provides fixed-route transit service.

Intercity-type bus service provided in FDOT District 7 is described below.

- Clearwater/St. Petersburg
- Tampa/Clearwater
- St. Petersburg/Tampa
- Wesley Chapel/Tampa
- New Port Richey/Clearwater
- Zephyrhills/Dade City

Intercity or intercity-type service needs identified for FDOT District 7 based on a review of available plans include:

- Lakeland/Tampa
- Zephyrhills/New Port Richey





- Crystal River/Tampa
- Wesley Chapel/Temple Terrace
- New Port Richey/Clearwater
- Wesley Chapel/Tampa
- Inverness/Brooksville
- Brandon/Tampa
- Brooksville/Tampa
- Tampa/Clearwater/Largo
- Clearwater/St. Petersburg
- East-west cross-county service on S.R. 54 in Pasco County
- Express service along U.S. 19 to connect key destinations in Pinellas, Pasco, and Hernando Counties
- East Pasco County/Tampa
- Service connecting Wesley Chapel to the eastern and western portions of Pasco County

In addition to the above, TBARTA's Master Plan also provides for connecting Manatee and Sarasota Counties to the five northern TBARTA counties via the following connections:

- Brooksville/Bradenton
- Brandon/North Port
- St. Petersburg/Bradenton
- Bradenton/Northport via Sarasota and Venice

SUMMARY

A study of existing intercity bus services shows there are intercity and intercity-type services in place, many of them developed within the past 10 years. However, many of those routes offer limited hours of service and minimal trip choices. Public involvement, interviews with key community and government leaders, and passenger onboard surveys conducted for these various planning activities lead to an understanding that communities want more choices if they are to opt to commute and travel by transit. Transit services and community education initiatives need to be directed at both the transit-dependent person and the discretionary rider. As more people gravitate to living in rural communities, often due to affordable housing choices, there follows an increased need for access via transit to employment centers, educational facilities, veteran and medical services, and government hubs.

Many of the transit systems located in rural communities have identified intercity services and documented a need for service enhancements that would provide better connectivity to





neighboring counties, cities, and urban centers. Others have remained committed to taking a regional approach to their service planning, identifying traditional long-haul bus routes, rapid transit systems, and rail lines to provide fast, convenient modes of connectivity.

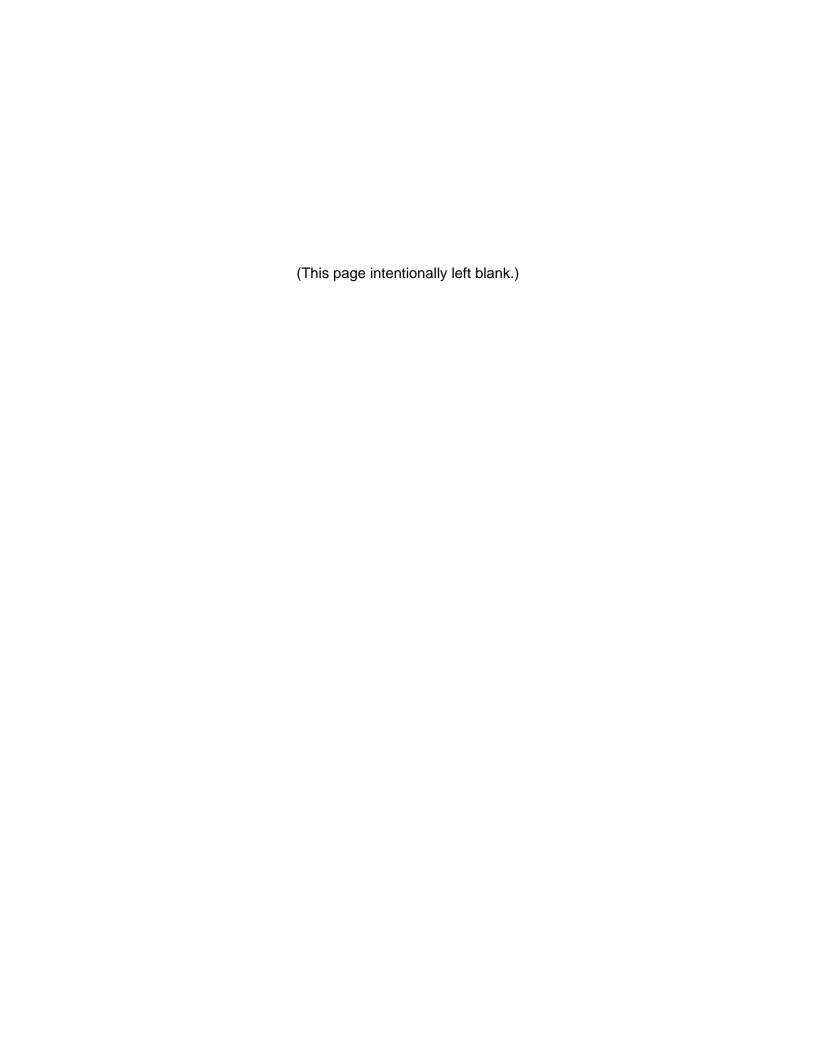




Appendix A

RELEVANT RULES AND REGULATIONS







of Transportation

Federal Transit Administration

CIRCULAR

FTA C 9040.1F

April 1, 2007

NONURBANIZED AREA FORMULA PROGRAM GUIDANCE AND **Subject:** GRANT APPLICATION INSTRUCTIONS

- 1. PURPOSE. This circular is a re-issuance of guidance on the administration of the transit assistance program for nonurbanized areas under 49 U.S.C. 5311, and guidance for the preparation of grant applications. This revision incorporates provisions of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and includes the most up-to-date available guidance for the program.
- 2. CANCELLATION. This circular cancels Federal Transit Administration (FTA) Circular 9040.1E, "Nonurbanized Area Formula Program Guidance and Grant Application Instructions," dated October 1, 1998.

3. REFERENCES.

- Federal Transit Laws, Title 49, United States Code, Chapter 53.
- b. Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, (SAFETEA-LU) (Pub. L. 109–59, 119 Stat. 1144, August 10, 2005).
- Federal-aid highway and surface transportation laws, Title 23, United States Code. c.
- Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. d. 107, June 9, 1998).
- e. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914, Dec. 18, 1991).
- f. Federal Public Transportation Act of 1978 (Pub L. 95–599, Nov. 6, 1978).
- Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq. g.
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794. h.
- Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d. i.
- j. Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

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- k. Section 404 of the Clean Water Act, as amended, 33 U.S.C. 1344.
- 1. Policy on Lands, Wildlife, and Waterfowl Refuges, and Historic Sites, 49 U.S.C. 303.
- m. National Historic Preservation Act, 16 U.S.C. 470f.
- n. Lobbying Restrictions, 31 U.S.C. 1352.
- o. State Infrastructure Provisions of National Highway System Designation Act of 1995, as amended, 23 U.S.C. 101 note.
- p. Congressional Declaration of Policy Respecting Insular Areas, 48 U.S.C. § 1469a.
- q. Program Fraud Civil Remedies Act, 31 U.S.C. 3801 et seq.
- r. Sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. 4601, et seq.
- s. Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.
- t. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq.
- u. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.
- v. Federal Funding Accountability and Transparency Act of 2006 (Pub. L 109-282, 120 Stat 1186, Sept. 26, 2006).
- w. Davis-Bacon Act, as amended, 40 U.S.C. 3141 et seg.
- x. Drug-Free Workplace Act of 1988, as amended, 41 U.S.C. 701 et seq.
- y. Alaska Native Claims Settlement Act, as amended, 43 U.S.C. 1601 et seq.
- z. Joint Federal Highway Administration/FTA regulations, "Planning Assistance and Standards," 23 CFR part 450 and 49 CFR part 613.
- aa. Federal Highway Administration regulations, "Classes of Actions," 23 CFR part 771.115.
- bb. Federal Highway Administration regulations, "Categorical Exclusions," 23 CFR part 771.117.
- cc. Judicial Administration regulations, "Nondiscrimination; Equal Employment Opportunity; Policies and Procedures," 28 CFR part 42.
- dd. U.S. Department of Treasury regulations, "Rules and Procedures for Efficient Federal-State Funds Transfers," 31 CFR part 205.

- ee. U.S. Environmental Protection Agency regulations, "Determining Conformity of Federal Actions to State or Federal Implementation Plans," 40 CFR part 93.
- ff. U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18.
- gg. U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," 49 CFR part 19.
- hh. U.S. DOT regulations, "New Restrictions on Lobbying," 49 CFR part 20.
- ii. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21.
- jj. U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs," 49 CFR part 24.
- kk. U.S. DOT regulations "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25.
- ll. U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 CFR part 26.
- mm. U.S. DOT regulations, "Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 27.
- nn. U.S. DOT regulations, "Governmentwide Debarment and Suspension (Nonprocurement)," 49 CFR part 29, as amended by 71 FR 62396, Oct. 25 2006.
- oo. U.S. DOT regulations, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 49 CFR part 32.
- pp. U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37.
- qq. U.S. DOT regulations, "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles," 49 CFR part 38.
- rr. U.S. DOT regulations, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," 49 CFR part 40.
- ss. FTA regulations, 49 CFR Chapter VI.
- tt. Executive Order 12898, "Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations." (February 11, 1994).

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uu. Executive Order 13330, "Human Service Transportation Coordination." (February 24, 2004).

- vv. Office of Management and Budget Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," dated 5-17-95.
- ww. Office of Management and Budget Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," dated 06-27-2003.
- xx. U.S. Department of Transportation (DOT) Order To Address Environmental Justice in Minority Populations and Low-Income Populations, 62 FR 18377 (April 15, 1997).
- yy. U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087 (December 14, 2005).
- zz. FTA Circular 4220.1D, "Third Party Contracting Requirements," dated 06-19-03.
- aaa. FTA Circular 5010.1C, "Grant Management Guidelines," dated 10-1-98.
- bbb. FTA Circular 9030.1C, "Urbanized Formula Program Guidance and Application Instructions," dated 10-1-98.
- ccc. FTA Circular 4702.1, Title VI Program Guidelines for FTA Recipients," dated 10-1-98.
- ddd. Notice of Final Agency Guidance on the Eligibility of Joint Development Improvements Under Federal Transit Law, 72 FR 5788 (February 7, 2007).
- eee. Federal Highway Administration Notice N 4540.12, Attachment 1 (March 17, 1992).
- fff. U.S. General Services Administration, "Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs."
- ggg. FTA Master Agreement FTA MA(13), dated October 1, 2006.
- hhh. "Guidelines for Disbursements," FTA ECHO-Web System Operations Manual.
- 4. <u>WAIVER</u>. FTA reserves the right to waive any requirements of this circular to the extent permitted by law.
- 5. <u>FEDERAL REGISTER NOTICE</u>. In conjunction with publication of this circular, a Federal Register notice was published on February 28, 2007 (72 FR 9062), addressing comments received during the development of the circular.
- 6. <u>AMENDMENTS TO THE CIRCULAR</u>. FTA reserves the right to amend this circular in the future to update references to requirements contained in other revised or new guidance

and regulations that undergo notice and comment procedures, without further notice and comment on this circular.

7. <u>ACCESSIBLE FORMATS</u>. This document is available in accessible formats upon request. Paper copies of this circular as well as information regarding these accessible formats may be obtained by calling FTA's Administrative Services Help Desk, at 202–366–4865.

James S. Simpson Administrator Page 6 FTA C 9040.1F 4/1/2007

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SECTION 5311 PROGRAM CIRCULAR

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CHAPTER I

INTRODUCTION AND BACKGROUND

1. THE FEDERAL TRANSIT ADMINISTRATION. FTA is one of ten modal administrations within the Department of Transportation (DOT). Headed by an Administrator who is appointed by the President of the United States, FTA functions through a Washington, DC, headquarters office, ten regional offices, and five metropolitan offices that assist transit agencies in all 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa.

Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed-route or demand-response service.

The Federal government, through FTA, provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. FTA oversees thousands of grants to hundreds of State and local transit providers, primarily through its ten regional offices. These grant recipients are responsible for managing their programs in accordance with Federal requirements, and FTA is responsible for ensuring that grantees follow Federal mandates along with statutory and administrative requirements.

- 2. <u>AUTHORIZING LEGISLATION</u>. The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–059), signed into law on August 10, 2005, and codified in 49 U.S.C. Chapter 53, provides \$286.4 billion in guaranteed funding for Federal surface transportation programs over six years through FY 2009, including \$52.6 billion for Federal transit programs—a 46 percent increase over transit funding guaranteed in the previous authorization Transportation Equity Act for the 21st Century (TEA–21).
- 3. <u>HOW TO CONTACT FTA</u>. FTA's Regional and metropolitan offices are responsible for implementation of grants and the provision of financial assistance to FTA customers, other than specific programs that are the responsibility of headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which you are located. See Appendix H for specific information.

For further information, visit the FTA website: **http://www.fta.dot.gov** or contact FTA Headquarters at the following address and phone number:

Federal Transit Administration
Office of Communications and Congressional Affairs
400 Seventh Street SW
Washington, DC 20590
Phone: 202–366–4043

Fax: 202-366-3472

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4. <u>GRANTS.GOV</u>. FTA posts all competitive grant opportunities on Grants.gov. Grants.gov is the one website for information on all discretionary Federal grant opportunities. Led by the U.S. Department of Health and Human Services and in partnership with Federal grant-makers including 26 agencies, 11 commissions and several States, Grants.gov is one of 24 Federal cross-agency E-government initiatives. It is designed to improve access to government services via the internet. More information about Grants.gov is available at http://www.grants.gov.

- 5. <u>DEFINITIONS</u>. All definitions in 49 U.S.C. 5302(a) apply to this circular, as well as the following definitions.
 - a. <u>Chief Executive Officer of a State</u> means the Governor of any of the 50 States or Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands, the Mayor of the District of Columbia, or his/her designee.
 - b. <u>Consultation</u> means one party confers with another identified party in accordance with an established process and, before taking action(s), considers that party's views and periodically informs that party about action(s) taken.
 - c. Federally Recognized Indian Tribal Government means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community, (including any native village as defined in Section 3 of the Alaska Native Claims Settlement Act, (43 U.S.C. 1601 et seq.) certified by the Secretary of the Interior as eligible for the special programs and service provided through the Bureau of Indian Affairs.
 - d. <u>Intercity Bus Service</u> means regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.
 - e. <u>Local Governmental Authority</u> includes (A) a political subdivision of a State; (B) an authority of at least one State or political subdivision of a State; (C) an Indian tribe; or (D) a public corporation, board, or commission established under the laws of a State.
 - f. Mobility Management consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation-service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a government entity, under 49 U.S.C. Chapter 53 (other than Section 5309). Mobility management does not include operating public transportation services.
 - g. Other than Urbanized (Nonurbanized) Area means any area outside of an urbanized area. The term "nonurbanized area" includes rural areas and urban areas under 50,000 in population not included in an urbanized area.

- h. <u>Pre-Award Authority</u> means authority given under specific and limited circumstances to incur costs for eligible projects before a grant is made without prejudice to possible Federal participation in the cost of the projects(s). Applicants must comply with all Federal requirements. Failure to do so will render a project or costs ineligible for FTA financial assistance.
- i. <u>Program of Projects</u>: A list of projects to be funded in a grant application submitted to FTA by a State. The program of projects lists the subrecipients and indicates whether they are private non-profit agencies, public bodies, or private providers of transportation service, designates the areas served (including Congressional Districts), and identifies any tribal entities. The program of projects also identifies intercity bus and RTAP projects. In addition, the program of projects includes a brief description of the projects, total project cost and Federal share for each project, and the amount of funds used for program administration from the 15 percent allowed.
- j. <u>Public Transportation</u> means surface transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by AMTRAK.
- k. <u>Recipient</u> means a State or Indian tribe that receives a Federal transit program grant directly from the Federal Government.
- 1. <u>Rural Area</u> means an area with low population and density outside the boundaries of an urban area. However, the term rural is commonly used to refer to all areas other than urbanized areas and is so used in this circular.
- m. <u>Subrecipient</u> means a State or local governmental authority, a non-profit organization, or operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.
- n. <u>Takedown</u> means an amount or percentage subtracted from the total dollar amount appropriated for a Federal program before other apportionment or allocation of the funds.
- o. <u>Urban Area</u> means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in a locality.
- p. <u>Urbanized Area</u> means an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an "urbanized area" by the Secretary of Commerce. Small urbanized areas as used in the context of FTA formula grant programs are urbanized areas with a population of at least 50,000 but less than 200,000.

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6. PROGRAM HISTORY. Before 1978, most Federal transit assistance went to urban areas. In that year, in response to a DOT proposal, Congress created a new program through Section 313(a) of the Federal Public Transportation Act of 1978 (Pub L. 95–599). The new program, which created Section 18 of the Urban Mass Transportation Act (49 U.S.C. App. 1601 et seq.), provided public transportation funds for services in areas with populations of less than 50,000.

Federal funding for rural transit remained fairly constant through 1991. With the passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102–240), Federal rural transit spending increased, although not without occasional significant funding downturns. ISTEA also introduced support for intercity bus service as a requirement under the rural program and formally authorized the Rural Transportation Assistance Program (RTAP), which had initially been enacted through appropriations acts, starting in 1987. In 1994, legislation codified the Federal transit program, changing the citation for the rural transit program from 49 U.S.C. app. 18, to 49 U.S.C. 5311.

The Transportation Equity Act for the 21st Century (TEA–21)(Pub L. 105–178) increased funding for all transit, including Section 5311. Furthermore, TEA–21 established guaranteed funding levels for Section 5311 programs. By 2003, the end of TEA–21's authorization period, Federal rural transit funding reached \$240 million, an 80 percent increase from 1998 and a 266 percent increase from 1991. States can transfer additional funds to rural transit from their flexible funds available for either highway or transit projects and the formula transit funds for the small urbanized areas (between 50,000 and 200,000 population). These flex fund transfers have significantly increased the funding available for rural transit.

SAFETEA-LU again greatly increased funding for rural transit, proportionally more than the increase for other FTA programs. SAFETEA-LU also supplemented Section 5311 funding for growing States under the Section 5340 formula. SAFETEA-LU also established a new Tribal Transit Program as a takedown from Section 5311, and linked funding for RTAP to Section 5311 funding levels.

CHAPTER II

PROGRAM OVERVIEW

1. <u>SECTION 5311 STATUTORY AUTHORITY</u>. Title 49 U.S.C. 5311 authorizes the formula assistance program for public transportation in nonurbanized areas. The Federal Transit Administration (FTA), on behalf of the Secretary of Transportation, apportions the funds appropriated annually to the chief executive officer of each State for public transportation projects in nonurbanized areas. Eighty percent of the statutory formula is based on the nonurbanized population of the States. Twenty percent of the formula is based on land area. No State may receive more than 5 percent of the amount apportioned for land area. In addition, FTA adds amounts apportioned based on nonurbanized population according to the growing States formula factors of 49 U.S.C. 5340 to the amounts apportioned to the States under the Section 5311 formula.

Annually, each State prepares and submits to the Secretary a program of projects. A State's program of projects must provide for fair and equitable distribution of funds within the State, including Indian reservations, and provide for maximum feasible coordination with transportation services assisted by other Federal sources.

A State may provide its Section 5311 program funds to subrecipients that are State or local governmental authorities, non-profit organizations, operators of public transportation services, or intercity bus operators.

A State may use Section 5311 program funds for capital projects, operating assistance, and the acquisition of public transportation services, including service agreements with private providers of public transportation services. The State may also use up to 15 percent of its Section 5311 program funds to provide administration, planning and technical assistance to a subrecipient. There is no limitation on operating assistance. However, the State must use at least 15 percent of its annual apportionment to support intercity bus service, unless the Governor certifies, after consultation with affected intercity bus providers, that the intercity bus needs of the State are being met adequately.

In addition, starting in FY 2006, Section 5311(b)(3) provides funding for the Rural Transportation Assistance Program (RTAP) as a 2 percent takedown from the amount authorized and appropriated for Section 5311. From the amounts made available for RTAP, The Secretary may use up to 15 percent to carry out projects of a national scope with the remaining balance allocated to the States. States can use RTAP funds for technical assistance, training, research, and related support activities.

Congress has also set aside a portion of the Section 5311 formula funding each year for a Tribal Transit Program. Congress did not intend for these funds to replace or reduce funds that Indian tribes receive from States through the Section 5311 program.

The code assigned to Section 5311 grants in the Catalogue of Federal Domestic Assistance is 20.509.

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2. PROGRAM GOALS. Congress has found that "significant public transportation improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly individuals, individuals with disabilities and economically disadvantaged individuals in urban and rural areas of the United States." 49 U.S.C. 5301(b)(7). Further, the national public transportation policy goals set forth in 49 U.S.C. 5301 provide that "[i]t is in the interest of the United States, including its economic interest, to foster the development and revitalization of public transportation systems that (1) maximize the safe, secure, and efficient mobility of individuals; (2) minimize environmental impacts; and (3) minimize transportation-related fuel consumption and reliance on foreign oil." 49 U.S.C. 5301(a).

To meet these goals, FTA funding is intended to: (1) assist in developing improved public transportation equipment, facilities, techniques, and methods with the cooperation of both public transportation companies and private companies engaged in public transportation; (2) encourage the planning and establishment of area wide public transportation systems needed for economical and desirable urban development with the cooperation of both public transportation companies and private companies engaged in public transportation; (3) assist State and local governments and their authorities in financing area-wide public transportation systems that are to be operated by public transportation companies or private companies engaged in public transportation as decided by local needs; (4) provide financial assistance to State and local governments and their authorities to help carry out national goals related to mobility for elderly people, people with disabilities, and economically disadvantaged people; and (5) establish a partnership that allows a community, with financial assistance from the Government, to satisfy its public transportation requirements. 49 U.S.C. 5301(f).

Specifically, the Section 5311 program intends to: (1) enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services, and recreation; (2) assist in the maintenance, development, improvement, and use of public transportation systems in nonurbanized areas; (3) encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in nonurbanized areas through the coordination of programs and services; (4) assist in the development and support of intercity bus transportation; and (5) provide for the participation of private transportation providers in nonurbanized transportation.

In addition to these program goals, FTA wants to ensure that all Americans, including those who live in nonurbanized areas, have access to transit to meet basic mobility needs. FTA anticipates that the significantly higher funding levels for the nonurbanized formula program authorized in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) should enable the States to extend transit service to areas currently not served and improve service levels in areas that currently have minimal service.

3. <u>STATE ROLE IN PROGRAM ADMINISTRATION</u>. To the extent permitted by law, FTA gives the States maximum discretion in designing and managing the Section 5311 program

to meet its rural public transportation needs. Where possible, FTA defers to a State's development of program standards, criteria, procedures and policies to provide the State with the flexibility it needs to standardize its management of FTA assistance and related State programs.

In addition, under the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (common grant rule), the U.S. Department of Transportation (DOT) permits a State to rely on its own laws and procedures instead of Federal procedures in the areas of financial management systems, equipment, and procurement. 49 CFR part 18. A State may pass its procedures down to its subrecipients that are public authorities. Similarly, when a private provider of public transportation services enters into a third party contract with a State or public subrecipient of a State, as opposed to a sub-agreement, the State's procedures will apply to the third party contract. However, private, non-profit subrecipients must comply with the "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." FTA delegates authority to the State whenever allowed. 49 CFR part 19.

- a. <u>Role of the State Agency</u>. The Governor designates a State agency which will have the principal authority and responsibility for administering the Section 5311 program. Specifically, the role of the State agency is to:
 - (1) document the State's procedures in a State Management Plan (SMP);
 - (2) notify eligible local entities of the availability of the program;
 - (3) plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;
 - (4) solicit applications;
 - (5) develop project selection criteria;
 - (6) review and select projects for approval;
 - (7) forward an annual program of projects and grant application to FTA;
 - (8) certify eligibility of applicants and project activities;
 - (9) ensure compliance with Federal requirements by all subrecipients;
 - (10) monitor local project activity;
 - (11) oversee project audit and closeout; and
 - (12) file a NTD report each year for each subrecipient.

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b. <u>State Administration of Projects</u>. In addition, the State agency may carry out a project directly. The State must exercise adequate oversight to ensure that only eligible activities receive Federal assistance and that subrecipients meet Federal requirements. In administering the project, the State must:

- (1) provide for appropriate technical assistance for nonurbanized areas;
- (2) ensure that there is a fair and equitable distribution of program funds within the State, including funds to Indian tribes;
- (3) ensure a process whereby private transit operators are provided an opportunity to participate, including private providers of public transportation services through service agreements with operators of public transportation services or as subrecipients;
- (4) expend funds for the support of intercity bus transportation to the extent required by law; and
- (5) provide for maximum feasible coordination of public transportation services assisted by FTA with transportation services assisted by other Federal programs. Additional information on coordination of public transportation services can be found in Chapter V.

The State must include its Section 5311 apportionment, along with all other Federal highway and transit funds, in a Statewide Transportation Improvement Program (STIP) approved by FTA and the Federal Highway Administration (FHWA). FTA subsequently obligates Section 5311 funds and any flexible funds transferred to Section 5311 based on the programs of projects included in the State's Section 5311 grant applications. Before the State may expend Federal funds on behalf of a subrecipient, the State must enter into an agreement with the subrecipient, and the subrecipient must have met all statutory and program requirements. The State certifies to FTA annually that the State and subrecipients have met, or will meet, all Federal requirements.

4. FTA ROLE IN PROGRAM ADMINISTRATION.

- a. FTA headquarters serves a broad, program level role in the administration of the program. FTA headquarters:
 - (1) provides overall policy and program guidance for the Section 5311 program;
 - (2) apportions funds annually to the States;
 - (3) develops and implements financial management procedures;
 - (4) initiates and manages program support activities; and
 - (5) conducts national program reviews and evaluations.

- b. FTA regional offices have the day-to-day responsibility for administration of the program. The regional office:
 - (1) reviews and approves State grant applications;
 - (2) obligates funds; manages grants; oversees the State's implementation of the annual program, including revisions to the program of projects;
 - (3) receives State certifications;
 - (4) reviews and approves SMPs;
 - (5) provides technical assistance, advice and guidance to the States as needed; and
 - (6) performs State management reviews every three years, or as circumstances warrant.

FTA uses contractor support to conduct State management reviews. The reviews examine the State's management procedures, based on the approved SMP. In each area reviewed, a finding is made of compliance or deficiency with corrective action to be taken within a scheduled timeframe. FTA places emphasis on providing the information needed to help the State come into compliance with Federal requirements in all areas. FTA periodically conducts State management review seminars to assist the States in understanding the requirements. If a particular problem area is observed, a more detailed oversight review may be scheduled in the areas of procurement, financial management, drug and alcohol testing, Americans with Disabilities Act of 1990 (ADA) or any other civil rights laws.

5. RELATIONSHIP TO OTHER FTA PROGRAMS.

a. <u>Statewide Transportation Planning</u>. Annually, FTA apportions statewide planning program funds to the States for use in the development of their statewide transportation plans and STIPs for all areas of the State.

States may suballocate some of their statewide planning funds to metropolitan planning organizations (MPOs) in urbanized areas. States may also use their statewide planning funds for public transportation, research, development, and technology uses.

FTA also annually apportions metropolitan planning program funds to the State. States allocate these funds to their MPOs. MPOs may use the metropolitan planning program funds for planning in urbanized areas.

In addition to its planning program funds, a State may use up to 15 percent of its Section 5311 apportionment for planning and technical assistance.

RTAP funds are also available to the States for technical assistance, training, research, and support services. RTAP funds are not primarily a planning resource. However, a State may use RTAP funds for special projects that support its planning program for

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rural areas. Similarly, a State may use its statewide planning funds to support or supplement the technical assistance program it provides through RTAP.

FTA encourages States to develop a coordinated program of planning, research, training, and technical assistance for nonurbanized areas taking into consideration all the resources discussed in this section. All planning activities should be included in the States' Unified Planning Work Program (UPWP), regardless of funding source.

FTA also encourages States to consider intercity bus needs in its statewide planning activities.

b. <u>Urbanized Area Formula Assistance Program (Section 5307)</u>. Title 49 U.S.C. 5307 provides funding for capital assistance, planning, and operating assistance for public transportation in small urbanized areas with populations less than 200,000. FTA apportions these funds to the Governor or the Governor's designee(s) for use in small urbanized areas. Section 3009 of SAFETEA–LU deems the Virgin Islands a small urbanized area for the purposes of Section 5307. Hence, FTA apportions Section 5307 funds to the Virgin Islands in lieu of Section 5311 funds.

Section 5307 also provides funding for capital and planning assistance for public transportation in large urbanized areas with populations over 200,000. FTA makes these funds available to the designated recipient(s) in large urbanized areas for capital and planning assistance.

A number of urbanized area recipients of Section 5307 funds also receive Section 5311 funds to carry out projects in outlying nonurbanized areas. The Governor has the authority to transfer Section 5307 funds apportioned to the State for small urbanized areas to supplement the State's Section 5311 apportionment. The Governor may also transfer Section 5311 funds to supplement the State's apportionment of Section 5307 funds for small urbanized areas. These transfer provisions give Governors greater flexibility to allocate formula transit funds in both urbanized and nonurbanized areas to enable States to fully utilize available funds.

FTA has provided guidance for Section 5307 in the most recent version of FTA Circular 9030.

c. <u>Clean Fuels Grant Program (Section 5308)</u>. This program assists in financing the acquisition of clean fuel buses and related facilities for agencies providing public transportation and operating in an urbanized area designated as a non-attainment or maintenance area for ozone or carbon monoxide. Eligible recipients are the designated recipients for Section 5307 in large urbanized areas, and the State on behalf of small urbanized areas. Nonurbanized areas are not eligible recipients under this program.

Eligible projects include the following: the purchase or lease of clean fuel buses, the construction or lease of clean fuel electrical recharging facilities, and improvement of existing facilities to accommodate clean fuel buses. In addition, clean fuel, bio-diesel,

hybrid electric, or zero emissions technology buses that exhibit equivalent or superior emissions reductions due to existing clean fuel or hybrid electric technologies may be eligible at the Secretary's discretion. Not more than 25 percent of the authorized amount for this program may be used for clean diesel projects. FTA is implementing this program through a rulemaking codified at 49 CFR part 624.

d. <u>Capital Investments (Section 5309)</u>. The Section 5309 Capital Investment Program has three parts: (1) fixed guideway modernization in areas with populations over 200,000 with fixed guideway segments at least seven years old; (2) construction and extension of new fixed guideway systems; and, (3) purchase of bus and bus related equipment and facilities in both urbanized and nonurbanized areas. States and local governmental authorities are eligible applicants for Section 5309 funds. States may apply for Section 5309 bus grants on behalf of private non-profit agencies, private providers of public transportation services, and public subrecipients.

Many States look to the bus capital program to supplement vehicles acquired under Section 5310 and Section 5311 or to construct facilities. While distribution of capital program funds is often determined according to congressional direction, FTA encourages States to apply on behalf of nonurbanized areas.

Before approval of Section 5309 grants, FTA sends the grant to the Department of Labor (DOL) for clarification. FTA cannot release grant funds until DOL, on behalf of the Secretary of Labor, concludes that the interests of employees affected by the assistance are protected by fair and equitable arrangements.

Guidance for Section 5309 is found in the most recent version of FTA circular 9300.

- e. The Elderly Individuals and Individuals with Disabilities Program (Section 5310). Section 5310 authorizes FTA to make grants to States and local governmental authorities for public transportation capital projects planned, designed and carried out to meet the special needs of elderly individuals and individuals with disabilities. A State may allocate funds to:
 - (1) a private non-profit organization, if public transportation service provided by State and local government authorities is unavailable, insufficient or inappropriate; or
 - (2) a governmental authority:
 - (a) that is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or
 - (b) certifies that there are not any non-profit organizations readily available in the area to provide the special services.

Many Section 5310 subrecipient organizations serve clients in other than urbanized areas. In some cases, Section 5311 subrecipients are private non-profit organizations.

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In some cases, a single agency receives funding under both Section 5311 and Section 5310. In other cases, subrecipients of Section 5311 funds participate in coordinated service arrangements that include Section 5310 funded organizations.

While the overall objectives of Section 5311 and Section 5310 differ (the former is to provide transportation to the general public in nonurbanized areas and the latter is to serve elderly individuals and individuals with disabilities in both rural and urbanized areas), there are parallels between the two programs. These parallels make it desirable for States to consider both resources, and to plan for their use in a complementary way. For instance, with a few exceptions, the same State agency administers both programs. FTA encourages participation in such coordinated efforts so long as the coordinated services continue to meet the purposes of their respective programs.

A Section 5310 subrecipient may purchase service with Section 5310 funds from both public transit agencies and private providers. The State may use its 10 percent of Section 5310 apportionment to administer the program, plan, and provide technical assistance. In addition, a State may transfer Section 5310 funds to its Section 5311 program for rural projects selected under Section 5310.

Beginning in fiscal year 2007, the State must certify that: (1) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; (2) the plan was developed through a process that included representatives of public, private, and non-profit transportation and human service providers, and participation by the public, and (3) that allocations to subrecipients, if any, are distributed on a fair and equitable basis.

f. <u>Tribal Transit Program</u>. SAFETEA-LU created a new Tribal Transit Program, and funds it as a takedown under the Section 5311 program. Under the Tribal Transit Program, Federally-recognized Indian tribes are eligible direct recipients. Based upon an annual national competitive selection process conducted by FTA, FTA awards Tribal Transit grants directly to eligible Indian tribes.

Recipients of Tribal Transit Program funds may use these funds for any purpose that is eligible under Section 5311. Eligible purposes under Section 5311 include planning, capital and operating assistance for rural public transit services, and support for rural intercity bus service.

A State must continue to include Indian tribes in its equitable distribution of the Section 5311 funds apportioned to it. FTA also encourages States to use the 15 percent allowed for program administration and State RTAP funds to assist tribes with planning and technical assistance.

Only Federally-recognized tribes are eligible recipients under the Tribal Transit Program. However, tribes which are not Federally recognized remain eligible to apply to the State as a subrecipient for funding under the State's apportionment. Federally-recognized tribes may elect to receive funds allocated from the State apportionment either as a subrecipient of the State or as a direct recipient of FTA.

In developing the program of projects for Section 5311, FTA encourages States to take into consideration any funding provided to Indian tribes under FTA's Tribal Transit Program and transit capital projects that Indian tribes may have developed with Indian Reservation Roads funds, because transit projects are also eligible activities under the FHWA's Indian Reservation Roads Program (IRR).

g. <u>Job Access and Reverse Commute (JARC)(Section 5316)</u>. SAFETEA–LU revamped JARC from a discretionary program at the National level to a formula program. Under SAFETEA-LU, FTA apportions JARC funds directly to large urbanized areas and to the States for small urbanized and nonurbanized areas.

The JARC program supports public transportation projects that develop and maintain transportation services for welfare recipients and eligible low-income people to and from jobs and activities related to their employment. Public transportation projects that transport residents of urbanized areas and other than urbanized areas to suburban employment opportunities (reverse commute) are also eligible for JARC funding.

Of the total amount of JARC funds authorized, FTA apportions 20 percent to States for projects in other than urbanized areas and 20 percent to States for projects in urbanized areas with a population of less than 200,000. The FTA share is 80 percent of capital costs and 50 percent of operating costs. Recipients may use contract income and funds from other Federal agencies for the local match. A recipient may use up to 10 percent of its JARC apportionment to administer the program, plan, and provide technical assistance.

A State may transfer its JARC funds to its Section 5311 program for eligible JARC projects. However, a State may only transfer its JARC funds after it consults with responsible local officials and public transportation operators in each area for which the State originally awarded JARC funds in the State's competitive selection process.

The State must conduct a statewide solicitation for JARC project applications and certify that: (1) projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; (2) the plan was developed through a process that included representatives of public, private, and non-profit transportation and human service providers, and participation by the public, and (3) that allocations to subrecipients, if any, are distributed on a fair and equitable basis.

h. New Freedom Program (Section 5317). SAFETEA–LU added the New Freedom Program. This program provides new public transportation services and public transportation alternatives beyond those required by the ADA to assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

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Of the total amount of New Freedom funds authorized, FTA apportions 20 percent of the New Freedom funds to States for projects in other than urbanized areas, and 20 percent to States for projects in urbanized areas with a population of less than 200,000. A State may use up to 10 percent of its New Freedom apportionment to administer the program, plan, and provide technical assistance.

A State may transfer New Freedom funds to its Section 5311 program for eligible New Freedom projects. Before transferring its New Freedom funds, the State must consult with responsible local officials and public transportation operators in each area that the State originally awarded in the State's competitive selection process for New Freedom funding.

A recipient of New Freedom funds must conduct a statewide solicitation for grant applications. Beginning in fiscal year 2007, a recipient must certify that: (1) the projects selected were derived from a locally developed, coordinated public transithuman services transportation plan; (2) the plan was developed through a process that included representatives of public, private, and non-profit transportation and human service providers, and participation by the public; and (3) that allocations to subrecipients, if any, are distributed on a fair and equitable basis.

- Alternative Transportation in the Parks and Public Lands. The purpose of this FTA program (49 U.S.C. 5320) is to enhance the protection of national parks and Federal lands, and increase the enjoyment of those visiting them. The program funds capital and planning expenses for alternative transportation systems in parks and public lands. Federal land management agencies and State, tribal, and local governments with jurisdiction over land in the vicinity of an eligible area acting with the consent of a Federal land management agency, alone or in partnership with a Federal land management agency or other governmental or non-governmental participant, are eligible to apply. FTA implements the program in consultation with the Department of the Interior and other Federal land management agencies. The Secretary of Transportation has developed cooperative arrangements with the Secretary of the Interior that provide: (1) technical assistance; (2) interagency and multidisciplinary teams to develop alternative transportation policy, procedures, and coordination; and, (3) procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of selected projects. The Secretary of the Interior, after consultation with and in cooperation with the Secretary of Transportation, determines the final selection and funding levels of an annual program of qualified projects. Section 5311 subrecipients in gateway communities may be selected for funding under this program.
- j. <u>FHWA Flexible Funds</u>. The Surface Transportation Program (STP) fund, among others, are a source of flexible funding for both highway and transit projects. At the State's discretion, funds allocated under the STP for highways and transit in rural areas may be used for any capital transit project eligible for assistance under 49 U.S.C. Chapter 53, and for vehicles and facilities, whether publicly or privately owned, that are used to

provide intercity passenger service by bus. Certain other program funds, for example, Congestion Mitigation and Air Quality (CMAQ) Improvement Program, may also be used for either highway or transit projects. These flexible funding sources may be used to supplement the nonurbanized formula program. When the State decides to use flexible funds for rural public transit, the funds are transferred and managed within the Section 5311 program.

k. <u>State Infrastructure Banks (SIB)</u>. SAFETEA–LU established a new State Infrastructure Bank (SIB) program under which all States, Puerto Rico, the District of Columbia, American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands are authorized to enter into cooperative agreements with the Secretary of Transportation to establish financial entities that provide various types of transportation infrastructure credit assistance for fiscal years 2005–2009.

This program is a continuation and expansion of similar programs created by the National Highway System Act of 1995 (Pub. L. 104–59) and the Transportation Equity Act for the 21st Century (TEA–21). It gives States the capacity to increase the efficiency of their transportation investment and significantly leverage Federal resources by attracting non-Federal public and private investment. The program provides greater flexibility to the States by allowing other types of project assistance in addition to grant assistance. States may use Section 5311 funds to capitalize a SIB as specified at 23 U.S.C. 610(d)(2).

6. COORDINATION WITH OTHER FEDERAL PROGRAMS.

a. The Coordinating Council on Access and Mobility. The Interagency Transportation Coordinating Council on Access and Mobility (CCAM), comprised of 11 Federal departments and agencies, was established by Executive Order 13330, "Human Service Transportation Coordination," signed by President George W. Bush on February 24, 2004. The members consist of the Secretaries of the U.S. Departments of Transportation, Health and Human Services, Labor, Education, Agriculture, Housing and Urban Affairs, Interior, the Commissioner of Social Security, Veterans Affairs, the Attorney General, and the National Council on Disabilities. CCAM coordinates 64 Federal programs providing transportation funding for older Americans, people with disabilities and low-income populations who do not have access to or cannot use automobile transportation options.

The Executive Order requires that CCAM members work together to provide the most appropriate, cost effective services within existing resources, and reduce duplication to make funds available for more services. CCAM is tasked with seeking ways to simplify access to transportation services for people with disabilities, people with low incomes, and older adults.

To implement the Executive Order, CCAM launched an initiative called United We Ride to break down the barriers between programs and set the stage for local

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partnerships that generate common sense solutions and deliver A-plus performance for everyone who needs transportation. United We Ride has been working with States and communities to address gaps and needs related to human service transportation in their geographic regions. This includes assistance with the development of action plans or with taking steps to implement an existing action plan.

Coordination Councils at the State and local levels include participation from funding agencies, public and private transportation providers, human service providers, and consumers, including people with disabilities. These councils are actively working on identifying needs, resources, and gaps for people with disabilities and others who require assistance with transportation services.

- b. <u>Interagency Coordination</u>. FTA encourages State DOT participation in interagency efforts, such as coordinated statewide planning of public and human services transportation. Since States are responsible for the selection of nonurbanized Section 5310, 5316, and 5317 projects as derived from locally developed, coordinated public transit-human services transportation plans, the creation or use of statewide interagency councils or other bodies may be a successful strategy for reviewing plans and making project selections under these programs.
 - FTA also encourages States' DOT facilitation or involvement in State rural development councils or other interagency coordinating bodies to ensure that public transportation is addressed appropriately in the context of other State issues.
- c. <u>Meal Delivery for Homebound Individuals</u>. Public transportation service providers receiving Section 5311(c) or Section 5310 funds may coordinate and assist in regularly providing meal delivery service for homebound individuals, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

CHAPTER III

GENERAL PROGRAM INFORMATION

1. APPORTIONMENTS.

- a. <u>Designated State Agency</u>. The chief executive officer of each State or an official designee must designate an agency with the requisite legal, financial, and staffing capabilities to receive and administer Federal funds under the Section 5311 program. Existing designations remain in effect until changed by official notice of redesignation to the Federal Transit Administration (FTA) Regional Administrator. The designated State agency is the recipient for all Section 5311 funds within the State that the designated State agency applies for on its own behalf or on behalf of subrecipients. The State agency may be the recipient on behalf of Indian tribes that are subrecipients, but Federally-recognized tribes may also elect to apply to FTA as a direct recipient.
- b. Apportionment of Section 5311 Funds. The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) makes available from the Mass Transit Account of the Highway Trust Fund to carry out the Section 5311 Nonurbanized Area Formula Program: \$388,000,000 for fiscal year 2006; \$404,000,000 for fiscal year 2007; \$438,000,000 for fiscal year 2008; and \$465,000,000 for fiscal year 2009. These funds are subject to annual appropriations. In addition, growing States' portion of the Section 5340 formula for growing States and high density States makes additional funding available for nonurbanized areas. The amount available is determined by projected population data that change annually, but adds approximately \$60 million annually to the amount authorized under Section 5311.

FTA apportions Section 5311 funds to the States by a statutory formula using the latest available U.S. decennial census data. FTA allocates 80 percent by the ratio of the nonurbanized population of each State to the nonurbanized population of all of the States. FTA allocates 20 percent of the available funds by the ratio of nonurbanized land area of each State to the nonurbanized land area of all of the States. No State may receive more than 5 percent of the amount apportioned based on land area. In addition to the funds made available to States under Section 5311, FTA apportions approximately 16 percent of the funds authorized for Section 5340 growing States and High Density States formula factors to States for use in nonurbanized areas. FTA merges the Section 5340 funds together with the funds apportioned by the Section 5311 formula into a single Section 5311 apportionment to the State.

FTA subtracts funding for the Tribal Transit Program, 0.5 percent for oversight activities, and 2 percent for Rural Transportation Assistance Program (RTAP) from the total available amounts before FTA apportions the available amounts to the States. Approximately ten days after the annual Department of Transportation (DOT) Appropriation Act is signed, FTA publishes the Section 5311 program apportionments

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and RTAP allocations in the Federal Register.

c. <u>Funds Availability</u>. Section 5311 funds remain available to the States for obligation for three Federal fiscal years, beginning with the year of apportionment plus two additional years. For example, funds apportioned to a State in FY 2007 lapse at the end of FY 2009 (September 30, 2009). The funds do not lapse if FTA obligates them within the period of availability in a Section 5311 grant to the State, or in a Section 5307 grant, if the State has transferred the funds to an urbanized area with a population under 200,000. Any funds remaining unobligated at the end of the period of availability are added to the next year's program apportionment and are reapportioned among all States.

Funds that a State deobligates from an approved program of projects remain available to the State for reobligation during the period that the funds were originally available to the State. Funds deobligated after the period of availability lapse to the State and return to FTA. FTA then reapportions these funds among all the States.

If a State carries funds over from one fiscal year to the next, it should obligate the oldest funds first. If a grant contains funds from more than one fiscal year, FTA will generally disburse the oldest funds first. However, if a grant included funds restricted to non-operating projects (for example, transfer of flex funds) restricted funds would be disbursed for a capital drawdown, even if older non-restricted funds remained available in the grant.

States can make revisions without changing the scope of the program of projects and can also makes revisions that do change the scope but only if there are sufficient undisbursed funds remaining that are within their period of availability. Chapter IV provides more information on procedures for revising an approved program of projects.

- d. <u>Transfer of Apportionments Under Different Programs</u>. Funds may be transferred to and from certain other programs to balance State transit and highway needs or to streamline grant administration. The transfer of funds from other programs to Section 5311 does not increase the amount of funds required to be expended for intercity bus.
 - (1) Notification of Transfer. The State initiates the transfer of FTA funds by notifying FTA's Regional Administrator of its intent to transfer funds. Notice of transfers of Section 5307, 5310, 5316, and 5317 funds to the State's Section 5311 apportionment should include the following: (1) the amount of funds to be transferred; fiscal year in which they were apportioned; program section(s); and (2) the contact information if questions arise that the State must address before FTA can process the transfer. Notice of transfers of Section 5310, 5316, and 5317 funds must also include the specific competitively selected rural projects to which the State will apply the transferred funds.

To transfers flexible funds, the State must notify both the Federal Highway Administration (FHWA) and FTA. The State must request FHWA to transfer

- the funds, and the State must notify FTA's Regional Administrator when the Stateexpects FTA to obligate the transferred funds. Appendix D provides more information on procedures for initiating flexible fund transfers.
- (2) Transfer of Section 5307 Funds to Section 5311. The Governor may transfer any amount of the State's apportionment for urbanized areas under 200,000 population to any urbanized area in the State, or to supplement the State's Section 5311 program. The Governor may make such transfers only after consultation with responsible local-elected officials and publicly owned operators of public transportation services in each area to which the funding was originally apportioned. The Governor may transfer funds without consultation within the last 90 days in which the funds are available for obligation.

If Section 5307 funds are transferred to supplement a State's Section 5311 apportionment, the funds are treated as additional Section 5311 funding and all the requirements of Section 5311 apply. Two conditions, however, follow the Section 5307 funds when they are transferred to Section 5311.

- (a) The period of availability of the transferred funds remains that of the Section 5307 apportionment, which is one year longer than the same year's Section 5311 apportionment.
- (b) A State may use any funds transferred from its Section 5307 program for planning activities, at the Federal share for capital projects. The transfer of Section 5307 funds to Section 5311 does not increase the amount of Section 5311 funds that the State may use for administration, planning, and technical assistance with no local share. The State may use up to 15 percent of its original Section 5311 apportionment for administration, planning, and technical assistance.
- (3) Transfer of Section 5310/5316/5317 Funds to Section 5311. Section 5310 (Elderly Individuals and Individuals with Disabilities), 5316 (Job Access and Reverse Commute (JARC)) and 5317 (New Freedom) program funds may be transferred to the Section 5311 program. The purpose of the transfer provision, however, is not to supplement the resources available under the State's Section 5311 apportionment. One purpose is to allow the State to apply in one grant for projects selected under those programs that will be implemented by Section 5311 subrecipients. Transfer to Section 5311 is permitted, but not required. FTA will also award stand-alone Section 5310, 5316 and 5317 grants to the State. Standalone grants facilitate the State's ability to recover and reprogram Section 5310, 5316, or 5317 program funds within the period of availability if they are not expended for the projects the State originally selected. If the State does choose to consolidate the funds in the Section 5311 program, FTA has established new scope codes: (641) for Section 5310 projects, (646) for Section 5316 projects, and (647) for Section 5317 projects included within a Section 5311 or 5307 grant. The State must track, manage, and report on each program's funds separately within the

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consolidated grant. Another purpose for transferring the other program funds to Section 5311 is to allow Federally-recognized Indian tribes, which are eligible direct recipients under the Section 5311 program but not under the other programs, to apply directly to FTA for funds allocated to them under the State's competitive selection process for those programs.

(4) <u>Transfer of Section 5311 Funds to 5307</u>. The Governor may also transfer Section 5311 funds to supplement Section 5307 funds that FTA apportioned to the State for urbanized areas with populations under 200,000. While there is no statutory requirement for local consultation, FTA expects that a State would make these transfers in consultation with the State agency that administers Section 5311. States may not use transferred Section 5311 funds for urbanized areas with populations over 200,000.

Transferred funds are subject to any limitations applicable to the original apportionment of the funds, not of the receiving program. For example, transfer of part of a State's Section 5311 apportionment to its Section 5307 program does not reduce the amount of the Section 5311 apportionment subject to the intercity bus requirement. Transfer of part of a State's Section 5311 apportionment to its Section 5307 program does not reduce the amount of Section 5311 funds the State may use to administer its Section 5311 program. The State may not use the sliding scale match for transferred Section 5311 funds obligated in a Section 5307 grant. The period of availability of the transferred funds is that of the Section 5311 apportionment (three years).

(5) Transfer of FHWA Flexible Funds. A State may transfer Surface Transportation Program (STP) funds, Congestion Mitigation and Air Quality (CMAQ) funds, and certain other flexible funds, from FHWA to FTA to use for transit projects. States, in cooperation with affected local officials, select projects in rural areas and urban areas with populations less than 50,000 (excluding projects on the National Highway System [NHS] and projects funded with Bridge and Interstate Maintenance funds).

With limited exceptions, FTA treats STP, CMAQ, or other flexible funds transferred to Section 5311 under the program requirements applicable to Section 5311. Capital and project administration are eligible with an 80 percent Federal share or applicable sliding scale share for eligible States. States may use up to, but no more than, 15 percent of the transferred funds for State administration, including planning and technical assistance. No local share is required for State administration. Flex transfers to Section 5311 do not increase the amount the State must spend for intercity bus service under Section 5311(f). The period of availability of flexible funds transferred to Section 5311 is three years. States should not transfer flexible funds that it uses for a rural transit planning project to

Section 5311, because they become subject to the 15 percent cap on State administration, planning, and technical assistance.

- e. Consolidation of Grants to Insular Areas. FTA grants to insular areas may be consolidated under the provisions of 48 U.S.C. 1469a. This provision permits Federal agencies to streamline and consolidate certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. These insular areas receive Section 5311 apportionments and RTAP allocations annually as well as Section 5310, 5316, and 5317 funds, and in some cases, Section 5307 funds. [Note: Section 3009 of SAFETEA–LU treats the Virgin Islands as an urbanized area for the purpose of 5307. FTA does not apportion Section 5311 or RTAP funds to the Virgin Islands.] Specifically, 48 U.S.C. 1469a permits:
 - (1) Federal agencies to consolidate any or all grants to each of the insular areas and to waive requirements for matching funds, applications, and reports with respect to the consolidated grants; and
 - (2) Each insular area to use the consolidated grant funds for any purpose or program authorized for any of the consolidated grants.

FTA implements this consolidation of Section 5310, 5311, 5316, and 5317 funding into a single grant by transferring funds from one Section to another, similar to the transfer of funds between Section 5311 and Section 5307 for small urbanized areas described above. The insular areas may transfer all or a portion of the funds apportioned for Section 5310, 5316, or 5317 to Section 5311 for use under any of these Sections. This should improve the efficiency of grant making and grant management for these areas which have limited staff resources and receive small amounts of funds under each of these programs. Those insular areas interested in submitting applications for consolidated grants should notify the appropriate FTA regional office for application procedures and consolidation requirements. Among other things, the area should identify the intended use of consolidated funds and should document that the transportation of elderly people and people with disabilities will not be adversely affected.

In addition, 48 U.S.C. 1469a(d) allows a Federal agency to waive any local matching share requirements for grants to insular areas. FTA has no authority under 48 U.S.C. 1469a to waive any cross-cutting requirements, such as Buy America or drug and alcohol testing.

2. ELIGIBILITY.

 a. <u>Eligible Recipients</u>. Eligible recipients include a State or Indian tribe that receives an FTA grant directly from the Federal Government. Eligible subrecipients include a State or local governmental authority, a non-profit organization, or an operator of public transportation or intercity bus service that receives FTA grant funds indirectly Page III-6 FTA C 9040.1F 4/1/2007

through a recipient. The definition of local governmental authority includes the following: (A) a political subdivision of a State; (B) an authority of at least one State or political subdivision of a State; (C) an Indian tribe, both Federally-recognized and other Indian tribes; and (D) a public corporation, board, or commission established under the laws of a State. Eligible non-profit organizations may also serve tribal transportation needs. Private for-profit operators of transit services or intercity bus services may participate in the program as third party contractors for direct recipients or subrecipients, or as subrecipients. State agencies may further limit subrecipient eligibility requirements in order to comply with State laws or to further program goals.

b. <u>Tribes as Direct Recipients</u>. Under 49 U.S.C. 5311, a Federally-recognized Indian tribe is an eligible direct recipient. Once the State has notified a Federally-recognized Indian tribe of the selection of its project(s) under the State administered Section 5311 Program and the amount of funds that it will allocate to the tribe from its Section 5311 apportionment, the Indian tribe will then need to decide whether to receive funds as a subrecipient of the State or apply directly to FTA for Section 5311 funds. If the tribe notifies the State of its intent to become a direct recipient, the State will notify FTA by letter of the project(s) and amount of funds that it allocated to the Indian tribe.

As a direct recipient of Section 5311 funds not derived from the Section 5311(c) Tribal Transit Program, the Indian tribe must comply with all management requirements of the Section 5311 program, and with all terms and conditions of FTA's standard grant agreements. The special terms and conditions that FTA developed for tribes receiving funding under the Tribal Transit Program are applicable only to that program.

c. <u>Eligible Service and Service Areas</u>. States can use Section 5311 funds for public transportation projects and intercity bus transportation projects in nonurbanized areas. Public transportation is surface "transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus or rail transportation." 49 U.S.C. 5302(a)(10). Chapter X provides more information on charter and school bus service.

A State must spend at least 15 percent of its Section 5311 apportionment to develop and support intercity bus transportation. Chapter VIII provides more guidance on funding for intercity bus transportation.

The purpose of Section 5311 assistance is the provision of public transportation services and maximum feasible coordination with other rural transportation services. FTA policy and the Federal Interagency Coordinating Council on Access and Mobility (CCAM) policy on vehicle resource sharing allow vehicles to be used for purposes other than that specified in the original award on an incidental basis.

A rural transit provider may use a Section 5311 vehicle for non-passenger transportation on an occasional or regular basis, such as package delivery, if this incidental use does not result in a reduction of service quality or availability of public transportation service. The incidental use policy does not preclude the recipient's use

of Section 5311 assistance to support the transportation of passengers by a private provider that is not primarily engaged in passenger transportation. For example, a recipient may use Section 5311 funds to support a contract mail carrier that incidentally provides intercity passenger transportation, if the carrier has appropriate regulatory authority to carry passengers.

A rural transit provider may design its Section 5311 funded services to maximize use by members of the general public who are transportation-disadvantaged. Transportation disadvantaged people include elderly people and people with disabilities. Coordinated human service transportation that primarily serves elderly people and people with disabilities, but that is not restricted from carrying other members of the public, is open to the general public if it is advertised as public transportation service.

Transit service providers receiving assistance under Section 5310 or Section 5311 may coordinate and assist in providing meal delivery service for homebound people on a regular basis, if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. FTA expects that the nutrition program will pay the operating costs attributable to meal delivery. Section 5311 capital assistance may not be used to purchase special vehicles used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

The purpose of the Section 5311 program is to support public transportation for people living in any area outside of an urbanized area designated by the Bureau of the Census. An urbanized area consists of a core area and the surrounding densely populated area with a total population of 50,000 or more, with boundaries fixed by the Bureau of the Census. Areas not currently within the urbanized area are eligible for Section 5311 funding even if they are included within the metropolitan area planning boundary, which includes the surrounding area expected to be urbanized within 20 years and/or the air quality non-attainment boundary.

Since the goal of Section 5311 is to enhance the overall mobility of people living in nonurbanized areas, Section 5311 projects may include transportation to and from urbanized areas. The service area may include destinations across a State line. Operators of interstate service are required to comply with the Federal Motor Carrier Safety Administration (FMCSA) regulations.

d. <u>Joint Urbanized and Nonurbanized Projects</u>. In some localities, a subrecipient receives both Section 5307 and 5311 funding to provide public transportation to urbanized and surrounding nonurbanized areas. These subrecipients should use Section 5311 funds only to assist the nonurbanized portion of those localities.

Because of the wide range of circumstances under which an operator may provide services in both urbanized and nonurbanized areas, FTA expects the subrecipient to develop a reasonable basis related to the service provided, for allocating operating costs

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between the two FTA funding sources. The subrecipient should also apply this procedure to "joint" capital projects. Similarly, subrecipients that purchase vehicles under either the Section 5307 or 5311 program for use in any part of a combined urbanized and nonurbanized service area should ensure that it has capital replacement policies in place to ensure that it is using program funds according to Federal eligibility requirements. When there is a question as to the reasonableness of the subrecipient's cost allocation methodology, FTA looks to the State to make a determination.

FTA Circular 9030 provides further guidance on the Section 5307 program.

e. Eligible Assistance Categories.

(1) <u>State Administration, Planning, and Technical Assistance</u>. The State may use not more than 15 percent of its apportioned Section 5311 funds, including funds apportioned under Section 5340 but not the RTAP allocation, to administer the Section 5311 program and to provide technical assistance to subrecipients.

Allowable administrative costs include salaries, overhead expenses, supplies, and office equipment used to administer the program. Allowable technical assistance costs may include project planning, program development, development of vehicle and equipment specifications, management development, coordination of public transportation programs (public and private for-profit and non-profit), and such research as the State may deem appropriate to promote effective means of delivering public transportation service in nonurbanized areas. No local share is required for these expenses. The State may pass any portion of these funds on to subrecipients for the same purposes and, at its discretion, may impose a local share requirement.

With several exceptions, FTA limits the eligibility of planning costs to funds available within the 15 percent State administration cap. As described in Chapter VIII, planning and marketing for intercity bus services can be funded with a 20 percent local share and is not subject to the 15 percent cap on State administrative expenses. Similarly, funds transferred from Section 5307 can be used for planning with a 20 percent local share and are not subject to the 15 percent administrative cap. However, flexible funds transferred into the Section 5311 program can be used for planning with no local share but are subject to the 15 percent administrative cap on planning and other State administration activities.

While the State may also use RTAP funds for many administrative and technical assistance activities it is more appropriate to use State administrative funds for technical assistance activities directly related to the administration of the Section 5311 program, (e.g., conducting procurements and monitoring subrecipients). The State should use RTAP to deliver training and technical assistance needed by rural providers.

FTA applies the State administration cap to the Section 5311 funds it apportions to the State each year. FTA encourages the State to include all the available State administration funds they intend to use in each annual grant application.

FTA administratively allows a State to accumulate an "entitlement" to State administration funds within their period of availability to augment the administrative funds available for a special administrative need in a subsequent year (e.g., a major planning study for which current year administrative funds would be insufficient). For example, a State may program all of its first year apportionment for capital and operating projects, and then use an amount equal to 15 percent of the first year's apportionment in addition to the 15 percent of the second year's apportionment to fund a large planning study with second year funds.

The period over which the State accumulates the administrative cap may not exceed three years. If a State includes planning or State administration expenses in excess of the 15 percent administrative cap in its grant application, the State should document the unused State administration funds from prior years available to augment the cap in the current apportionment.

(2) <u>Capital expenses</u>. Eligible capital expenses include the acquisition, construction, and improvement of public transit facilities and equipment needed for a safe, efficient, and coordinated public transportation system as well as certain other expenses classified as capital in Section 5302(a)(1).

Examples of eligible capital expenses include, but are not limited to:

- (a) buses;
- (b) vans or other paratransit vehicles;
- (c) radios and communications equipment;
- (d) passenger shelters, bus stop signs, park and ride lots, and similar passenger amenities:
- (e) wheelchair lifts and restraints;
- (f) vehicle rehabilitation, remanufacture, or overhaul;
- (g) preventive maintenance, defined as all maintenance costs;
- (h) extended warranties which do not exceed industry standards;
- (i) the public transportation portion of ferry boats and terminals;
- (j) operational support such as computer hardware or software;

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(k) installation costs, vehicle procurement, testing, inspection and acceptance costs;

- (l) construction or rehabilitation of transit facilities including design, engineering, and land acquisition;
- (m) facilities to provide access for bicycles to transit facilities or equipment for transporting bicycles on transit vehicles;
- (n) lease of equipment or facilities when lease is more cost effective than purchase. Note that when lease of equipment or facilities is treated as a capital expense, the State must establish criteria for determining cost effectiveness, in accordance with FTA Regulations, "Capital Leases," 49 CFR part 639;
- (o) the capital portion of costs for service provided under contract. The capital cost of contracting includes depreciation and interest on facilities and equipment, as well as allowable capital costs such as preventive maintenance;
 - Under the capital cost of contracting, only privately owned assets are eligible. The recipient may not capitalize under the contract any capital assets (e.g., vehicle, equipment, or facility) that have any remaining Federal interest in them, or items purchased with State, or local government assistance. Similarly, recipients may not capitalize under the contract any costs incurred delivering services ineligible for FTA assistance (e.g., charter or school bus service). Recipients may compute capital costs as a fixed percentage of the contract without further justification. Appendix G provides additional information on the capital cost of contracting.
- (p) joint development improvements expressly include the following: (1) commercial and residential development; (2) pedestrian and bicycle access to a public transportation facility; (3) construction, renovation, and improvement of intercity bus and intercity rail stations and terminals; and (4) renovation and improvement of historic transportation facilities. 49 U.S.C. 5302(a)(1)(G). These and other joint development improvements will be eligible for FTA funding if they satisfy the eligibility criteria set forth at 49 U.S.C. 5302(a)(1)(G), and do not fall within the exclusion detailed at 49 U.S.C. 5302(a)(1)(G)(ii), which excludes the construction of a commercial revenue-producing facility (other than an intercity bus station or terminal) or a part of a public facility not related to public transportation. Final guidance for joint development projects was published in the *Federal Register* on February 7, 2007. (72 FR 5788).
- (q) the introduction of new technology, through innovative and improved products, into public transportation;

- (r) mobility management consists of short-range planning, management activities and projects for improving coordination among public transportation, and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental authority, but excludes operating expenses;
- (s) crime prevention and security; including projects to refine and develop security and emergency response plans; projects aimed at detecting chemical and biological agents in public transportation; the conduct of emergency response drills with public transportation agencies and local first response agencies; and security training for public transportation employees; but excluding all expenses related to operations, other than such expenses incurred in conducting activities described above;
- (t) transit-related Intelligent Transportation Systems (ITS); and
- (u) Americans with Disabilities Act of 1990 (ADA) paratransit service's operating costs as a capital expense may not exceed 10 percent of the State's annual apportionment of Section 5311 funds, and recipients may only use Section 5311 funds for this purpose when they comply with ADA requirements for both fixed route and demand-responsive service, when provided.
- (3) Operating Expenses. Operating expenses are those costs directly related to system operations. At a minimum, States must consider the following items as operating expenses: fuel, oil, drivers' salaries and fringe benefits, dispatcher salaries and fringe benefits, and licenses.

States may, in their discretion, treat maintenance as either operating or capital expenses for Section 5311 funding purposes. Similarly, for the Section 5311 program only, FTA gives States the option of classifying certain other expenses as either operating or non-operating expenses (i.e., project administration). Even if these expenses are eligible for funding under Section 5311at the capital match, the provider may classify these funds as operating expenses in its internal accounting system, under generally accepted accounting principles. However, for funding purposes, the State may not count the same cost twice.

Net operating expenses are eligible for assistance. Net operating expenses are those expenses that remain after the provider subtracts operating revenues from eligible operating expenses. States may further define what constitute operating revenues, but at a minimum, operating revenues must include farebox revenues. Farebox revenues include fares paid by riders who are later reimbursed by a human service agency or other user-side subsidy arrangement. Farebox revenues do not include payments made directly to the transportation provider by human service agencies to purchase service. However, purchase of transit passes or other fare media for clients would be considered farebox revenue. A voluntary or mandatory

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fee that a college, university, or similar institution imposes on all its students for free or discounted transit service is not farebox revenue.

The State may include operating assistance projects of up to two years' duration in its annual program of projects. FTA extends pre-award authority for operating costs incurred as of the beginning of the local fiscal year but before grant award.

(4) <u>Project Administrative Expenses</u>. Under the Section 5311 program, the State may treat project administrative expenses incurred by a local provider as a separate cost category from either capital or operating expenses. This allows States to consider administrative expenses as "non-operating" expenses. FTA may fund non-operating expenses up to the 80 percent Federal share or more if the State is eligible for the sliding scale of Federal share (see below).

Eligible project administrative costs may include, but are not limited to: general administrative expenses (e.g., salaries of the project director, secretary, and bookkeeper); marketing expenses; insurance premiums or payments to a self-insurance reserve; office supplies; facilities and equipment rental; standard overhead rates; and the costs of administering drug and alcohol testing. Interest on short-term loans for operating assistance is eligible as project administration if it is approved by the State. Additionally, administrative costs for promoting and coordinating ridesharing are eligible as project administration if the activity is part of a coordinated public transportation program.

3. FEDERAL/LOCAL MATCHING REQUIREMENTS.

- a. <u>Capital and Project Administration</u>. The Federal share of eligible capital and project administrative expenses may not exceed 80 percent of the net cost of the project. There are three exceptions to the 80 percent match for capital projects.
 - (1) <u>Bicycle Projects</u>. Under 49 U.S.C. 5319, the Federal share may be 90 percent for those capital projects used to provide access for bicycles to transit facilities, or to install racks or other equipment for transporting bicycles on transit vehicles.
 - (2) <u>ADA and Clean Air Act</u>. Under 49 U.S.C. 5323(i), the Federal share may be 90 percent for vehicle-related equipment or facilities required by ADA or vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying with or maintaining compliance with the Clean Air Act (CAA), as amended.

According to 49 U.S.C. 5323(i), it is only the incremental cost of the equipment required by the ADA or CAA that may be funded at 90 percent, not the entire cost of the vehicle, even if the vehicle is purchased for use in service required by the ADA or CAA. Alternatively, for administrative simplicity FTA allows grantees to compute the Federal share at 83 percent for accessible vehicles. For facilities, FTA will consider the incremental cost of the ADA or CAA equipment on a case-by-

case basis. (States entitled to a sliding scale Federal share higher than 80 percent may find it more advantageous to calculate the 90 percent share on the incremental cost of vehicle related equipment rather than using the 83 percent composite share).

(3) Sliding Scale. Higher Federal share rates for capital costs are available to 14 States described in 23 U.S.C. 120(b). The higher Federal shares under 23 U.S.C. 120 (b)(1), shown in Table 1, are based on the ratio of designated public lands area to the total area of these 14 States. For FTA capital grants, the Federal share increases from 80 percent in proportion to the share of public lands in the State. For FTA operating grants in these same States, the Federal share increases from 50 percent to 62.5 percent (5/8) of the rate for capital grants.

Table 1: Sliding Scale Rates for FTA Section 5311 Grants (23 U.S.C. 120 (b)(1))

(Numbers represent the maximum Federal share, as a percentage of net project cost.)

State	Sliding Scale Rate for Transit Capital Grants	Sliding Scale Rate for Transit Operating Grants	State	Sliding Scale Rate for Transit Capital Grants	Sliding Scale Rate for Transit Operating Grants
Alaska	90.97	56.86	Nevada	94.89	59.31
Arizona California	90.49 83.57	56.55 52.23	New Mexico Oregon	85.44 84.63	53.40 52.90
Colorado	82.79	51.75	South Dakota	81.95	51.22
Hawaii	81.30	50.81	Utah	89.52	55.95
Idaho	84.97	53.11	Washington	81.42	50.89
Montana	82.75	51.72	Wyoming	86.77	54.23

Source: FHWA Notice N 4540.12, Attachment 1 (3/17/1992)

Additional higher Federal share rates are shown in Table 2 and are based on the ratio of the area of nontaxable Indian land, public domain lands (reserved and unreserved), national forest, and national parks and monuments to the total area of each State. These rates are available only for States that have <u>already in place</u> signed agreements with FHWA under 23 U.S.C. 120(b)(2). For FTA Section 5310 and 5311 projects, any State having such an agreement with FHWA is eligible for the higher Federal match permitted in Section 120(b)(2). States may not enter into new Section 120(b)(2) agreements with FTA for Section 5310 or 5311 grants. In the absence of a Section 120(b)(2) agreement with FHWA, Section 120(b)(1) sets the sliding scale rates for Section 5310 and 5311 grants.

Table 2: Sliding Scale Rates for FTA Section 5311 Grants

(Numbers represent the maximum Federal share, as a percentage of net project cost.)

	Federal	Federal		Federal	Federal
	Share	Share of		Share of	Share of
	of 5311	5311		5311	5311
	Capital	Operating		Capital	Operating
State	Grants	Grants	State	Grants	Grants
Alabama	80.4	50.25	Nebraska	80.18	50.11
Alaska	94.95	59.34	Nevada	95	59.38
Arizono			New		
Arizona	94.3	58.94	Hampshire	82.45	51.53
Arkansas	81.55	50.97	New Jersey	80.14	50.09
California	88.53	55.33	New Mexico	87.92	54.95
Colorado	87.31	54.57	New York	80.1	50.06
Connecticut	80.04	50.03	North Carolina	80.98	50.61
Delaware			North Dakota	80.93	50.58
Florida	81.93	51.21	Ohio	80.16	50.10
Georgia	80.48	50.30	Oklahoma	80.58	50.36
Hawaii	82.48	51.55	Oregon	89.73	56.08
Idaho	92.66	57.91	Pennsylvania	80.38	50.24
Illinois	80.15	50.09	Rhode Island	80.05	50.03
Indiana	80.17	50.11	South Carolina	80.63	50.39
Iowa	80	50.00	South Dakota	82.82	51.76
Kansas	80.05	50.03	Tennessee	80.66	50.41
Kentucky	80.58	50.36	Texas	80.22	50.14
Louisiana	80.41	50.26	Utah	93.23	58.27
Maine	80.28	50.18	Vermont	81.08	50.68
Maryland	80.11	50.07	Virginia	81.5	50.94
Massachusetts	80.12	50.08	Washington	86.5	54.06
Michigan	81.83	51.14	West Virginia	81.36	50.85
Minnesota	81.42	50.89	Wisconsin	81.11	50.69
Mississippi	80.83	50.52	Wyoming	90.49	56.56
**			District of		
Missouri	80.69	50.43	Columbia	83.15	51.97
Montana	86.58	54.11	Puerto Rico	80.25	50.16

^{*}Including National Forests, national parks, and monuments Source: FHWA Notice N 4540.12, Attachment 1 (3/17/1992)

b. Operating Expenses. With respect to operating expenses, 49 U.S.C. 5311(g)(2) provides that the Federal share shall not exceed 50 percent of the net operating cost of the project. For States eligible for the sliding scale match under 23 U.S.C. 120(b), the Federal match for operating assistance is set at 62.5 percent of the match for capital projects in those States (see Tables 1 and 2 above).

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Under Subsection 5311(g)(3)(A), funds received pursuant to a service agreement with a State or local social service agency or a private social service organization may be used as local match.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for Section 5311 operating assistance. In either case, the cost of providing the contract service is included in the total project cost.

The manner in which a subrecipient applies income from human service agencies to a project affects the calculation of net operating expenses and, therefore, the amount of Section 5311 operating assistance the project is eligible to receive. A State's method of sub-allocating its apportionment among its subrecipients is a discretionary action, subject only to the statutory requirements described in this circular. While a State may not prohibit a subrecipient from using income from human service agency contracts as a source of local match according to Subsection 5311(g)(5), the State may elect to regard the degree to which a subrecipient demonstrates local financial commitment to the project from other sources of local funds as a rating factor in its discretionary allocation decisions.

- c. <u>State Administration and RTAP</u>. No local share is required for State administration and RTAP.
- d. <u>Sources of Local Match</u>. Under Subsection 5311(g)(3), a local match for the remainder of net project costs:
 - (A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital;
 - (B) may be derived from amounts appropriated or otherwise made available to a department or agency of the Government (other than the [U.S.] Department of Transportation) that are eligible to be expended for transportation; or
 - (C) notwithstanding subparagraph (B), may be derived from amounts made available to carry out the Federal Lands Highway Program established by Section 204 of Title 23.

Examples of non-Federal sources that may be used for any or all of the local share include: State or local appropriations; dedicated tax revenues; private donations; and net income generated from advertising and concessions. Recipients may count non-cash shares such as donations, volunteered services, or in-kind contributions toward the local match only if the recipient formally documents the value of each non-cash share, and if this value represents a cost that would otherwise be eligible under the project. The net project cost must include the value of any in-kind contributions included in net project cost to the extent it is used as local match. States should reference Federal

Administrative Rules for Grants and Cooperative Agreements, 49 CFR parts 18 and 19 for more information.

Recipients may use funds from other Federal agencies (non-DOT) for the entire local match if the other agency makes the funds available to the recipient for the purposes of the project. The only DOT funds that States can use as local match for Section 5311 projects are from the Federal Lands Highway Program cited in 49 U.S.C. 5311(g)(3).

A State cannot use Section 5310 or other FTA funds as match for Section 5311 program funds. Even though funds are made available to the rural transit provider through a service agreement with a State or local social service agency or private social service organization, FTA funds may not be used as match because they are derived from a DOT program.

CHAPTER IV

PROGRAM DEVELOPMENT

- 1. <u>FAIR AND EQUITABLE DISTRIBUTION</u>. The program of projects the State submits to the Federal Transit Administration (FTA) for approval must provide for fair and equitable distribution of the apportionment in the State, including Indian reservations, as well as maximum feasible coordination with other public transportation services assisted by other Federal sources. The Tribal Transit Program funds set aside for Indian tribes are not meant to replace or reduce funds that Indian tribes receive from States through the Section 5311 program but are to be used to enhance public transportation on Indian reservations and other tribal transit services. FTA encourages the States to use the significant increase in funding for rural transit under the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to support expansion of transit service to areas not currently served and to improve the level of service or coverage in areas which currently have minimal service.
- 2. PLANNING REQUIREMENTS. With limited exceptions, States must include all Federal funds to be used for highway or transit projects in a Statewide Transportation Improvement Program (STIP) consistent with 23 U.S.C. 135 and 49 U.S.C. 5304. States must include Section 5311 funds in the STIP. Unlike the annual program of projects that the State submits with its grant application, the STIP must cover four program years. For the purposes of the STIP, the State may group its planned expenditures of Section 5311 and Rural Transportation Assistance Program (RTAP) funds into broad statewide projects, such as vehicle acquisition for rural transportation services, operating assistance, intercity bus projects, facility construction, State administration, and training and technical assistance. The State also may show the Section 5311 apportionment as one aggregate project.

Metropolitan planning organizations (MPOs) are responsible for transportation planning and programs in metropolitan areas. When the State proposes to fund a Section 5311 project within an MPO's current planning/study area boundary, which may include areas that are currently nonurbanized but are expected to become urbanized within 20 years, then the State must work with the MPO to ensure that the MPO includes the project in the Metropolitan Transportation Plan and selects the Section 5311 project for inclusion in the MPO's Transportation Improvement Program (TIP). While the State is ultimately responsible for distribution of nonurbanized formula funds within the State, MPOs - in cooperation with the State - must select Section 5311 projects within the metropolitan area planning boundaries of a Transportation Management Area (all urbanized areas over 200,000 and all other urbanized areas).

For further guidance on planning, programming, and project selection see the joint Federal Highway Administration (FHWA)/FTA planning regulations at 23 CFR part 450 and 49 CFR part 613.

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3. NOTICE AND PUBLIC HEARINGS. Title 49 U.S.C. 5323(b) requires applicants: (1) to provide an adequate opportunity for public review and comment for a capital project that will substantially affect a community or the public transportation services of a community; (2) to provide notice and hold a public hearing on the project if the project affects significant economic, social, or environmental interests; (3) to consider the economic, social, and environmental effects of the project; and (4) to find that the project is consistent with official plans for developing the community.

The State promises compliance with this requirement in the annual certifications and assurances it submits to FTA. Evidence that the applicant has complied is included in the environmental record for the capital project. Chapter X, part 4 provides additional information.

- 4. INTERCITY BUS CONSULTATION REQUIREMENT. Section 5311(f) requires each State to expend at least 15 percent of its annual Section 5311 apportionment "to carry out a program to develop and support intercity bus transportation," unless the Governor certifies that "the intercity bus service needs of the State are being met adequately." Additionally, Section 5311(f) requires a State to consult with intercity bus providers before the Governor makes this certification. The requirement to spend at least 15 percent applies only to the amount of FTA's annual apportionment of Section 5311 funds to the State; it does not apply to any funds the State subsequently transfers to its Section 5311 program from another program. Chapter VIII provides additional information about the intercity bus provisions of Section 5311(f).
- 5. PROGRAM OF PROJECTS. The program of projects (POP) identifies the subrecipients and projects for which the State is applying for financial assistance. The Section 5311 annual program of projects the State submit to FTA for approval must indicate the total number of subrecipients; identify each subrecipient and indicate whether they are governmental authorities, private non-profit agencies, or private providers of transportation services; and identify any that are Indian tribal governments or tribal transit agencies (including both Federally-recognized and other tribal governments). In addition, the program of projects must include a brief description of each project, which includes the counties served, and any tribal transportation needs served by the project. The program of projects must show, for each project, the total project cost and the Federal share.

So that FTA can comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub.L 109-282), enacted September 26, 2006, the State must provide FTA with the following information for each subrecipient: the name of the entity receiving the award, the amount of the award, and the location of the entity receiving the award and the primary location of performance under the award, including the city, State, and Congressional district. The State may choose to submit this information as a separate attachment in TEAM or to include the information in the POP.

Separate from the listing of rural transit projects and subrecipients in Category A and B, the program of projects should list together and subtotal the projects and subrecipients that support intercity bus transportation as required by Section 5311(f). It should also describe

specific RTAP projects within the broad areas of eligibility. (Chapter IX provides more information on developing a RTAP program of projects). The program of projects may also include projects transferred from other FTA programs (Job Access and Reverse Commute (JARC), New Freedom, and Section 5310), grouped together by program. The program of projects also includes any funds the State will use for planning, technical assistance, and administration, within the 15 percent limitation, and any other projects the State will conduct directly.

The total Federal funding level for the program of projects cannot exceed the total amount of Section 5311 funds available, including funds from the current fiscal year apportionment, unobligated carryover funds from previous years and funds transferred from other FTA programs, or flexible funds for highway or transit. After the State submits the annual program of projects and other application requirements, FTA will review, approve, and obligate funds for the total amount of funds available. In general, States should not include projects that will extend for more than two years in duration. The State should discuss any exceptions to this with the regional office. If a grant is not fully implemented within two years, FTA may terminate and close out the grant and deobligate any remaining funds.

- a. Categories of Approval. FTA's approval of a program of projects does not reflect unconditional approval of all projects within the program. FTA's approval of a program of projects does not reflect unconditional approval of all prospective subrecipients identified in the program. FTA recognizes that not all projects in a State program of projects may be at the same stage of development, and therefore, not all applications to the State may be complete at the time the State forwards its annual program of projects to FTA. FTA also recognizes that all subrecipients identified in the program of projects may not yet be in compliance with all applicable Federal requirements. Therefore, to expedite grant award, FTA allows States to separate projects and funds included in its program of projects into three different categories, depending on how completely the subrecipients have met Federal requirements.
 - (1) <u>Category A</u>. Projects in Category A include those projects that the State has certified as having met all the Federal statutory and administrative requirements for approval applicable to both the project activities, and subrecipient that will carry out those activities. FTA's approval of Category A projects is unconditional upon grant award. When FTA executes the grant, the State may start drawing down funds to implement projects in Category A. FTA expects most, if not all, of the projects included in the State's program of projects to be in this category.
 - (2) <u>Category B</u>. Projects in Category B include those projects that the State anticipates approving during the current year, but that have not yet met all Federal statutory and/or administrative requirements. For example, a project in Category B may be a project that lacks certification by the State to the Department of Labor (DOL) that the subrecipient has signed the special labor protection warranty. Similarly, a

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major capital project other than vehicle purchase in Category B may be a project that lacks completion of the environmental review process. Projects may also be in Category B when a subrecipient that has not yet met all applicable Federal requirements.

When the State determines that necessary Federal requirements have been satisfied for a project, FTA's approval of that project becomes unconditional, and the State may advance the project to Category A. Cash drawdowns for that project may commence after the State advances the project to Category A. In addition, any Category B project that does not qualify as a categorical exclusion (CE) under 23 CFR 771.117(c) requires environmental clearance from FTA before being advanced to Category A. Chapter X provides additional information on environmental issues.

A State should not list any projects in Category B, if it can list all of its projects in Category A.

(3) <u>Category C</u>. The State may include funds in Category C to assist projects that it has not yet identified at the time it submits its grant application. FTA established the category to allow States to obligate its entire annual Section 5311 apportionment at one time, even if it has not at the time of its grant application to FTA, designated all the projects for which it plans to use its Section 5311 apportionment. For example, if the State cannot immediately identify specific projects that would use the entire 15 percent of the apportionment required to be expended for intercity bus transportation, the State may list the remaining intercity bus funds in Category C.

The optional Category C is a program reserve. FTA designed Category C program reserve funds to accommodate unanticipated program needs. States should not confuse Category C program reserve funds with reasonable contingencies for the projects that the State designated in its program of projects and included in Category A or B.

States may not include more than 10 percent of the total amount it obligates in the grant in the Category C program reserve. Additionally, FTA strongly encourages the State not to include more funds in Category C than it reasonably expects to allocate to new projects capable of meeting the applicable Federal requirements or to budget adjustments in existing projects within 12 months. If the State does not expect to select projects for which it will use all its Category C funds, the State should defer obligating those remaining funds until the following year.

The State must allocate Category C program reserve funds to specific projects within the period of availability of the funds. FTA will deobligate any Category C funds not allocated within the period of availability. FTA assumes that the funds remaining in Category C are the newest funds, if a grant contains funds apportioned in more than one fiscal year. Funds deobligated after the period of

availability lapse to the State, and FTA will redistribute these lapsed funds to all the States in the subsequent year's apportionment.

When a State selects projects it will advance out of the Category C program reserve funds, it must notify FTA of the changes to the program of projects. Any new project that does not qualify as a CE under 23 CFR 771.117(b) requires environmental clearance from FTA before the State advances the project to Category A.

b. Revisions to Program of Projects. The State may revise an approved program of projects without constituting a change in scope which would require the deobligation and reobligation of funds. The scope of the grant is the approved program of projects in its entirety. The addition of Federal funds to the approved program of projects is a change in the scope of the approved program of projects and requires an amendment of the grant agreement.

For changes that affect the budget line items in the grant budget, the grantee will notify FTA by setting up a budget revision in the Transportation Electronic Award Management (TEAM) System. For those changes that only affect the Program of Projects (POP) the grantee should attach a new program of projects to the "project management milestones" section and then notify FTA, via e-mail, that it has attached the new program of projects. In addition, grantees should also notify FTA of changes to the program of projects when they submit their annual program status report.

Below are examples of project and funding revisions that do not change the scope of the approved program of projects. Unless FTA notifies the State otherwise, the following levels of notification and FTA approval apply to revisions:

- (1) <u>Revisions Not Requiring Prior Notification or FTA Approval</u>. The State may make the following revisions without any prior notification to or approval by FTA:
 - (a) Delete a project from the program of projects if the project cost is less than the \$250,000 or 10 percent of the total of the program of projects, whichever is greater;
 - (b) Advance projects from Category B to Category A, provided the prospective subrecipient is in compliance with all applicable Federal requirements, and the State has no information suggesting otherwise;
 - (c) Allocate Category C funds to existing projects, if the funds are within their period of availability;
 - (d) Reallocate funds within an approved program of projects among approved projects within a local area or from one local area to another. This includes adjustments of local project funding levels to accommodate changes in

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- vehicle or equipment requirements, including number and type of vehicles and changes in operating costs;
- (e) Add equipment or property transferred from a subrecipient to another subrecipient listed in the program of projects, regardless of whether the items were originally funded from a different grant;
- (f) Transfer funds designated for intercity bus projects within the program of projects for use in other intercity bus projects, or to other projects if more than the required percentage has been allocated for intercity bus projects and the transfer of funds to another project would not reduce the intercity funding below the required percentage; and
- (g) Transfer funds designated for RTAP projects within the program of projects for use in other RTAP projects.
- (2) <u>Revisions Requiring Notification to FTA, But Not FTA Approval</u>. The State may make the following revisions after notifying FTA:
 - (a) Allocate Category C funds to new operating assistance projects or capital projects under \$250,000, within the period of availability of funds, provided the prospective subrecipient is in compliance with all applicable Federal requirements, and the State has no information suggesting otherwise;
 - (b) Create new operating assistance projects or capital projects under \$250,000 with funds subtracted from other projects within the approved program, or assign transferred equipment or property to a subrecipient not previously listed in the program of projects, provided the prospective subrecipient is in compliance with all applicable Federal requirements, and the State has no information suggesting otherwise; and
 - (c) Delete or reduce a project by more than \$250,000 or 10 percent of the total program of projects, whichever is greater.
- (3) <u>Revisions Requiring FTA Approval</u>. The State may make the following revisions to an approved program of projects only after obtaining approval from FTA:
 - (a) Allocate more than over \$250,000, or 10 percent of the total of the program of projects, whichever is greater, for any new capital project;
 - (b) Change intercity bus projects if the change would result in less than 15 percent of the annual apportionment being designated for intercity projects. This change can only be made if the Governor certifies that the intercity bus transportation needs of the State are adequately met, as described in Chapter VIII;

- (c) Advance to Category A any prospective subrecipient with serious questions of compliance with Federal requirements remaining unresolved;
- (d) Advance to Category A any project that does not meet the NEPA requirements for a CE; or
- (e) Advance to Category A any project for the acquisition of property with a value in excess of \$250,000.
- c. <u>Update to Program of Projects</u>. The most recently updated program of projects submitted by the State to FTA in its annual program status report or in the course of making revisions will be considered the approved program of projects, incorporated by reference in the grant agreement. Only the addition of Federal funds or a change in the scope of the approved program of projects requires amendment of the grant agreement.
- d. FTA's Right to Defer Section 5311 Assistance. FTA reserves the right to require the State to defer providing Section 5311 funds to a subrecipient or project that raises serious questions about the compliance with civil rights or other requirements, until FTA finds the subrecipient or project in compliance or expressly approves the expenditure of Section 5311 funds involving that subrecipient or project.
- 6. <u>CERTIFICATIONS AND ASSURANCES</u>. To receive a grant under Section 5311, the designated State agency must annually assure FTA that the State and subrecipients meet certain requirements. The State should maintain adequate files documenting the basis for all assurances which it makes to FTA.

Each fiscal year, FTA publishes the required certifications and assurances in the *Federal Register* and updates the certifications and assurances in the TEAM system. This notice indicates which certifications and assurances apply to all grantees or to certain kinds of awards, and which are required for grants under specific sections.

The State electronically submits the appropriate certifications and assurances each fiscal year for all active grants and new grants that it expects FTA to make during that fiscal year. Recipients should use the most recent version of current year notice for a list of required certifications and assurances FTA has issued. Recipients can find the current list in TEAM.

7. PRE-AWARD AUTHORITY. FTA allows grantees to incur costs before grant award in the formula programs. In order for the pre-award costs to be eligible for subsequent reimbursement, the project must have met all FTA statutory, procedural, and contractual requirements, thus must qualify as a "Category A" project in the program of projects. Reimbursement is subject to the availability of funds and grant award. Specific information is included in FTA's annual apportionment Notice, and in Chapter X, part 18, of this circular.

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8. GRANT AWARD AND PROJECT APPROVAL. FTA awards grants and obligates funds for the total amount the State requests for all three categories and the Rural Transportation Assistance Program (RTAP) program of projects. FTA grant award constitutes FTA approval of the State's annual program of projects. But FTA approval of the Section 5311 program of projects does not constitute unqualified approval of each project in the program. Grant award does constitute FTA approval of those projects in Category A. Thus the State may draw down Federal funds to reimburse expenses incurred for Category A projects immediately upon execution of the grant agreement.

The grant award also constitutes FTA's unconditional approval of those projects in Category B, if the subrecipient meets all applicable Federal requirements. The State must ensure that the subrecipient meets Federal requirements, and advance the projects to Category A before it can draw down funds to support Category B projects.

In addition, the grant award obligates Federal funds for Category C projects and constitutes approval of Category C projects that are not identified at the time of award but have met or will meet all applicable Federal requirements. However, the State must allocate Federal funds awarded for Category C projects within the period of availability of those funds to new or existing projects that have met or will meet all of the necessary statutory and administrative requirements.

CHAPTER V

LOCALLY DEVELOPED, COORDINATED PUBLIC TRANSIT – HUMAN SERVICES TRANSPORTATION PLAN

1. <u>COORDINATION</u>. Three Federal Transit Administration (FTA) formula programs— Elderly Individuals and Individuals with Disabilities Program (Section 5310), Job Access and Reverse Commute (JARC) (Section 5316), and New Freedom (Section 5317)—require that projects must be derived from a locally developed, public transit-human services transportation plan. FTA expects public transit systems funded under both the Section 5307 and Section 5311 formula programs to participate in the local planning process for coordinated public transit-human service transportation in those areas applying for funds under Sections 5310, 5316, or 5317.

The local coordinated planning process may include consideration of the intercity bus transportation needs of the targeted population of seniors, people with disabilities, and low income people. Identification of unmet intercity mobility needs of human service agency clients during the local coordinated planning process may help the State with its intercity bus needs assessment described in Chapter VIII. FTA encourages the inclusion of intercity bus mobility needs in the coordinated planning process for Sections 5310, 5316, and 5317.

Beyond the specific coordinated planning requirements for the three specialized FTA programs listed above, both Sections 5311 and 5307 also require coordination with transportation assistance under other Federal programs. The Section 5311 program of projects must provide, "the maximum feasible coordination of public transportation service [assisted under Section 5311] with transportation assisted by other Federal sources." (Section 5311(b)(2)(c)(ii)). The Section 5307 program of projects must provide "for the coordination of public transportation services [assisted under Section 5307] with transportation services assisted from other United States Government services" (Section 5307(c)(5)).

The State must certify compliance with these coordination requirements for Section 5311. While the coordination of service takes place at the local level, the State may facilitate coordination through participation in statewide interagency coordinating councils and statewide coordinated planning activities.

2. <u>OTHER PROGRAM REFERENCES.</u> Chapter V of FTA's program guidance circulars for the Section 5310, JARC, and New Freedom Programs provides more detailed guidance on the requirements for a locally developed, coordinated public-transit human services transportation plan.

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CHAPTER VI

PROGRAM MANAGEMENT AND ADMINISTRATIVE REQUIREMENTS

- 1. <u>GENERAL</u>. The basic grant management requirements for State and local governments are contained in the U.S. Department of Transportation (DOT) regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18. The comparable DOT rule for private non-profit organizations is "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," 49 CFR part 19. Parts 18 and 19 are collectively known as the "common grant rule." The provisions of the common grant rule apply except where inconsistent with Federal statutes or authorizing legislation.
- 2. PROGRAM ADMINISTRATIVE REQUIREMENTS. The common rule identifies three areas in which the administrative requirements for State grantees and their subrecipients which are governmental authorities may differ from Federal requirements for local government grantees: equipment management, procurement, and financial management systems. The basic intent of establishing common requirements in these areas is to shift the emphasis from national uniformity to uniformity of procedures and requirements within a State, in order to provide greater flexibility to the States in standardizing the management of related State and Federal programs. The three areas are discussed in detail later in this chapter. Part 18 permits States to pass down State procedures in these three areas to subrecipients that are governmental authorities. Part 19 does not allow States to pass down State procedures to subrecipients that are non-profit organizations. However, as long as the State procedures are not inconsistent with part 19, the State may apply the same procedures for all its subrecipients. The State may use procedures that are more restrictive than part 19, but State procedures may not be more permissive than part 19. The basic intent of part 19 is to establish nationally-uniform procedures and requirements for private non-profit organizations that receive funds from multiple Federal agencies.

The State must ensure that subrecipients that are units of State or local governments, including Indian tribal governments, follow the requirements of part 18, and that subrecipients that are private non-profit organizations follow the requirements of part 19.

Unless an issue is specifically addressed in this circular or in other Federal Transit Administration (FTA) guidance specific to the Section 5311 program, the most recent version of FTA Circular 5010 "Grant Management Guidelines," which provides guidance for other FTA programs, should be used as guidance for project management issues not unique to Section 5311.

The State must enter into a written agreement with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed.

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3. EQUIPMENT MANAGEMENT.

a. General. Under the common grant rule, States may use, manage, and dispose of equipment acquired under a Section 5311 grant according to State law and procedures. States are free to adopt the procedures established in part 18 for other public body recipients or use them as a guide in developing State procedures for equipment use, management, and disposition, but they are not required to do so. States may use the same procedures for private and non-profit subrecipients as for public body subrecipients, so long as those procedures are consistent with 49 CFR part 19.

Common grant rule procedures and requirements for Recipients that are not States, and their public subrecipients are more explicit and can be found in 49 CFR part 18.32 and 49 CFR part 19.34.

b. <u>Transfer of Property</u>. Section 5311(h) permits a State to transfer facilities and equipment acquired with assistance under Section 5311 to any entity eligible to receive assistance under 49 U.S.C. Chapter 53 with the consent of the entity currently in possession of such facilities or equipment, if the facility or equipment will continue to be used in accordance with the requirements of Section 5311. This provision complements the State's flexibility under the common grant rule to manage equipment and extends the State's flexibility in the management of facilities, including real property.

The entity receiving equipment or facilities under this provision to provide Section 5311 service must comply with all the State and Federal requirements for Section 5311 recipients, including acceptance of the special Section 5333(b) labor warranty for Section 5311 protection (see Chapter X Section 10(b) of this circular). The names of the entities involved in the transfer of equipment or real property, along with a description of the equipment or real property transferred should be included in a new or revised program of projects. The transfer may be shown in the program of projects for any active grant. It does not have to be in the grant under which the equipment or property was originally funded. The non-add scope code 998–00 is used to reflect transfers of Federal equity in the grant.

In addition, Section 5334(h)(1) through (3) allows facilities and equipment and other assets (including land) which are no longer needed for the purposes for which they were acquired to be transferred to a local governmental authority to be used for a public purpose other than transportation with no further obligation to the Federal Government, if authorized by the Secretary of Transportation (i.e., approved by FTA).

c. Vehicle Useful Life and Replacement Standards. The common grant rule gives States greater flexibility in managing and disposing of equipment. In keeping with the intent of the rule, FTA elects not to apply to the State-administered Section 5311, 5310, 5316, and 5317 programs its policies regarding useful life standards for vehicles, vehicle replacement, or the requirement to use the straight line depreciation method for determining fair market value and FTA reimbursement. Instead, FTA holds States

responsible for establishing and implementing their own rolling stock requirements for all categories of vehicles acquired under the Section 5311, 5310, 5316, or 5317 programs. For these programs only, FTA permits State grantees to do the following:

- (1) establish their own minimum useful life standards for vehicles;
- (2) use their own procedures for determining fair market value; and
- (3) develop their own policies and procedures for maintenance and replacement of vehicles. Maintenance requirements and insurance coverage must be adequate to protect the Federal interest in the vehicle within the useful life determined by the State.
- d. <u>Disposition</u>. States and their subrecipients should follow State laws and procedures for disposing of equipment. States are not required to return to FTA proceeds from the disposition of equipment, regardless of the fair market value at the time the equipment is sold, but should follow their own procedures regarding the use of proceeds, so long as the proceeds remain in use for public transit purposes. This applies to all equipment currently in use that was purchased with Section 5311 funds. This blanket disposition instruction satisfies the provision of 49 CFR part 19 requiring private non-profit organizations to seek disposition instructions from the Federal awarding agency.
- 4. <u>SATISFACTORY CONTINUING CONTROL AND RESPONSIBILITY</u>. When capital equipment or facilities are acquired, built, or improved for use by any entity in nonurbanized area public transportation or intercity transportation, provisions must be made to assure satisfactory continuing control of that capital equipment and facilities. While the State agency serving as FTA grantee may delegate these responsibilities to another entity, the State is ultimately responsible for compliance with this requirement.

When vehicles or other equipment acquired with Section 5311 funds are operated by an entity other than the subrecipient, control and responsibility for the operation of the vehicles or other equipment must remain with the subrecipient unless transfer of the control and responsibility is made to another subrecipient authorized by the designated State agency to accept control and responsibility for those vehicles or equipment.

5. PROCUREMENT.

a. General. When procuring property, supplies, equipment, or services under an FTA grant, the State will follow the same policies and procedures it uses for procurements from its non-Federal funds, to the extent permitted by Federal statutes and regulations. While the Federal threshold for small purchases is currently \$100,000, the State may set a lower threshold for itself and its subrecipients. All governmental subrecipients follow State procurement procedures. However, because of differences between 49 CFR part 18 and 49 CFR part 19, FTA third party contracting requirements are fewer for States and subrecipients that are local or tribal governments than for subrecipients that are private non-profit organizations. For the sake of consistency, the State may choose to

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use the more detailed FTA requirements included in the current version of FTA circular 4220 for all subrecipients as part of its State procurement procedures.

In some cases, a State may choose to grant Section 5311 assistance to a subrecipient through an intermediary subrecipient. For example, for public policy reasons, the State might pass funds to a non-profit organization through a local governmental authority. The arrangement between the first tier and second tier subrecipient is not a third party contract if the ultimate subrecipient would otherwise be eligible under Section 5311 to receive funds directly from the State and the ultimate subrecipient intends to use those funds to pursue its own nonurbanized area transit project.

Each recipient of FTA seeking Federal assistance to acquire property or services in support of its proposed project shall certify to FTA, in accordance with 49 CFR 18.36 that its procurements and procurement system will comply with all applicable third-party procurement provisions of Federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any applicant that fails to provide this certification may be determined ineligible for award of Federal assistance if FTA determines that its procurement practices and procurement system are incapable of compliance with Federal laws, regulations, and directives governing procurements financed with FTA assistance.

Procurement procedures used by States and their subrecipients, however, must comply with the following specific Federal procurement requirements:

- (1) States. State procurement practices must, at a minimum, comply with five specific Federal requirements contained in the most current FTA Circular 4220. These include the following: (1) for rolling stock, a five year limitation on contract period of performance; (2) a requirement for full and open competition; (3) a prohibition against geographic preferences; (4) the use of Brooks Act procedures for procurement of architectural and engineering services if the State has not adopted a statute governing procurement of such services; and (5) inclusion in contracts of all Federal clauses required by Federal statutes and Executive Orders and their implementing regulations. These clauses are identified in specific Federal regulations cited in FTA's Master Agreement incorporated by reference into the grant agreement. Additional technical assistance for third party contracting is available in FTA's "Best Practices Procurement Manual," which can be found online at http://www.fta.dot.gov/ftahelpline/index.htm.
- (2) <u>Subrecipients that are Governmental Authorities</u>. Subrecipients that are governmental authorities such as local or Indian tribal governments must comply with the same Federal requirements governing State procurements. States are responsible for ensuring that subrecipients are aware of and comply with Federal requirements.
- (3) <u>Subrecipients that are Private Non-profit Organizations</u>. Subrecipients that are private non-profit organizations must comply with FTA procurement requirements

- contained in the most current FTA Circular 4220. States are responsible for ensuring that private non-profit subrecipients are aware of and comply with these additional requirements.
- (4) <u>Subrecipients that are Private, For-profit Organizations</u>. Subrecipients that are private for-profit organizations must comply with FTA procurement requirements contained in the most current FTA circular 4220 for procurements conducted with Federal funds. States are responsible for ensuring that private for-profit subrecipients are aware of and comply with these additional requirements.
- b. Pre-Award and Post-Delivery Reviews. Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." Additional guidance is available in the manual, "Conducting Pre-Award and Post-Delivery Reviews for Bus Procurement," published May 1, 1995. The regulation requires any recipient or subrecipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and post delivery review to assure compliance with its bid specifications, Buy America requirements, and Federal motor vehicle safety requirements, and to complete specific certifications. Purchase of more than 20 vehicles (more than 10 vehicles, for large urbanized areas), other than unmodified vans or sedans, requires in-plant inspection. In the case of consolidated State procurements on behalf of multiple subrecipients, the in-plant inspection requirement is triggered only if any single subrecipient will receive more than 20 vehicles. Chapter X, part 9 provides more details.
- c. New Model Bus Testing. All new modified bus models must be tested at the FTA-sponsored test facility in Altoona, PA, before FTA funds can be expended for their purchase (49 CFR part 665). This requirement applies to all buses and modified vans procured with FTA funds. It does not apply to unmodified vans, including vans with raised roofs or lifts installed in strict conformance with the original equipment manufacturer modification guidelines. A "new bus model" is defined as a model that has not been used in public transportation service in the United States before October 1, 1988, or a model that has been used in such service but which, after September 30, 1988, is being produced with a major change in configuration or components. A "major change in configuration" is defined as a change which may have a significant impact on vehicle handling and stability or structural integrity. A "major change in components" is defined as a change in one or more of the vehicle's major components such as the engine, transmission, suspension, axle, or steering.

Purchasers of new model buses should ensure that the manufacturer has complied with the testing requirement by requesting a copy of the bus testing report from the Altoona Bus Research and Testing Center, 2237 Old Route 220 North, Duncansville, PA 16635. The center's telephone number is 814–695–3404. Bus testing reports may also be downloaded from the Bus Testing Database at **www.altoonabustest.com**. This website also offers users the ability to search, filter, display, and export selected data from

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tested buses. Before expending any FTA funds for a new model bus, the purchaser must certify that it has obtained a copy of the official bus testing report. Information in the reports may be useful to operators throughout the vehicle procurement process, particularly when writing specifications.

d. Other Procurement Requirements.

- (1) <u>Buy America</u>. Section 5323(j) provides that, with exceptions, Federal funds may not be obligated for public transportation projects unless steel, iron, and manufactured products used in such projects are produced in the United States. Section 5311 recipients and subrecipients must conform with FTA regulations, 49 CFR part 661, and any amendments thereto. Buy America requirements apply to all purchases, including materials or supplies funded as operating costs, if the purchase exceeds the threshold for small purchases (currently \$100,000).
 - SAFETEA-LU continued the provision which allows a manufacturer or supplier to correct an incomplete certification or a certification of noncompliance after bid opening under certain circumstances if submission of the incorrect certification was the result of an inadvertent or clerical error. In addition, Section 3023(i) of SAFETEA-LU added a provision to 49 U.S.C. 5323 that allows a party adversely affected by an FTA action the right to seek review (49 U.S.C. 5323(j)(9)).
- (2) <u>Debarment and Suspension</u>. The purpose of the so-called "integrity" regulations is to ensure that Section 5311 funds are not given to anyone who has been debarred, suspended, ineligible, or voluntarily excluded from participation in Federally-assisted transactions. The U.S. General Services Administration (GSA) issues a document titled, "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" monthly. DOT has issued implementing Debarment and Suspension regulations at 49 CFR part 29. Chapter X, part 17 provides more details.

6. FINANCIAL MANAGEMENT.

- a. <u>State Financial Management Systems</u>. The common grant rule requires a State to expend and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its subrecipients and cost-type contractors must be sufficient to:
 - (1) Permit preparation of reports described in this circular and reports necessary to comply with other program and statutory requirements; and
 - (2) Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to the program.

Private non-profit subrecipients must comply with the standards for financial management systems provided in 49 CFR part 19. If States purchase vehicles and equipment for subrecipients and subrecipients receive no cash, this requirement does not apply to the subrecipients.

- b. <u>FTA Payment Procedures</u>. FTA makes all payments by electronic funds transfer, regardless of the dollar amount involved. Payments are made under the Electronic Clearing House Operation Web (ECHO-Web) system, by means of a control number assigned to the State. The State agrees to comply with the ECHO-Web requirements contained in the Treasury Regulations, 31 CFR part 205, "Rules and Procedures for Funds Transfers," and as established by the "Guidelines for Disbursements" set forth in FTA's ECHO-Web system operations manual. Detailed information about ECHO-Web can be found in Appendix A. In general:
 - (1) The State may initiate cash drawdowns only when actually needed for immediate disbursements for project purposes. The State must disburse the funds drawn down according to their Treasury-State Agreement or Subpart B of 31 CFR part 205, "Rules and Procedures for Efficient Federal-State Transfers." The State's access to the ECHO-Web system may be revoked or suspended, or other remedies may be invoked, if the State fails to expend the Federal funds within a reasonable period, to return the funds to FTA within a reasonable period, or is unwilling or unable to establish procedures that will minimize the time elapsing between cash advances and the disbursement.
 - (2) Costs incurred and available balances are reported annually on an accrual basis, on the Financial Status Report in FTA's Transportation Electronic Award Management (TEAM) System.
 - (3) The State agrees to provide for control and accountability for all project funds consistent with Federal requirements and procedures for use of the ECHO-Web system.
 - (4) The State may not draw down funds for a project in an amount that would exceed the sum obligated by FTA or the current available balance for that project.
 - (5) The State shall limit drawdowns to eligible project costs and ensure that subrecipients also follow applicable financial requirements.
- c. <u>State Financial Records</u>. FTA does not maintain detailed financial records on individual projects within a program of projects. Financial records, supporting documentation, and all other records pertinent to a grant must be retained by the designated State agency (and its subrecipients) and must be made readily available to authorized representatives of the U.S. DOT and the Comptroller General of the United States for a period of three years from the date the State electronically submits the final Financial Status Report (SF–269A). If any litigation, claim or audit is started before the

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expiration of the three-year period, the records must be retained beyond three years, until all litigation, claims, or audit findings involving the records have been resolved.

The State's financial records should adequately document the computation of the Federal share and the provision of the required local share for each kind of project. The eligibility of any Americans with Disabilities Act of 1990 (ADA), Clean Air Act (CAA), or bicycle projects for which the increased Federal share is claimed should be adequately documented.

- 7. <u>ALLOWABLE COSTS</u>. Office of Management and Budget (OMB) Circular A–87 provides the Federal guidelines for allowable costs for recipients that are governmental authorities. OMB Circular A–122 provides comparable guidance for non-profit organizations. Expenses such as indirect costs or payments to a self-insurance fund must be documented appropriately. The restrictions on advertising and public relations in A–87, Attachment B, and Section 2 permit advertising and public relations for "specific purposes necessary to meet the requirements of the Federal award." Similar provisions are also contained in A–122, Attachment B, and Section 1. Transit marketing and promotion are allowable project costs under these provisions, since transit ridership is the ultimate purpose of the Federal grant.
- 8. <u>CLOSEOUT</u>. States should initiate project closeout with subrecipients within 90 days after all funds are expended and all work activities for the project are completed. The States should similarly initiate program of project closeout with FTA within 90 days after all work activities for the program of projects are completed. A final Financial Status Report (SF 269A), final budget and final program of projects are required to be submitted electronically via the TEAM system at the time of closeout.
 - FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the State should request that the funds be deobligated and the project closed out. If the deobligated funds are still within their period of availability, FTA can reobligate the funds in a new grant to the State along with other currently available funds. Otherwise, the deobligated funds lapse and are reapportioned by FTA among all the States in a subsequent year.
- 9. <u>AUDIT</u>. State agencies are responsible for ensuring that audits are performed consistent with the requirements of OMB Circular A–133, "Audits of State, Local Governments, and Non-Profit Organizations"; resolving audit findings, and bringing problems to FTA's attention. OMB has issued an audit compliance supplement for Section 5311 grants. FTA has not required an annual financial audit of a subrecipient when assistance is provided solely in the form of capital equipment procured directly by the State. Even if the amount of FTA funds the State passes to a particular subrecipient does not trigger the requirement for an A–133 audit, the State may wish to review A–133 audit reports prepared for subrecipients that are required to be audited because the total Federal funds from all sources exceed the threshold (currently \$500,000). At a minimum States should require

subrecipients to bring to the attention of the State any audit findings relevant to their use of FTA funds.

- 10. <u>REAL PROPERTY</u>. Real property acquisition standards are included in the most current FTA Circular 5010, "Grant Management Guidelines" and in Chapter X, "Other Provisions." Subrecipients may use the State's staff appraisers to prepare required independent appraisals.
- 11. <u>CONSTRUCTION MANAGEMENT AND OVERSIGHT</u>. The responsibility for construction management and oversight lies with the State. FTA does not approve design plans for construction projects by subrecipients.

12. REPORTING REQUIREMENTS.

- a. Annual Program of Projects Status Reports. By October 31 each year, the State should submit to FTA a program status report for each active grant, covering the 12-month period ending September 30. Status reports are intended to meet minimal program information needs at the regional and national levels. Reports should include an updated program of projects for each approved grant that contains active projects. The updated program of projects should reflect revised project descriptions, changes in projects from one category to another, and adjustments within budget categories. The updated program of projects can be attached in the electronic status report. If revisions to the program of projects result in changes to the line item budget for the grant, these changes should be submitted as budget revisions. Significant civil rights compliance issues occurring during the year (such as Title VI, Equal Employment Opportunity (EEO), or Disadvantaged Business Enterprise (DBE) complaints against the State or subrecipients) should be addressed in the annual status report. In addition, the State may report notable accomplishments or problems involving Section 5311 subrecipients.
- b. <u>Milestone Activity Reports</u>. For activity line items (ALIs) for which milestones were required at the time of grant application (for example, for vehicle procurements, construction projects, and program reserve), the recipient should enter revised milestone dates as part of the annual report. If the estimated completion date for the grant has changed, the revised date should be entered, with an explanation as to why the date was changed.
- c. <u>Financial Status Report</u>. The State must submit electronically an annual Financial Status Report for each active grant, for the period ended September 30. For the purpose of this report, funds are considered encumbered when agreements are signed with subrecipients. States should prepare the reports using the accrual method of accounting.
- d. <u>Disadvantaged Business Enterprise (DBE) Reports</u>. If the State receives planning, capital, and/or operating assistance and awards prime contracts exceeding \$250,000 in FTA funds in a fiscal year, DOT regulations require the State have a DBE program. All subrecipients that receive planning, capital, and/or operating assistance and awards

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prime contracts exceeding \$250,000 in FTA funds in a fiscal year must also have a DBE program. FTA recipients that meet the above thresholds above must submit a DBE program goal to FTA for review by the first of August each year. FTA has provided detailed requirements in Chapter X.

- e. NTD Reports. The National Transit Database (NTD) is FTA's primary national database for statistics on the transit industry. Recipients and beneficiaries of FTA's Nonurbanized Area Formula Program (49 U.S.C. 5311) grants are required by 49 U.S.C. 5335(a) and (b) to submit data to the NTD as a condition of the award. Specific reporting requirements are included in the NTD reporting instructions manual issued each year. Visit the NTD website at www.ntdprogram.gov for the most recent rural reporting manual. Section 5311(b)(4) specifies that each Section 5311 recipient shall submit an annual report containing information on capital investment, operations, and service provided under Section 5311. Items to be reported include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership. The State agency administering FTA's Formula Program for Non-Urbanized Areas (Section 5311) is responsible for ensuring that data is collected and compiled for the data collection and compilation from each Section 5311 subrecipient and transportation provider in the State that benefits from the grant.
- 13. STATE MANAGEMENT PLAN. The State Management Plan (SMP) is a document that describes the State's policies and procedures in administering the Section 5311 program. The SMP required for the Section 5310, 5316, and 5317 programs may be included in the same document. All States are required to have an approved SMP on file in FTA's regional office. Additions or amendments to the SMP must be made and submitted to FTA whenever a State significantly changes its management of the program, or when new program management requirements are imposed by FTA. Changes may be required as the result of a State management review by FTA. FTA has provided detailed requirements in Chapter VII, State Management Plan.
- 14. FTA MANAGEMENT REVIEW. FTA's administration of Section 5311 results in relatively little Federal involvement in the day-to-day program activities or in the review of individual applications from subrecipients. To ensure that the program objectives are being carried out, the FTA regional office, with contractor assistance, conducts periodic State management reviews every three years or as circumstances warrant. The review includes an inspection of documentation on file at the regional office, a visit to the State offices to examine the procedures the State uses in administering the program, and local subrecipient site visits. Local site visits to the State's subrecipients are selected at random and are meant to evaluate the State's effectiveness in meeting Federal requirements and its own SMP (discussed in Chapter 7). The review assesses the accuracy and adequacy of the SMP, and may result in recommendations for changes to the SMP. A draft report with preliminary findings is presented at an exit conference. The State has an opportunity to comment on the report and to take corrective actions before a final report is issued. The regional office follows up on corrective actions required in the final report.

FTA periodically conducts State management review seminars to help States understand the Federal requirements being reviewed and to provide technical assistance. Contact the regional office for a current schedule of seminars.

FTA also conducts more specific compliance reviews of recipients and subrecipients in particular areas, for example financial management, procurement, drug and alcohol testing compliance, and the various aspects of civil rights compliance, usually in response to a risk assessment or other indication of a possible problem. FTA coordinates reviews of subrecipients with the State.

CHAPTER VII

STATE MANAGEMENT PLAN

- 1. GENERAL. The State Management Plan (SMP) is a document that describes the State's policies and procedures for administering the State-managed portions of FTA's Section 5310, 5311, 5316, and 5317 programs. Each State is required to have an approved SMP on file with the appropriate FTA regional office and to update it regularly to incorporate any changes in program management or new requirements. The State shall provide an opportunity for review by stakeholders when it develops a new plan or significantly revises an existing plan. The State may include the required SMP for Section 5310, 5311, 5316, and 5317 programs in a single document or separate documents. Certain contents of the SMP, such as the project selection criteria, should be coordinated with the statewide transportation plan. All public documents developed under a grant from FTA must be prepared and submitted in electronic format.
- 2. <u>PURPOSE</u>. The SMP is intended to facilitate both State management and FTA oversight by documenting the State's procedures and policies for administering the Section 5311 program in a single reference. The SMP should be a document which is useful to the State and subrecipients, as well as to FTA. At a minimum, this document must include the State's objectives, policies, procedures, and administrative requirements, in a form readily accessible to potential subrecipients, State staff, FTA, and the public. The SMP's primary purposes are to serve as the basis for FTA State level management reviews of the program, and to provide public information on the State's administration of the Section 5311 program. It may also be used internally by the State as a program guide for local project applicants. If the State has other relevant documentation that provides the same information requested for the SMP, such as an annual application instructions manual, it may be included by reference, as an attachment.
- 3. <u>STATE MANAGEMENT REVIEWS</u>. FTA conducts State management reviews to examine each State's management procedures, and the relationship of the procedures to the SMP. When a State management review is scheduled, FTA and its contractors examine the SMP on file as part of a desk review at the regional office to determine whether the procedures in the SMP satisfy current requirements. At the site visit, the reviewers document whether or not the State is following its own stated procedures. Review findings relating to the SMP might include recommendations that the State revises the SMP to reflect its actual procedures, or that it change its procedures and document them in revisions to the SMP.
- 4. <u>STATE MANAGEMENT PLAN CONTENT</u>. While FTA does not prescribe a format for the SMP, the plan should address the following topics and provide the information as requested for each topic below.
 - a. <u>Program Goals and Objectives</u>. Describe the philosophy and policy underlying the State's management of the Section 5311 program. Include a description of any process

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that exists for establishing long-term goals for providing nonurbanized public transportation in nonurbanized areas of the State, including the State's process for long range planning and consultation with rural elected officials.

- b. <u>Roles and Responsibilities</u>. Specify the agency designated by the Governor to administer the Section 5311 program. Explain the respective roles and responsibilities of the State agency and its subdivisions, other State agencies or review boards, local governments, private providers, local applicants, and other involved parties. Include a brief discussion of the statewide long range transportation planning process.
- c. <u>Coordination</u>. Describe how the State coordinates with other agencies at the State level, and encourages and enhances coordination at the project level. This could include a description of any State level coordinating mechanisms, legislation, review boards, and State policies that encourage or mandate coordination at the local level.
- d. <u>Eligible Subrecipients</u>. Describe which entities may apply to the State for funds as subrecipients and what kinds of projects the State may conduct itself as primary recipient. Identify any way in which State eligibility is more restrictive than Federal eligibility. Describe methods for participation by other entities, including private forprofit providers such as taxicab companies or intercity bus operators.
- e. <u>Eligible Services and Services Areas</u>. Describe eligible services and service areas, including any limitation the State imposes in addition to Federal rules. (It should be noted that the definition of transit service area is a State and local decision.) Include here any State policies and procedures related to the provision of service to destinations outside the State.
- f. <u>Eligible Assistance Categories</u>. Describe eligible assistance categories, particularly when more explicit or more restrictive than Federal categories. Include any restrictions on eligible expenses and the State's policy on allocation of costs between administrative and operating categories, and eligible capital costs.
- g. <u>Local Share and Local Funding Requirements</u>. Describe the State's policies on provision of local share. Include any State programs which provide matching funds for Section 5311.
- h. Project Selection Criteria and Method of Distributing Funds. Describe the State's criteria for selecting projects and distributing funds fairly and equitably among various applicants for funding, including tribal governments and other entities serving Native American populations. Whether the State uses a formula for allocation, imposes its own limitations on use of the funds (e.g., capital only), or uses an entirely discretionary selection process, the plan should explain the policy rationale and the methods used. This description should cover the State's procedures for assuring equity of distribution of benefits among groups within the State, as required by Title VI of the Civil Rights Act. Describe the State's procedures for coordinating with the metropolitan planning

- organization (MPO) responsible for project selection in any designated transportation management area within the State.
- i. <u>Intercity Bus Transportation</u>. Describe the State's procedures for implementing Section 5311(f), which requires the State to expend no less than 15 percent of its annual Section 5311 apportionment for the support of intercity bus transportation, unless the Governor certifies that the State's intercity bus service needs are adequately met. Describe the State's process for consultation with private intercity bus operators, and any other public participation process in connection with a certification that needs are adequately met. Describe the State's process for assessing intercity bus mobility needs in the State.
- j. <u>Annual Program of Projects Development and Approval Process</u>. Describe the State's process and timetable for soliciting, reviewing, and approving applications for local projects to be included in the State's annual program of projects for Section 5311. The SMP may include instructions to potential subrecipients on how to prepare local project applications.
- k. <u>Funds Transfers</u>. Describe any policy the State has for transferring Section 5307 and/or 5311 apportionments between urbanized and nonurbanized areas, or for transferring Section 5310, 5316, or 5317 rural projects to Section 5311 recipients for administration.
- State Administration and Technical Assistance. Describe the planning resources and technical and management assistance the State makes available to local areas. Also describe how the State uses Section 5311 within the 15 percent limitation for administration, planning, technical assistance, and research. Distinguish between the use of funds for State administration and the State Rural Transportation Assistance Program (RTAP) allocation, and describe any additional resources used for these purposes.
- m. <u>State RTAP</u>. Describe the State's procedures for administering its State RTAP, including project selection criteria, any local match requirements imposed by the State, goals and objectives, methods for involving operators in program development and implementation.
- n. <u>Private Sector Participation</u>. Describe the State's procedures for providing for maximum feasible participation by private public transportation providers.
- o. <u>Civil Rights</u>. Describe how the State meets Federal civil rights requirements and monitors subrecipients to ensure compliance with the requirements of Title VI, (Equal Employment Opportunity) EEO, and Disadvantaged Business Enterprise (DBE). The SMP must include the program-specific Title VI requirements detailed in Chapter X, "Other Provisions," including the State's efforts to assist minority applicants and to include subrecipients serving significant minority populations. (Inclusion in the SMP may satisfy certain requirements for one-time submissions in the civil rights areas.)

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p. <u>Maintenance</u>. Describe any maintenance plans and procedures required of subrecipients for vehicles and facilities, including maintenance of ADA accessibility features.

- q. <u>Charter Rule</u>. Describe the State's procedures for administering the charter regulation. Include the process used to determine if there are any willing and able private providers of charter service, any review process for subrecipients requesting exceptions from FTA, and any process the State has for reviewing complaints and appeals.
- r. Section 504 and ADA Reporting. Describe the State's method for monitoring subrecipients' compliance with Section 504 and ADA regulations and for processing the plans, reports and certifications submitted to it under the provisions of those regulations.
- s. <u>NTD Reporting</u>. Describe the State's method for collecting and reporting the data elements specified in the annual NTD reporting mandate, as required by 49 U.S.C 5335(b).
- t. <u>State Program Management</u>. Describe how the State administers its program management responsibilities in such areas as procurement, financial management, property management, vehicle use, maintenance and disposition, accounting systems, audit and close-out. In addition, include any State procedures for management or financial reviews and project monitoring or on-site reviews. Describe any standards set by the State for matters such as productivity, cost-effectiveness, or service standards. Detail any State reporting requirements.
- u. Other Provisions. Describe the process by which the State complies with other Federal requirements such as the employee protection provisions of Section 5333(b), environmental protection, Buy America provisions, pre-award and post-delivery reviews, prohibition of exclusive school transportation, and drug and alcohol testing, including the State's procedures for monitoring compliance by subrecipients.
- 5. STATE MANAGEMENT PLAN REVISIONS. All States must have an SMP approved by FTA on file with FTA's regional office. An approved SMP remains valid until FTA approves a later plan submitted by the State, or an FTA State management review results in a specific request to the State by FTA for a revised SMP, or FTA announces significant new program documentation requirements. FTA strongly encourages the State to issue timely revisions to the SMP, particularly when information helpful to minority applicants, subrecipients, and third party contractors is involved. When the State proposes significant revisions to the SMP it should give an opportunity to comment at the minimum to potential subrecipients of assistance, potential service providers, other State agencies and representatives of other funding sources, and any relevant State associations and professional organizations.

If revisions are substantive but not pervasive, the State may submit changes and additions in the form of page changes that can be approved by FTA and incorporated into the SMP on file. If the State changes the SMP significantly, however, it should submit the entire

revised plan to FTA for approval. The State is responsible for ensuring that FTA has a complete copy of the current SMP. The State may submit minor changes and technical corrections to FTA to update the approved plan, without the need for additional FTA approval. The State should reexamine the SMP to make sure it reflects current requirements of this FTA Circular 9040.1F and revise the SMP as necessary.

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CHAPTER VIII

INTERCITY BUS

- 1. PROGRAM SUMMARY. Title 49 U.S.C. 5311(f) requires each State to spend 15 percent of its annual Section 5311 apportionment "to carry out a program to develop and support intercity bus transportation," unless the Governor certifies that "the intercity bus service needs of the State are being met adequately." Title 49 U.S.C. 5311(f) requires a State to consult with intercity bus providers before the Governor's certification. The required percentage applies only to the amount of the Federal Transit Administration's (FTA's) annual apportionment of Section 5311 funds to the State. The required percentage does not apply to any funds the State subsequently transfers to its nonurbanized area formula program from another program.
- 2. NATIONAL OBJECTIVES. In many States, intercity bus service is a vital link between otherwise isolated rural communities and the rest of the nation. In the 1980's and more recently, major intercity bus carriers abandoned many less productive routes. Patronage generated in rural areas, however, appears to be important to the continuing viability of the remaining intercity routes. One objective of the funding for intercity bus service under Section 5311, therefore, is to support the connection between nonurbanized areas and the larger regional or national system of intercity bus service. Another objective is to support services to meet the intercity travel needs of residents in nonurbanized areas. A third objective is to support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities. FTA encourages States to use the funding under 49 U.S.C. 5311(f) to support these national objectives, as well as priorities determined by the State.
- 3. <u>GOVERNOR'S CERTIFICATION</u>. A State is required to expend at least 15 percent of its apportionment for an intercity bus program, unless "the chief executive officer of the State certifies to the Secretary of Transportation, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being met adequately."

The statutory provision for certification by the chief executive officer implies a statewide assessment of intercity bus service currently available and of any existing needs. The legislative history indicates that the assessment of intercity bus needs may be made "relative to other rural needs in the State." A State certifying that its needs are adequately met must demonstrate that it has assessed statewide intercity mobility needs no more than four years before the date of the certification. The State must document in the State Management Plan (SMP) its consultation process and any process that it develops for periodically assessing statewide needs. FTA will evaluate evidence that the State has followed its process in State management reviews, approximately every three years.

A State must certify that the intercity bus service needs of the State are being met adequately for each fiscal year that it does not intend to use 15 percent of its Section 5311

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apportionment for intercity bus service. The State may include more than one year in a single signed certification. If the State determines that expenditure of some amount of funds less than the full 15 percent will result in needs being adequately met, it may submit a "partial" certification for the remainder of the 15 percent and spend only the portion needed to ensure that the intercity bus needs are adequately met.

In some cases, a State may have obligated and assigned funds to intercity bus projects in prior years, or reserved funds for intercity bus projects not yet selected. A State may also have withheld prior year funds from obligation pending a decision on intercity bus needs. In either of those cases, if the funds committed or reserved for intercity bus projects are later determined not to be needed for intercity bus service, the State may submit a retroactive certification within the period of availability of the funds. This action will permit the use of the prior year funds for other nonurbanized transit projects, subject to the notification and approval conditions described in Chapter IV and consultation with intercity bus providers before certification.

The chief executive officer of the State or his or her duly-authorized designee must sign a certification letter addressed to the Federal Transit Administrator, with a copy to the regional office. The letter should include sufficient information regarding the consultation process and needs assessments for FTA to make an initial determination that the certification is supported by the results of the process. In addition, in its oversight activities, FTA will examine the basis for a Governor's certification. The assurance the State makes, as part of the annual certifications and assurances that it will meet the requirements of Section 5311(f), does not substitute for a certification by the Governor that the needs are adequately met. Appendix E provides a sample certification letter.

4. CONSULTATION PROCESS REQUIREMENTS.

- a. "Consultation" is defined in the joint Federal Highway Administration (FHWA)/FTA Planning Regulations, 23 CFR part 450 as "one party confers with another identified party in accordance with an established process and, before taking action(s), considers that party's views and periodically informs that party about action(s) taken." For the purposes of this provision, FTA has adopted this definition of consultation.
- b. The State's intercity consultation process must include the following elements:
 - (1) identification of intercity bus providers in the State;
 - (2) activities the State will perform as part of consultation with identified providers and the intercity bus industry;
 - (3) an opportunity for intercity bus providers to submit proposals for funding as part of the State's distribution of its annual apportionment; and
 - (4) a direct correlation between the results of the consultation process and a determination that the State's intercity service needs are adequately being met.

- c. In developing the consultative process elements mentioned above, FTA suggests consideration of the following ideas, many of which are drawn from Transportation Cooperative Research Program (TCRP) Report 79, "Effective Approaches to Meeting Rural Intercity Bus Transportation Needs":
 - (1) <u>Identifying Private Intercity Carriers</u>. Intercity carriers serving a State can be identified from several sources, including:
 - (a) Russell's Official National Motor Coach Guide;
 - (b) Websites of private intercity bus operators;
 - (c) Bus Industry Directories;
 - (d) State regulatory agency listings; and
 - (e) Trade associations, such as the American Bus Association and the United Motorcoach Association.

(2) Activities of Consultation.

- (a) Inform intercity bus carriers of the State's rural planning process and encourage their participation in that process, and where a State is considering possible certification, provide an opportunity to submit comments and/or request a public meeting to identify unmet needs and discuss proposals for meeting those needs.
- (b) Include intercity providers' participation in scheduled meetings, such as State agency transit meetings and public transit conferences.
- (c) Meet with individual intercity providers periodically.
- (d) Notify providers either through direct mail or advertise in various locations around the State of availability of funds for the current year's intercity bus program.
- (e) Inform intercity bus providers about the development of the locally developed, coordinated public transit-human services transportation plans and encourage their participation.
- (f) Solicit comments through direct mail and advertise in newspapers in various locations around the State of the State's intent to certify unless needs are identified.

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- (3) Available Resources for Assessment and Analysis of Intercity Bus Needs.
 - (a) It is appropriate and conducive for the State to work in partnership with the American Bus Association, and/or carriers individually, in periodic assessment of needs including meaningful connections to the national intercity bus network.
 - (b) Include an assessment of intercity bus needs in the development of Coordinated Public Transit-Human Services Transportation Plans.
 - (c) Include intercity bus transportation in statewide long range planning.
 - (d) Use Section 5311 State administration funds, statewide planning apportionments, or State Rural Transportation Assistance Program (RTAP) allocations for periodic statewide assessments of needs.
- 5. STATE ROLE. The State implements Section 5311(f) as part of its management of the Section 5311 program. FTA encourages the State to look at the intercity bus transportation needs of the entire State and to work with neighboring States in order to adopt a program that will support a network of intrastate services and provide connections with a national network of interstate service. The State will provide available information to FTA or its contractors upon request to support a national evaluation of the implementation of Section 5311(f).
- 6. <u>ELIGIBLE RECIPIENTS</u>. The definition of a subrecipient in Section 5311(a)(2) includes an operator of intercity bus service that receives Federal transit program grant funds through a State or Indian tribe that is a direct recipient. In some instances, certain intercity bus providers may be unwilling or unable to accept the terms and conditions the State applies to subrecipients and may prefer to maintain a contractual relationship, in order to isolate the remainder of their operations from Federal requirements related to a grant. The State may use either mechanism to provide assistance to private operators for intercity bus service. In either case, the State should use a merit-based selection process to ensure that the private operator is qualified, will provide eligible service, can comply with Federal and State requirements, and is the best, or only, provider available to offer service at a fair and reasonable cost.
- 7. ELIGIBLE SERVICES AND SERVICE AREAS. For the purpose of this provision, FTA defines intercity bus service as regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available. (Urban area is defined very broadly in 49 U.S.C. 5302(a)(16) as "an area that includes a municipality or other built-up place that ... is appropriate for a local public transportation system to serve individuals in the locality.") Schedule information for intercity service is typically maintained in the Official Bus Guide (Russell's Guide). Connection to the national network of intercity bus service is an

important goal of Section 5311(f) and services funded must make meaningful connections wherever feasible. Intercity bus projects may include package express service, if it is incidental to passenger transportation. The definition of intercity bus does not include commuter service (service designed primarily to provide daily work trips within the local commuting area). Intercity service is not limited by the size of the vehicle used or by the identity of the carrier. Intercity bus does not include air, water, and rail service. While much of the public transportation service assisted under Section 5311 covers large distances because of the nature of the areas served, not all long distance trips are included in the definition of intercity service. For example, service, which provides extensive circulation within a region (in contrast to regular but infrequent service from limited points in the community of origin to limited points in the destination community), is not considered intercity service, although it may be an eligible public transportation service. Similarly, service that only incidentally stops at an intercity bus facility among other destinations within the city at either end of a route that covers a long distance, without regard to scheduled connections, is eligible for Section 5311 assistance as public transportation, but is not an intercity feeder service. Likewise, commuter service is excluded because it is considered a local public transportation service, eligible for assistance under Section 5311 but not counting toward the required percentage for Section 5311(f).

8. <u>ELIGIBLE ASSISTANCE</u>. Assistance under Section 5311(f) must support intercity bus service in rural areas. Section 5311(f) specifies eligible intercity bus activities to include "planning and marketing for intercity bus transportation, capital grants for intercity bus shelters, joint-use stops and depots, operating grants through purchase-of-service agreements, user-side subsidies and demonstration projects, and coordination of rural connections between small public transportation operations and intercity bus carriers." This listing does not preclude other capital and operating projects for the support of rural intercity bus service. For example, the State may provide operating assistance to a public or private non-profit organization for the direct operation of intercity service after appropriate consideration of participation by private for-profit service providers. Capital assistance may be provided to purchase vehicles or vehicle related equipment such as wheelchair lifts for use in intercity service. Charter and tour services are not eligible for FTA assistance. See 49 CFR part 604.

FTA encourages the participation of private public transportation companies to the maximum extent feasible in this and other FTA programs. Among the various types of projects in which private intercity bus operators may wish to participate are improvements to existing intercity terminal facilities for rural passengers, modifications to transit facilities to facilitate shared use by intercity bus and rural transit operators, operating assistance to support specific intercity route segments, and applications of Intelligent Transportation Systems (ITS) technology for coordinated information and scheduling.

Section 3004 of SAFETEA-LU expanded the definition of a capital project to include the "construction, renovation, and improvement of intercity bus and intercity rail stations and terminals." Further, SAFETEA-LU excepted intercity bus stations and terminals from the

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prohibition against "commercial revenue-producing facilities." The result of these changes is that FTA funds can now be used for all aspects of intercity bus and rail facilities in facilities (such as intermodal terminals) which meet the criteria in Section 5302(a)(1)(G) for joint development projects. Final guidance for joint development projects was published in the *Federal Register* on February 7, 2007. (72 FR 5788).

- 9. FEEDER SERVICE. The "coordination of rural connections between small transit operations and intercity bus carriers" may include the provision of service that acts as a feeder to intercity bus service, and which makes meaningful connections with scheduled intercity bus service to more distant points. The feeder service is not required to have the same characteristics as the intercity service with which it connects, as defined in paragraph 7, above. For example, feeder service may be demand-responsive, while intercity service is by definition fixed route. Examples of eligible costs include marketing and extended hours of service in order to connect with scheduled intercity service. Where feasible, intercity bus feeder service may also provide access to intercity connections with rail or air service. Rural transit providers operating feeder service with destinations across State lines are required to comply with the Federal Motor Carrier Safety Administration (FMCSA) regulations. Intrastate feeder service may also trigger compliance with FMCSA regulations if inter-lining is involved (issuing a single ticket for the feeder service and the trip provided by an interstate carrier) Section 5311(f) funds may be used for expenses incurred by a public transit operator as a result of FMCSA requirements triggered by the provision of feeder services.
- 10. ADA REGULATIONS. Under Department of Transportation (DOT) Americans with Disabilities Act of 1990 (ADA) regulations, public fixed route operators are required to provide ADA complementary paratransit service to individuals who can not use the fixed route due to their disability. Commuter bus service is exempted from this requirement. As defined at 49 CFR 37.3, commuter bus service is "characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation." Similarly, intercity bus service may resemble commuter bus service in that there is no attempt to comprehensively cover a service area, it has a limited route structure, limited origins and destinations, and limited purposes of travel, and therefore, the obligation to provide ADA complementary paratransit may not apply. However, other relevant requirements of 49 CFR parts 27, 37, and 38 apply to intercity bus service.

Section 5311 recipients that provide financial support for intercity bus in the form of vouchers or operating subsidies, are addressed by 49 CFR 37.37(a), which states that a private entity does not become subject to requirements applicable to a public entity simply "because it receives an operating subsidy from, is regulated by, or is granted a franchise or permit to operate by a public entity." However, when a public entity enters into a contract or other arrangement or relationship (including grants or subgrants) with a private entity to

operate fixed route or demand-responsive service, the public entity shall ensure that the ADA obligations are met, including any ADA complementary paratransit requirements. 49 CFR 37.23. The nature of the arrangement between the public entity and the private intercity operator would determine whether 49 CFR 37.37 or 49 CFR 37.23 applies.

- 11. FEDERAL SHARE. The Federal share for intercity projects is the same as for the Section 5311 program as a whole: 50 percent of the net cost for operations and 80 percent of the net cost for capital projects and project administration. State administration, planning, and technical assistance in support of intercity bus transportation are eligible at 100 percent Federal share if applied against the cap on State administration expenses. The amount of Section 5311 funds used for planning for intercity bus transportation is not limited by the 15 percent cap on State administration. However, the Federal share of any planning assistance for intercity bus not included in the 15 percent allowed for State administration is limited to 80 percent of the planning costs. The sliding scale match described in Chapter III, part 3 is applicable.
- 12. <u>CAPITAL PROJECTS IN URBANIZED AREAS</u>. Use of Section 5311(f) funds for capital projects in urbanized areas is limited to those aspects of the project that can be identified as directly benefiting and supporting service to and from nonurbanized areas. These projects are to be included in both the metropolitan Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP) and follow the appropriate project selection requirements contained in the joint planning rule. (See 23 CFR part 450 and 49 CFR part 613.)
- 13. <u>OBLIGATION OF FUNDS</u>. In the absence of a certification from the Governor that intercity needs are adequately met, 15 percent of the State's annual apportionment must be obligated for intercity bus transportation within the period of availability (three years).
 - a. Program of Projects. All projects in support of intercity bus service should be clearly identified and grouped together in the program of projects. Funds may be listed for specific projects in Category A or B, or reserved for intercity use in Category C. (Note, however, that funds in Category C must be advanced to those projects identified within the period of availability.) Alternately, the percentage required to be expended for intercity bus transportation may be withheld and not obligated in a given year, if it is to be obligated at a later date along with funds from subsequent years' apportionments. The State should note its intention to withhold funds for later obligation in the State's application to FTA.
 - b. <u>Budget</u>. In the project budget, the State should separately group the projects that are dedicated to the support of intercity service under the scope code 634, "Intercity Bus Transportation." The budget may include any activity code under scope code 634 to describe the intercity projects (for example, capital, operating, and planning projects, or program reserve for intercity bus projects not yet identified).

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c. <u>Labor Protections</u>. All Section 5311 operational projects, including intercity bus projects, require agreement to the terms and conditions of the standard Section 5333(b) special warranty for the Section 5311 program.

- d. <u>Enforcement of Compliance</u>. If the State does not ultimately expend the funds for intercity service, the funds will lapse to the State. If a State chronically fails to comply with the requirement to fund projects for intercity bus needs within the period of availability, FTA may impose other sanctions. Within the parameters described in this chapter, FTA will rely on the State's determination of which projects support intercity bus transportation.
- 14. OVER-THE-ROAD BUS ACCESSIBILITY INCENTIVE PROGRAM. Section 3039 of SAFETEA–LU continues a program enacted in Transportation Equity Act for the 21st Century (TEA–21), Section 3038, to assist operators of over-the-road buses comply with the capital and training requirements of the DOT rule on ADA accessibility for over-the-road buses. This funding is separate from Section 5311 funding and FTA administers the program through a national solicitation for applications from operators of over-the-road buses. The Federal share is 90 percent. The grants are subject to the terms and conditions applicable to recipients of Section 5311(f). Assistance continues to be available to operators of over-the-road buses used substantially or exclusively in intercity, fixed route over-the-road bus service. Assistance is also available to operators of over-the-road buses in other service, including local commuter, charter and tour service. This program may supplement and/or complement assistance the States provide to intercity bus operators through Section 5311(f).
- 15. <u>SURFACE TRANSPORTATION PROGRAM ELIGIBILITY</u>. Section 1113 of SAFETEA–LU continues the existing eligibility policy under the Surface Transportation Program (STP) to include "vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus." The State may transfer these funds to Section 5307 or 5311 to supplement assistance provided under 5311(f).

CHAPTER IX

RURAL TRANSPORTATION ASSISTANCE PROGRAM

1. PROGRAM SUMMARY. Title 49 U.S.C. 5311(b)(3) authorizes the Secretary "to make grants and contracts for transportation research, technical assistance, training and related support services in other than urbanized areas." The Rural Transportation Assistance Program (RTAP) provides a source of funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet the specific needs of transit operators in nonurbanized areas. No more than 2 percent of the funds appropriated for Section 5311 each year are available for RTAP. Of that amount no more than 15 percent is available for projects of a national scope, with the balance apportioned to the States. The State program provides an annual allocation to each State to develop and implement training and technical assistance programs in conjunction with the State's administration of the Section 5311 formula assistance program. The national program provides for the development of information and materials for use by local operators and State administering agencies and supports research and technical assistance projects of national interest.

2. <u>PROGRAM OBJECTIVES</u>. The objectives of RTAP are:

- a. to promote the safe and effective delivery of public transportation in nonurbanized areas and to make more efficient use of public and private resources;
- b. to foster the development of State and local capacity for addressing the training and technical assistance needs of the rural transportation community;
- c. to improve the quality of information and technical assistance available through the development of training and technical assistance resource materials;
- d. to facilitate peer-to-peer self help through the development of local networks of transit professionals;
- e. to support the coordination of public, private, specialized, and human service transportation services; and,
- f. to build a national database on the nonurbanized segment of the public transportation industry.

3. FUNDING AND ALLOCATIONS.

a. <u>Authorization</u>. The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) authorizes RTAP at 49 U.S.C. 5311(b)(3)(B) with no more than 2 percent of the amount authorized for Section 5311.

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b. <u>Allocation</u>. FTA allocates RTAP funds to the States by an administrative formula that consists of a \$65,000 floor for each State, including Puerto Rico, and a \$10,000 floor for the insular areas of Guam, American Samoa, and Northern Marianas. FTA allocates the balance based on nonurbanized population in the 2000 Census.

- c. <u>Funds Availability</u>. State RTAP funds have the same period of availability as the Section 5311 formula funds, the fiscal year in which they are allocated plus two additional fiscal years. If the State does not obligate its allocation during this period, FTA reallocates the funds among all the States the following fiscal year.
- d. <u>Federal Matching Requirements</u>. There is no Federal requirement for a local match for RTAP funds.

4. STATE PROGRAM DEVELOPMENT AND DELIVERY.

- a. <u>Eligible Assistance Categories</u>. States may use RTAP funds to support nonurbanized transit activities in four categories: training, technical assistance, research, and related support services. The purchase of equipment to support one of the four eligible activities is an eligible expense.
- b. Program Development. The State should develop State RTAP activities through a process that provides maximum opportunity for the participation of rural transit operators, both public and private, in identifying and establishing priority areas of need for transportation research, technical assistance, training, and related support services in other than urbanized areas. Establishment of a State RTAP advisory committee is one effective way to enable nonurbanized transit operators within the State to provide ongoing review and comment on the State's program development and delivery. The costs associated with implementing a State RTAP advisory committee are eligible RTAP expenses.
- c. <u>Program Delivery</u>. States have broad discretion in deciding how best to provide assistance and implement projects under the State RTAP program. Delivery mechanisms include:
 - (1) assistance by in-house State staff;
 - (2) contracts with private consultants, universities, non-profit organizations, State transit associations or other organizations of operators;
 - (3) contracts for administration of the State RTAP program or particular elements of it by the State's Local Technical Assistance Program (LTAP) center (a Federal Highway Administration (FHWA) sponsored resource with a demonstrated capacity for delivering training and technical assistance on highway topics that may represent a valuable in-state resource for transit as well);
 - (4) support of peer-to-peer networks of individuals to provide assistance to each other;

- (5) interagency agreements with other State agencies, both within the State and in other States; and
- (6) scholarships or tuition and expenses for people to attend training courses or workshops.
- d. <u>State Administrative Expenses</u>. The State may not use State RTAP funds for State administrative or overhead expenses. However, any State administrative expense incurred in administering the State RTAP program may be covered by the 15 percent of a State's annual Section 5311 formula apportionment available for State administration. The direct cost of using State staff to deliver RTAP services such as training or technical assistance is a program expense, not an administrative expense. Contracts with other organizations to administer and deliver RTAP services may include reasonable administrative and overhead costs.
- e. RTAP Participation by Providers in Urbanized Areas. Providers of specialized transportation in urbanized areas, such as Section 5310 funded agencies, as well as public transit operators in small urbanized areas, have many of the same training and technical assistance needs as transit providers in nonurbanized areas. FTA permits participation by these providers in RTAP sponsored activities, at the State's discretion, so long as the activities are primarily designed and delivered to benefit nonurbanized transit providers. When urbanized area providers are more than incidental beneficiaries of an RTAP supported activity, the State should allocate the costs of the project fairly between RTAP and other sources. RTAP funds should pay only for the proportion of the project costs attributable to the rural beneficiaries.
- f. Participation by Indian tribes. FTA strongly encourages States consider the needs of Indian tribes, including those tribes that are not receiving funding from the State's Section 5311 apportionment, for technical assistance and training related to tribal transit service.
- g. <u>Pooling of State RTAP Funds</u>. FTA encourages States to consider "pooling" or consolidating RTAP funds in order to support activities or projects that would be more effectively carried out on a larger scale than a single State. Two or more States within a region could do such pooling.

Examples of activities that could be funded through pooled State RTAP funds include regional workshops or training courses, development of technical assistance information, and peer-to-peer assistance activities. Contributions to combined efforts such as the Multi-State Technical Assistance Program (MTAP) of the American Association of State Highway and Transportation Officials (AASHTO) are eligible only to the extent that they support RTAP objectives and benefit nonurbanized public transportation. FTA has determined that annual MTAP dues are an eligible State RTAP expense.

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Two methods are available to consolidate funding:

(1) Participating States may obligate funds for the joint project as part of the State RTAP program of projects in its Section 5311 grant and subsequently transfer the funds to the implementing organization through a contract or subagreement; or

(2) Participating States may designate a single State to receive and administer all of the pooled funds.

Each participating donor State then informs its FTA regional office, in writing, of the amount of State RTAP funds to be transferred to the allocation of the State administering the joint project. FTA will adjust the allocations accordingly and the administering State will apply to FTA for the entire funding of the joint project as part of the State RTAP program of projects in its Section 5311 grant application.

- 5. <u>PROGRAM MANAGEMENT</u>. The State administers State RTAP funds in conjunction with its management of the Section 5311 formula assistance program. Application procedures, program administration, and management requirements must correspond to those for Section 5311 as described throughout this circular.
- 6. NATIONAL PROGRAM. The purpose of the National RTAP is to support the State programs and develop information resources about rural public transportation. An 11-member project review board that includes both State administrators and local transit operators, including one Indian tribal representative, guides the development of national program activities and products. FTA directly funds the national program through cooperative agreements and contracts. The national program currently includes the following elements:
 - a. development of training materials and information resources;
 - b. a national resource center, including a toll-free hotline for information and technical assistance (800–527–8279), online information on the Internet (http://www.ctaa.org/ntrc/), and automated Fax-on-demand availability of many printed materials;
 - c. a peer-to-peer technical assistance network;
 - d. regional and national meetings and workshops which support the State RTAPs and promote information exchange about rural public transportation; and
 - e. periodic updates and analysis of the national rural transportation database and publication of directories of subrecipients under FTA formula programs for other than urbanized areas and for elderly people and people with disabilities.
- 7. OTHER TECHNICAL ASSISTANCE RESOURCES. Other national programs and projects also provide valuable technical assistance resources for State and rural transit

providers. FTA-funded technical assistance activities include Project Action, Joblinks, The Center for Senior Transportation, along with other Federal resources are available at http://www.unitedweride.gov. In addition, regional centers such as the FHWA's Tribal Transportation Assistance Program (TTAP) Centers and the Small Urban and Rural Transit Center (SURTC) at North Dakota State University offer additional resources to States and providers in those regions.

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CHAPTER X

OTHER PROVISIONS

1. <u>INTRODUCTION</u>. In addition to the program-specific requirements and guidance provided in this circular, FTA grantees are held to a number of FTA-specific and other Federal requirements. This document attempts to highlight the major requirements and provides citations to the actual statutory or regulatory text. If there is a conflict between the summary information provided in this document and the statute or regulation, the language of the statute or regulation controls. Readers should use this document in conjunction with FTA's "Master Agreement" and the current fiscal year "Certifications and Assurances" that applicants must sign annually (via the Transportation Electronic Award Management [TEAM] System) to establish or renew their funding relationship with FTA. The Master Agreement and the Certifications and Assurances represent the grantees' legal affirmation to abide by FTA and other Federal requirements that are applicable to their grant programs.

Some of the topics covered in the Master Agreement and the Certifications and Assurances are summarized below, as a reminder to grant recipients of their obligations to FTA. More information about individual requirements can be found in the Master Agreement and the Certifications and Assurances on the TEAM website (http://ftateamweb.fta.dot.gov), and in the references provided below. Grantees may contact their Regional Counsel for more detail about these requirements.

- 2. PROJECT INCLUSION IN TIP AND/OR STIP. Before FTA may make grants to recipients, adequate planning must take place. The project proposed must be a product of the metropolitan planning process and/or the statewide planning process specified in 49 CFR part 613 and 23 CFR part 450. That is, all transit projects for which Federal funds are expected to be used and that are within metropolitan planning boundaries must be included in a metropolitan Transportation Improvement Program (TIP) approved by the metropolitan planning organization (MPO) and the Governor and in a Statewide Transportation Improvement Program (STIP) that has been approved by FTA and the Federal Highway Administration (FHWA). Projects not within metropolitan planning boundaries are required only to be in the STIP. The application should identify the latest approved STIP (or amendments) containing the project(s), the appropriate page numbers, and a statement identifying the date that FTA and FHWA approved the STIP (or STIP amendment) that contains the proposed project(s). Projects listed in the TIP and STIP must be derived from and consistent with the State's long range plan.
- 3. <u>PROCUREMENT RESTRICTIONS</u>. An applicant seeking Federal assistance under the Federal Transit Laws as codified at 49 U.S.C. 5301 et seq. to acquire property or services in support of a proposed project is subject to numerous provisions of law pertaining to third-party procurement requirements. SAFETEA-LU re-codified FTA's procurement requirements in 49 U.S.C. 5325. In addition, regulations promulgated

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at 49 CFR part 18 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) establish uniform administrative rules for Federal grants, cooperative agreements, and subawards to State, local, and Indian tribal governments (private, non-profit organizations must comply with similar regulations in 49 CFR part 19). Provisions of the common rule pertaining to procurement requirements for FTA recipients that are governmental authorities are set forth at 49 CFR 18.36. Those requirements, as well as other FTA specific provisions, are also set forth in FTA's Master Agreement FTA MA(13) October 1, 2006, at Section 15, "Procurement," and will be updated annually with issuance of each new Master Agreement. Finally, FTA has published additional guidance on recipient compliance with third-party procurement requirements within the most current FTA Circular 4220 and its "Best Practices Procurement Manual." These regulations and guidance are intended to ensure full and open competition and equitable treatment of all potential sources in the procurement process including planning, solicitation, award, administration, and documentation of all Federally-funded contracts.

Each recipient of FTA assistance to acquire property or services in support of its proposed project shall certify to FTA, in accordance with 49 CFR 18.36 that its procurements and procurement system will comply with all applicable third-party procurement provisions of Federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any applicant that fails to provide this certification may be determined ineligible for award of Federal assistance if FTA determines that its procurement practices and procurement system are incapable of compliance with Federal laws, regulations, and directives governing procurements financed with FTA assistance.

4. PUBLIC HEARING REQUIREMENTS. The public hearing requirement in 49 U.S.C. 5323(b) for capital projects was changed by SAFETEA-LU. The new provision associates more clearly the public involvement and hearing requirements for capital projects with the environmental review required by the National Environmental Policy Act (NEPA) and its implementing regulations. It also broadens the requirement to apply to all capital projects (as defined in Section 5302). Now, the grant applicant must provide an adequate opportunity for public review and comment on a capital project, and, after providing notice, must hold a public hearing on the project if the project affects significant economic, social, or environmental interests. These requirements will be satisfied through compliance with the NEPA requirements for a public scoping process, public review and comment on NEPA documents, and a public hearing on every draft environmental impact statement (EIS). FTA will also require a public hearing on environmental assessments (EAs) that have a high probability of being elevated to EISs ensuring that the applicant has complied with the public hearing requirement to include in the environmental record for the project.

Under 49 U.S.C. 5323(b), any application for a project that will "substantially affect a community, or the public transportation service of a community" shall include a certification to the effect that the applicant has:

- a. Provided an adequate opportunity for public review and comment on the project;
- b. After providing notice, held a public hearing on the project if the project affects significant economic, social, or environmental interests;
- c. Considered the economic, social, and environmental effects of the project; and
- d. Found that the project is consistent with official plans for developing the community.

Section 5323(b)(2) further states, "Notice of hearings under this subsection shall include a concise description of the proposed project; and shall be published in a newspaper of general circulation in the geographic area the project will serve."

Section 5323(b) must be read in concert with Section 5324(b) which states that FTA must review the public comments and hearing transcript to ascertain that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project, and that FTA must make a written finding to this effect.

FTA notes the public hearing requirements of 49 U.S.C. 5323(b) are separate and apart from the requirements for public participation in statewide and metropolitan planning. All capital projects financially supported by FTA are subject to statewide transportation planning requirements and, in metropolitan areas, to metropolitan planning requirements. FTA and FHWA have codified procedures for compliance with the statewide and metropolitan planning statutory mandates — including the mandates for public participation in the development of long-range plans and TIPs — in the two agencies' joint planning regulations. The practical effect of these statewide and metropolitan planning requirements is to provide the opportunity for the public to be informed about and comment on transportation investment decisions, regardless of whether projects will "substantially" affect a particular community and its public transportation service.

5. ENVIRONMENTAL PROTECTIONS. FTA's environmental impact regulation (49 CFR part 622) requires different levels of analysis and documentation for the various types of projects funded through its programs. Most projects and activities funded through the Section 5311 program do not normally involve significant environmental impacts. Such projects are termed "categorical exclusions (CEs)" in FTA's procedures because they are types of projects which have been categorically excluded from the requirement to prepare an environmental document. In the annual certifications and assurances, the State assures FTA that all the projects in the application are CEs under 23 CFR 771.117(c) unless otherwise noted. FTA's regulation classifies categorically excluded actions and projects into two groups.

The first group, described at 23 CFR 771.117(c), contains activities and projects which have very limited or no environmental effects at all, such as planning and technical studies, preliminary design work, program administration, operating assistance, and transit

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vehicle purchases. Because environmental impacts of these activities are either nonexistent or minimal, no environmental documentation is required.

The second group of projects, described at 23 CFR 771.117(d), which normally qualify for a CE, are projects involving more construction and greater potential for off-site impacts. Examples include new construction or expansion of transit terminals, storage and maintenance garages, office facilities, and parking facilities. Experience has shown that these projects can be built and operated without causing significant impacts if they are carefully sited in areas with compatible land use where the primary access routes are adequate to handle the additional transit vehicle traffic. These construction projects may be designated as CEs after FTA approval, but no presumption exists concerning the significance of environmental effects. It is the applicant's responsibility to provide documentation which clearly demonstrates that the stated conditions or criteria are met and that no significant adverse effects will result. Such documentation is usually narrowly focused on one or a limited number of environmental concerns or questionable areas. Depending on the circumstances, some technical analysis may be required, such as a noise impact assessment or a street capacity analysis; but in most cases, the documentation will focus on consistency with local land-use plans, zoning, and any State or local plans or programs governing the protection and management of environmental resources, such as air quality, water quality and noise abatement. The documentation will provide a written record of coordination with those State and local agencies having jurisdiction or a special interest in some aspect of the project. There is no formal public review for these types of environmental studies. FTA reviews this information and determines if a CE is appropriate. In order to include or advance such a project to Category A, the State must have on file a letter from FTA approving the CE.

For any project which is not found to be a CE, the State may be required to prepare an environmental assessment (EA) for public comment and FTA review to determine if a Finding of No Significant Impact (FONSI) is appropriate. A project which requires an EA may not be included in Category A before FTA has issued a FONSI for the project. In the unlikely event that significant environmental impacts are identified for a Section 5311 project, an EIS will be required.

A number of environmentally related statutes, orders, and compliance procedures may apply to a given project even if it is properly classified as a CE. The environmental requirements which may come into play for Section 5311 projects include the following: Clean Air Act (CAA) conformity provisions; protection of public parkland, wetland and waterfowl refuges, and historic sites (49 U.S.C. 303); Section 106 of the National Historic Preservation Act (protection of historic and archaeological resources); and Section 404 of the Clean Water Act (Corp of Engineers' permit requirements for dredge and fill activities in "waters of the United States"). FTA policy is to require compliance with these environmentally-related requirements within the overall environmental process. The EA or environmental documentation to support a CE must address these related requirements. Compliance with these requirements must be completed before a construction project is included in Category A.

For purposes of NEPA, FTA's procedures categorically exclude most Section 5311 projects. States should screen potential projects when they are first identified to make an initial determination as to which projects clearly meet the FHWA/FTA criteria for CEs and which projects may require additional documentation. The latter should be coordinated with the FTA regional office early in project development so that any necessary environmental analysis and review will not delay implementation. Any project involving new construction of a facility or substantial rehabilitation of an existing facility must be discussed with FTA to determine the need for information supporting a CE and the applicability of any additional environmental requirements. Early coordination is also necessary to identify those projects for which the State must prepare an EA. If an EA is required, further steps to develop the project will not be authorized (e.g., property acquisition, final design, and construction) until FTA makes a final environmental finding for the project. Any Category B or C project that is not in the list of CEs in 23 CFR 771.117(c) requires environmental clearance from FTA before being advanced to Category A. Chapter IV provides additional information on the categories of approval within the program of projects.

6. CLEAN AIR ACT (CAA). The principal CAA requirement with which FTA-funded projects must comply is the transportation conformity process. The conformity requirements are contained in an Environmental Protection Agency (EPA) regulation (40 CFR part 93) and they apply in areas that currently violate one or more of the national ambient air quality standards (nonattainment areas) and also in areas that once violated the standards but have since been redesignated to attainment status by EPA (so-called maintenance areas). The transportation conformity process applies not only to Federally-funded projects but also to long-range transportation plans and TIPs. Determining conformity for transportation plans and TIPs is the responsibility of the MPO. Determining conformity for individual projects is the project sponsor's responsibility. Major transit infrastructure projects, e.g., new fixed guideway projects and extensions will be analyzed at both the regional and local scale.

The transportation conformity regulation reserves detailed air quality analysis for large projects that have the potential to create new violations or make existing violations worse. There is also a list of exempt highway and transit projects in the regulation that do not require any analysis. Many transit projects are exempt from the conformity requirements and can be processed expeditiously. Regardless of the type of project being considered, early consultation with FTA is essential in nonattainment and maintenance areas to establish what the requirements are and how best to satisfy them. The FTA regional office can also provide information on selected provisions of other laws that support clean air objectives—for example, the FHWA's Congestion Mitigation and Air Quality (CMAQ) Improvement Program. Over the years, local transit agencies have benefited greatly from this program as a supplementary source of funding for transit. The CMAQ Program has its own eligibility requirements which are familiar to FTA regional offices.

7. <u>PRIVATE SECTOR PARTICIPATION</u>. Federal law requires the public to be involved in the transportation planning process and specifically requires that private providers be

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provided an opportunity to be consulted in developing transportation plans and programs in both urban and rural areas. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

Under the requirements of 49 U.S.C. 5323(a)(1) States or local governmental authorities may use FTA funds to operate public transportation service in competition with or in addition to transportation service provided by an existing public transportation company, only if" the grantee "provides for the participation of private companies engaged in public transportation to the maximum extent feasible."

The most comprehensive FTA document regarding private enterprise requirements is a report titled *Private Enterprise Participation in Transportation Planning and Service Delivery*. The report is available on FTA's website at:

 $http://www.fta.dot.gov/documents/Private_Enterprise_Brochure.doc.$

8. REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE. If a grant applicant intends to use Federal financial assistance in a project which will require real property, the applicant must provide assurances—required by Sections 305 and 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act)—that it will comply with the Uniform Act and with U.S. Department of Transportation (DOT) implementing regulations (49 CFR part 24).

DOT regulations at 49 CFR part 24 implement a government-wide regulation that applies to all Federal or Federally-assisted activities that involve the acquisition of real property or the displacement of people. As such, the regulation is specific in naming certain actions that must be taken to achieve uniformity in the treatment of property owners and displaced people. Grantees in the process of planning a Federally-assisted project that will require the displacement of people should be aware of the regulatory need for relocation planning during the early stages of project development.

The 49 CFR part 24 regulation is available from the Government Printing Office website at: http://www.access.gpo.gov/nara/cfr/waisidx_99/49cfr24_99.html. Upon request, FTA regional offices can provide a copy of the uniform act or regulation in its amended form. In addition, the grantee should inform itself of State laws regarding compensation for real property and requirements for relocation of people and personal property.

Real property may be contributed as part of the local matching share. Credit can be allowed only for that portion of the property needed to carry out the scope of the project. Federal funds must not have been used to purchase any property proposed as local matching share. The contribution-in-kind property will be valued at its current market value and when incorporated into the project will be subject to the same reporting and disposition requirements required of all project property. Please consult with your regional office about any property issues.

9. PRE-AWARD AND POST-DELIVERY REVIEWS. FTA requires grant recipients purchasing a certain number of revenue passenger rolling stock to undertake reviews of the rolling stock both before the award of the contract and following delivery of the vehicles. The intention is to improve compliance with Buy America requirements, the grantee's bid specifications, and Federal Motor Vehicle Safety Standards. The requirement to undertake the pre-award and post delivery reviews arises from 49 U.S.C. 5323(m) and is specified in FTA regulations at 49 CFR part 663. Compliance must be certified on the Annual List of Certifications and Assurances.

SAFETEA-LU amended this requirement so that procurements of 20 vehicles or fewer, purchased for serving rural areas and cities of less than 200,000 population, are not subject to either review procedure. In urbanized areas of greater than 200,000 population, the reviews are not necessary for a purchase of 10 or fewer vehicles. The procurement of unmodified vans, in any quantity, is not subject to the review requirement.

When a State undertakes a consolidated State procurement on behalf of several subrecipients of FTA funds, the requirement for a resident inspector at the manufacturing site depends upon the number of buses in a subrecipient's order. That is, for example, although a State may order 30 vehicles, if no subrecipient expects to receive 20 or more of the vehicles (10 or more for a large urbanized area subrecipient), the State is not required to place an inspector on site. If 20 or more vehicles are ordered for a single subrecipient an on-site inspector is required, and may be provided by either the State or the subrecipient. In addition, if the on-site inspector is used on one subrecipient's order, then this meets the on-site inspection requirement for the State procurement even though there are other subrecipient orders of 20 or more vehicles.

In carrying out the reviews, it may be useful to obtain a copy of the manual, "Pre-Award and Post-Delivery Reviews for Bus Vehicles," from FTA's regional offices. Also, when purchasing buses tested by the Altoona Bus Research and Testing Center, the grantee must obtain a copy of the test report.

10. LABOR PROTECTIONS.

a. <u>Davis-Bacon Act</u>. For FTA programs, 49 U.S.C. 5333(a) applies Davis-Bacon Act prevailing wage requirements. This provision applies only to construction projects. In the event that a project involves construction, Section 5333(a) of the Act requires the Secretary to take such action as may be necessary 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 this Act be paid wages at rates not less than those prevailing on similar construction in 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.

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b. <u>Transit Employee Protection</u>. Title 49 U.S.C. 5333(b) 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. Title 49 U.S.C. 5311(b) requires that the Department of Labor (DOL) use "a special warranty that provides a fair and equitable arrangement to protect the interests of employees" in order for the Section 5311(i) requirements to apply to Section 5311. FTA anticipates that DOL will revise the warranty and procedures currently in use. Opportunities for public comment will be provided during DOL's rulemaking. Appendix F is reserved for the revised special warranty when the DOL finalizes it.

- 11. <u>CIVIL RIGHTS REQUIREMENTS</u>. The Recipient agrees to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following:
 - a. <u>Nondiscrimination in Federal Transit Programs</u>. The Recipient agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier under the Project, with the provisions of 49 U.S.C. 5332. These provisions prohibit discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibit discrimination in employment or business opportunity.
 - b. Nondiscrimination-Title VI. The Recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with all of the following requirements under Title VI of the Civil Rights Act of 1964:
 - (1) <u>Title VI of the Civil Rights Act of 1964</u>, as amended, 42 U.S.C. 2000d et seq., provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance;
 - (2) <u>DOT regulations</u>, "Nondiscrimination in Federally-Assisted Programs of the <u>Department of Transportation—Effectuation of Title VI of the Civil Rights Act,"</u> 49 CFR part 21;
 - (3) 49 U.S.C. 5332(c) (Federal transit law). Under this law, the Secretary of Transportation is required to take affirmative action to ensure that no person on the basis of race, color, creed, national origin, sex or age, shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part by FTA;
 - (4) FTA's Circular 4702.1A "Nondiscrimination Guidelines for FTA Recipients." This document provides recipients and subrecipients of FTA financial assistance with guidance and instructions necessary to carry out the DOT Title VI regulations (49 CFR part 21), the Department's Order on Environmental Justice (Order 5610.2), and Policy Guidelines Concerning Recipients' Responsibilities

- to Limited English Proficient (LEP) Persons (70 FR 74087. December 14, 2005.);
- (5) <u>DOT Order To Address Environmental Justice in Minority Populations and Low-Income Populations</u>. This order describes the process that the Office of the Secretary of Transportation and each Operating Administration will use to incorporate environmental justice principles (as embodied in Executive Order 12898 on Environmental Justice) into existing programs, policies, and activities; and
- (6) <u>DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons</u>. This guidance clarifies the responsibilities of recipients of Federal financial assistance from DOT and assists them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations.
- c. <u>Equal Employment Opportunity</u>. The Recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with all equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e), and 49 U.S.C. 5332 and any implementing requirements FTA may issue.
- d. Nondiscrimination on the Basis of Sex. The Recipient agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. 1681 et seq.), with implementing DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25, and with any implementing directives that DOT or FTA may promulgate, which prohibit discrimination on the basis of sex.
- e. <u>Nondiscrimination on the Basis of Age</u>. The Recipient agrees to comply with all applicable requirements of the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), and implementing regulations, which prohibit employment and other discrimination against people on the basis of age.
- f. Nondiscrimination on the Basis of Disability. The Recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with the applicable laws and regulations, discussed below, for nondiscrimination on the basis of disability.
 - (1) Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
 - (2) The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.), prohibits discrimination against qualified people with disabilities in

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- all programs, activities, and services of governmental authorities, as well as imposes specific requirements on public and private providers of transportation.
- (3) U.S. DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, and 38. Among other provisions, the regulations: specify accessibility requirements for the design and construction of new transportation facilities; require that vehicles acquired (with limited exceptions) be accessible to and usable by people with disabilities, including people using wheelchairs; require governmental authorities, including a private non-profit entity "standing in the shoes" of the State as a subrecipient providing fixed route service, to provide complementary paratransit service to people with disabilities who cannot use the fixed route service; and include service requirements intended to ensure that people with disabilities are afforded equal opportunity to use transportation systems.
- (4) In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other Federal agencies.
- g. <u>Disadvantaged Business Enterprise (DBE)</u>. To the extent required by Federal law, regulation, or directive, the Recipient agrees to take the following measures to facilitate participation by DBEs in the project:
 - (1) The recipient agrees and assures that it will comply with SAFETEA-LU Section 1101(b), 23 U.S.C. 101 note, which requires DOT to ensure that not less than 10 percent of funds authorized for highway and transit financial assistance programs be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.
 - (2) The recipient agrees and assures that it will comply with U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 CFR part 26. Among other provisions, this regulation requires recipients of DOT Federal financial assistance, namely State and local transportation agencies, to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts.
 - (3) The recipient agrees and assures that it will comply with FTA's Circular 4716.1A, "FTA Disadvantaged Business Enterprise Requirements for Recipients and Transit Vehicle Manufactures" which enumerates the required components of a DBE program.
 - (4) The recipient agrees and assures that it shall not discriminate on the basis of race, color, sex, national origin or disability in the award and performance of any third party contract, or subagreement supported with Federal assistance derived from

- U.S. DOT or in the administration of its DBE program and will comply with the requirements of 49 CFR part 26. The Recipient agrees to take all necessary and reasonable steps set forth in 49 CFR part 26 to ensure nondiscrimination in the award and administration of all third party contracts and subagreements supported with Federal assistance derived from DOT. As required by 49 CFR part 26 and approved by DOT, the Recipient's DBE program is incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. The recipient agrees that implementation of this DBE program is a legal obligation, and that failure to carry out its terms shall be treated as a violation of the Grant Agreement or Cooperative Agreement. Upon notification by DOT to the Recipient of its failure to implement its approved DBE program, DOT may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, and/or the Program Fraud Civil Remedies Act, (31 U.S.C. 3801 et seq.)
- h. For further guidance, refer to the Federal laws, regulations, and Executive Orders cited in this chapter. FTA's regional civil rights officers or headquarters civil rights staff will also provide current guidance on request.
- 12. <u>BUY AMERICA</u>. Title 49 U.S.C. 5323(j) provides that, with exceptions, Federal funds may not be obligated for public transportation projects unless steel, iron, and manufactured products used in such projects are produced in the United States. Section 5311 recipients and subrecipients must conform to FTA regulations (49 CFR part 661), and any amendments thereto. Buy America requirements apply to all purchases, including materials or supplies funded as operating costs, if the purchase exceeds the threshold for small purchases (currently \$100,000).
 - SAFETEA–LU continued the provision that allows a manufacturer or supplier to correct an incomplete certification or a certification of noncompliance after bid opening under certain circumstances if submission of the incorrect certification was the result of an inadvertent or clerical error. In addition, SAFETEA–LU added a provision that allows a party adversely affected by an FTA action the right to seek review, 49 U.S.C. 5323(j)(9).
- 13. CHARTER SERVICE. Title 49 U.S.C. 5323(d) places limits on the charter services that Federally-funded public transportation operators may provide. The charter service regulation prohibits FTA recipients from providing any charter service using FTA funded equipment or facilities if there is at least one private charter operator willing and able to provide the charter service that the recipient proposes to provide. The charter service regulation applies to both buses and vans. Any Section 5311 recipient desiring to provide charter service must publish a notice annually and determine whether there are any private charter operators willing and able to provide the service. The State may conduct this process for itself and subrecipients or delegate this responsibility for the subrecipients to any or all of the subrecipients. The State must sign a charter agreement as part of the annual certifications and assurances, and obtain and retain signed charter agreements from its subrecipients.

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The charter service regulation lists seven exceptions to the general prohibition on providing charter service. One exception allows FTA subrecipients in nonurbanized areas to petition FTA for an exception if the charter service that would be provided by willing and able private charter operators would result in a hardship on the customer because there are minimum durations pursuant to a State regulatory requirement or because the private charter operator is located too far from the origin of charter service. The charter service regulation specifies the process for requesting this exception, which, if granted, is effective for no more than 12 months. Section 604.9 of the charter service regulation provides specific guidance regarding exceptions that permit incidental charter service to meet the needs of elderly people, people with disabilities, and people served by DHHS funded programs listed in Appendix A of the charter regulation.

Service provided under contract to a social service agency will usually be public transportation, not charter service, if the service is under the control of the subrecipient, is open door, and the subrecipient can put any rider on the vehicle in addition to the agency's clients. The regulation should not discourage Section 5311 subrecipients from using FTA funded equipment in coordinated systems, or from providing service under contract to social service agencies, if the requirements of the regulation are met.

14. <u>DRUG AND ALCOHOL TESTING</u>. In the interest of safety of transit operations, recipients of funding from the 5307 Urbanized Area Formula Program, 5309 Capital Program, 5311 Nonurbanized Area Formula Program, and other programs as determined by the Secretary are required by 49 U.S.C. 5331 to establish drug and alcohol testing programs. The purpose of the testing program is to help prevent accidents, fatalities, and injuries resulting from misuse of alcohol or the use of prohibited drugs by employees who perform safety-sensitive functions. Grant recipients identified above must also certify annually that they are in compliance with the U.S. DOT and FTA regulations concerning drug and alcohol testing (49 CFR part 40 and 655.) Compliance with the regulations is a condition of FTA funding. Where applicable as discussed below, recipients of FTA funding are required to comply with Federal Railroad Administration (FRA) regulations and to Federal Motor Carrier Safety Administration (FMCSA) and United States Coast Guard (USCG) regulations concerning drug and alcohol programs.

To assure compliance with the drug and alcohol testing requirements, FTA has promulgated a regulation titled, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations." The regulation applies to recipients of funds identified above. The regulation requires that FTA recipients follow the drug and alcohol testing procedures found in applicable FTA (49 CFR part 655) and DOT (49 CFR part 40) regulations.

The regulation applies to "employers," defined as "a recipient [of FTA funding] or other entity that provides public transportation service or which performs a safety-sensitive function for such recipient or other entity." The term includes subrecipients, operators, and contractors. The direct recipient of FTA funding, however, remains responsible to FTA both for carrying out the regulations and for ensuring that any person or organization performing a safety-sensitive function on its behalf is in compliance with FTA regulations.

Applicability to capital funding is limited to revenue operations; it does not apply to construction phases of funded projects.

Section 5307 and Section 5309 recipients have been required to certify their compliance and test since 1996. States must annually certify on behalf of their Section 5311 subrecipients. Standard language for certification of compliance with the regulations appears in 49 CFR part 655 Subpart I. Recipients or subrecipients that receive only Job Access and Reverse Commute (JARC), New Freedom, or Section 5310 assistance are not subject to FTA's drug and alcohol rules, but must comply with the FMCSA drug and alcohol testing rule for employees who hold Commercial Driver's Licenses.

FTA's rule requires testing of employees who perform a safety-sensitive function, which is defined in 49 CFR 655.4. The rule requires the following six types of testing: preemployment for drugs (including transfer from a non-safety-sensitive position to a safety-sensitive position); reasonable suspicion; random; post-accident; return-to-duty; and follow-up.

The rule requires each employer to establish and implement a substance abuse prevention program consisting primarily of a testing program but with elements requiring training, educating, and evaluating safety-sensitive employees. The rule requires the development of a detailed policy statement that must be distributed to all safety-sensitive employees and employee organizations. In addition, the 49 CFR part 655 Subpart D establishes alcohol concentration levels and prohibited behavior, and employers are directed to take specific action on the basis of the level of alcohol concentration. Technical assistance materials and training information to help grantees implement the rules are available at the website (http://www.fta.dot.gov – click on "Safety & Security") or through contacting FTA's Office of Safety and Security, FTA Headquarters, 400 7th Street SW, Washington, DC 20590.

15. <u>DRUG-FREE WORKPLACE</u>. In accordance with the Drugg-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) and 49 CFR part 32, each grantee is required to maintain a drug-free workplace for all employees and to have an anti-drug policy and awareness program. The grant applicant must agree that it will provide a drug-free workplace and comply with all requirements of 49 CFR part 32. However, these provisions apply only to States or tribes as FTA's direct grantees and do not extend to subrecipients.

The grantee is required to provide a written Drug-Free Workplace policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and stating specific actions that will be taken for violations.

The ongoing drug-free awareness program must inform employees about the dangers of drug abuse; about any available drug counseling, rehabilitation, and employee assistance programs; about penalties that may be imposed; and that employees are to be aware that the recipient operates a drug-free workplace.

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An employee of an FTA grantee is required to report in writing any conviction for a violation of a criminal drug statute occurring in the workplace, and the grantee/employer is required to provide written notice to FTA within 10 days of having received the notice. Within 30 days of receiving the notice of a conviction, the grantee/employer must have taken appropriate action against the employee or have required participation in a drug abuse assistance or rehabilitation program.

Technical assistance materials and training information to help grantees implement the Drug-Free Workplace and Drug and Alcohol Testing rules are available through FTA's Office of Safety and Security.

16. <u>RESTRICTIONS ON LOBBYING</u>. Federal financial assistance 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. The State, subrecipients, and third party contractors at any tier awarded FTA assistance exceeding \$100,000 must sign a certification so stating and must disclose the expenditure of non-Federal funds for such purposes. 49 CFR part 20.

Other Federal laws also govern lobbying activities. For example, Federal funds may not be used for lobbying Congressional Representatives or Senators indirectly, such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation (31 U.S.C. 1352). These laws do not prohibit general advocacy for transit. Providing information to legislators about the services a recipient provides in the community is not prohibited, nor is using non-Federal funds for lobbying, so long as the required disclosures are made.

- 17. <u>DEBARMENT AND SUSPENSION</u>. These "integrity" regulations seek to ensure that Federal assistance funds are not provided to anyone who has been debarred, suspended, ineligible, or voluntarily excluded from participation in Federally-assisted transactions.
 - a. U.S. DOT regulations, "Governmentwide Debarment and Suspension (Nonprocurement)," 49 CFR. part 29, as amended in October 2006. (See 71 FR 62396, Oct. 25 2006) require disclosure of the status of persons and entities participating in:
 - (1) Third party contracts or subagreements of \$25,000 or more at any tier;
 - (2) Third party contracts of any amount for Federally-required audit services (such as those required under the Single Audit Act Amendments); and
 - (3) Third party contracts or subagreements requiring official DOT approval.
 - b. Both participants in third party contracts of any tier and subagreements of any tier are expected to assure the status of persons participating therein.

- (1) The awarding party must verify that the person is not excluded or disqualified by:
 - (a) Checking the Excluded Parties List System (EPLS) maintained by the U.S. General Services Administration (GSA) and available at http://epls.gov [strongly recommended by FTA];
 - (b) Collecting a certification from the prospective awardee; or
 - (c) Adding a clause or condition to the third party contract or subagreement with that awardee.
- c. In addition, the recipient and awardees participating in lower tier transactions are required to extend these requirements to their awardees.
 - (1) The prospective awardee in turn must notify the recipient or third party contractor (person at the next higher tier) if it knows whether or not it or any of its principals is presently excluded or disqualified under the these regulations.

18. PRE-AWARD AUTHORITY.

a. General. FTA provides blanket, or automatic pre-award authority in certain program areas. This pre-award authority allows grantees to incur certain project costs before grant approval and retain their eligibility for subsequent reimbursement after grant approval. The grantee assumes all risk and is responsible for ensuring that all conditions are met to retain eligibility. This automatic pre-award spending authority permits a grantee to incur costs on an eligible transit capital or planning project without prejudice to possible future Federal participation in the cost of the project or projects.

The authorization of formula funds or appropriation of funds for discretionary projects and publication of those projects in FTA's annual *Federal Register* Notice of Apportionments and Allocations triggers pre-award authority for design and environmental work on the project. Following authorization of formula funds or appropriation and publication of discretionary projects, pre-award authority for other capital projects including property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials is triggered by completion of the environmental review process with FTA's signing of an environmental Record of Decision (ROD), Finding of No Significant Impact (FONSI), or a determination that the project is a categorized exclusion, and included in the State Transportation Improvement Program (STIP.).

FTA strongly encourages all grantees to consult with the appropriate FTA regional office regarding the eligibility of the project for future FTA funds and the applicability of the conditions and Federal requirements.

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Pre-award authority for operating and planning projects under the formula grant programs is not limited to the authorization period. However, there is no pre-award authority for JARC or New Freedom projects before being competitively selected.

- b. <u>Conditions</u>. In general, all Federal grant requirements must be met at the appropriate time for the project to remain eligible for Federal funding. Specifically,
 - (1) Pre-award authority is not a legal or implied commitment that the project(s) will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or implied commitment that all items undertaken by the applicant will be eligible for inclusion in the project(s).
 - (2) All FTA statutory, procedural, and contractual requirements must be met.
 - (3) The grantee must take no action that prejudices the legal and administrative findings that the Federal Transit Administrator must make in order to approve a project.
 - (4) Local funds expended by the grantee pursuant to and after the date of the preaward authority will be eligible for credit toward local match or reimbursement if FTA later makes a grant for the project(s) or project amendment(s). Local funds expended by the grantee before the date of the pre-award authority will not be eligible for credit toward local match or reimbursement. Furthermore, the expenditure of local funds on activities such as land acquisition, demolition, or construction before the date of pre-award authority for those activities (i.e., the completion of the NEPA process) would compromise FTA's ability to comply with Federal environmental laws and may render the project ineligible for FTA funding.
 - (5) The Federal amount of any future FTA assistance awarded to the grantee for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/Local match ratio at the time the funds are obligated.
 - (6) For funds to which the pre-award authority applies, the authority expires with the lapsing of the fiscal year funds.
 - (7) When a grant for the project is subsequently awarded, the Financial Status Report, in TEAM-Web, must indicate the use of pre-award authority.

More information regarding Pre-award authority can be found in the *Federal Register* Notice of 11/30/05, available at FTA's website. Pre-award authority may be updated in annual apportionment notices.

19. <u>SAFETY AND SECURITY</u>. FTA's authority in the area of transit safety is set forth in Title 49 U.S.C. 5329. Under this Section, FTA may conduct investigations into safety hazards and security risks associated with a condition in equipment, a facility, or an operation financed

under Chapter 53 in order to establish the nature and extent of the condition and how to eliminate, mitigate, or correct the safety hazard and/or security risk. FTA may also require local jurisdictions to submit a plan for eliminating, mitigating, or correcting the deficiency.

FTA may also withhold further financial assistance from any grantee that fails to correct any safety and security deficiency. FTA has entered into a Memorandum of Understanding with the American Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA) and the Community Transportation Association of America (CTAA) that supports the transit industry and Federal commitment to bus safety, and supports a model bus safety program to which all the signatories of this agreement have agreed to subscribe. The program will also focus on addressing the needs of rural and small urban providers.

20. <u>LEASE VS. BUY CONSIDERATIONS</u>. A grantee may use capital funds to lease capital assets from another party in cases where it determines that leasing would be more cost effective than either purchasing or constructing the asset. Grantees with pre-award authority must conduct the cost comparison before entering into the lease. Grantees should refer to FTA regulations for further details on conducting the cost effectiveness comparison (49 CFR part 639).

When a grantee intends to enter into a lease of considerable duration (rather than paying for the lease in a lump sum at the beginning of the lease period), the grantee must be able to complete the acquisition with local funds in the event FTA funds are not available in later years. Generally, it is not considered cost effective to lease real estate.

When a grantee receives a Congressional earmark for a project and proposes to enter into a capital lease for some element of the project, the grantee must submit the cost comparison for FTA approval as part of the grant application.

- 21. SCHOOL TRANSPORTATION. Section 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation, 49 CFR part 605 does permit regular service to be modified to accommodate school students along with the general public. For the purpose of FTA's school bus regulation, Headstart is a social service, not a school program. However, rules for the Headstart program limit the types of vehicles which may be used to transport children participating in the Headstart program. FTA recipients may operate vehicles which meet the safety requirements for school transportation, but may not provide exclusive school service.
- 22. <u>COMMERCIAL DRIVER'S LICENSE</u>. All drivers of vehicles designed to transport 16 or more passengers, including the driver, must have a commercial driver's license (CDL). Mechanics who drive the vehicles must also have a CDL.

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APPENDIX A

INSTRUCTIONS FOR PREPARING A GRANT APPLICATION TO FTA

1. PRE-APPLICATION STAGE.

- a. System Access. Applications for FTA grant program funds must be submitted electronically through the Transportation Electronic Award Management (TEAM) System. Applicants must have access to FTA's TEAM system in order to enter a grant. If an applicant does not have access to TEAM, the applicant's representative should contact the appropriate FTA regional office for assistance. Contact information for FTA's regional offices can be found in Appendix H.
- b. <u>Planning</u>. Before grant application submission, project planning requirements should be complete and properly documented. Project activities to be funded should be included in a Federally-approved Statewide Transportation Improvement Program (STIP) for capital and/or operating projects or a Unified Planning Work Program (UPWP) for planning projects. In addition, FTA encourages grantees to include Section 5311 projects in a locally developed, coordinated public-transit, human services transportation plan.
- c. <u>Environmental Determination</u>. The impact that a proposed FTA assisted project will have on the environment shall be evaluated and documented in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), before grant application.
- d. <u>Annual Submission of Certifications and Assurances</u>. A grant applicant applying for assistance under the other than urbanized formula program, or any other FTA grant program, must annually submit certifications and assurances that are applicable to the grant applicant's active and new grants during the fiscal year. The certifications and assurances were discussed in Chapter IV, "Program Development." The certifications and assurances should be examined annually for changes and additions.
- e. <u>Civil Rights Submissions</u>. Civil Rights submissions that may be required include a Title VI Plan, Equal Employment Opportunity (EEO) Program, Disadvantaged Business Enterprise (DBE) Program, and Americans with Disabilities Act (ADA) Paratransit Plan. FTA's Regional Civil Rights Officer must verify that all required Civil Rights submissions are current at the time that the grant application is entered into TEAM. The required documentation must be submitted before the official submission of the grant. A grant applicant should maintain readily available records of FTA approvals of civil rights submissions in the event a question concerning compliance should arise. (See Chapter X, Other Provisions.)
- f. <u>Transferred Funds</u>. The request for transfer of funds should be made before applying for the grant in TEAM, if the grant application will fund projects using funds

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transferred from other programs. This includes funds flexed from the Federal Highway Administration (FHWA). (See Appendix E, "Procedures Related to Flexible Funding.")

- 2. <u>APPLICATION STAGE (TEAM INFORMATION</u>). Applicants for nonurbanized formula program funds should submit their grant applications electronically through the TEAM system. TEAM is a database accessible via the Internet. The TEAM User Guide provides detailed information on how to access and use FTA's TEAM system. The user guide covers the creation, submission, award, and execution of a grant application; reporting requirements, grant amendments, budget revisions, and close-out procedures are also addressed. Information that should be entered into TEAM when preparing an application includes:
 - a. <u>Recipient Information</u>. Applicants should enter or update all required information about their organization in the appropriate fields in TEAM, including recipient address, contact information, union information, urbanized area identification number (UZA), Congressional district(s), DUNS number, etc. The information shall be current and accurate for each grant and periodically updated as changes occur.
 - b. <u>Project Information</u>. Applicants should identify whether the application is a new grant, a grant amendment, or a budget revision. The project start/end date, program date, Executive Order 12372 review date, metropolitan planning organization (MPO) concurrence date (if applicable), and grant project costs shall be identified.
 - (1) <u>Project Description</u>. This information must be in sufficient detail for FTA to obtain a general understanding of the nature and purpose of the planned activities. The program of projects (POP) should be attached or included in this section. At a minimum, the project description should identify subrecipients funded through the grant application and the projects being implemented by each subrecipient. There is a project description field as well as a specific text field for this information associated with each activity line item. Project activities shall be sufficiently described to assist the reviewer in determining eligibility under the program.
 - (2) Program Date and Page of STIP or Unified Planning Work Program (UPWP). All projects for capital and operating funds in the grant application must be included in the current STIP. The STIP is jointly approved by FTA and FHWA. FTA funds cannot be obligated unless the STIP is approved by FTA. The application should note the page(s) in the most recently approved STIP on which the project(s) contained in the application are listed. The electronic system has a field designated "program date" where the date of the most recent FTA/FHWA STIP approval should be entered. If the grant includes planning activities the UPWP date should be entered here, if possible, or in the project details section.
 - c. <u>Budget</u>. The appropriate scopes and alternative line items (ALI) should be used when developing the project budget. All sources of funds shall be identified and confirmed. All rolling stock procurements shall include vehicle description and fuel type;

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expansion activities shall include discussion on vehicle needs. The project budget should reflect the precise activities for which the grant funds will be used, and the budget should be prepared in accordance with requirements for specific funding programs. If the grant contains funding for tribal governments, the non-add scope 992-00 should also be added to the budget and identify the amount of funding in the application allocated to each tribe. The non-add scope does not affect the total funds in the budget; it simply allows FTA to query the funding amounts upon request. Other non-add scopes are used for Intelligent Transportation Systems (ITS), security funds, and other special emphasis areas.

- d. <u>Project Milestones</u>. Estimated completion dates for all milestones should be provided; revenue vehicles have particular milestone requirements. If milestones are not pre-populated by the TEAM system for a particular activity line item (ALI), use the add function to add milestones for that ALI to the grant application.
- e. Environmental Findings. The application should include a proposed classification of each ALI in accordance with FHWA/FTA Environmental Impact and Related Procedures. (See 23 CFR 771.115 and 771.117.) Grant applicants should refer to part 771.117(c) and (d) for a listing of the Class II projects. Most Section 5311-funded projects meet the criteria for a categorical exclusion (CE) and require no further action. However, if a project does not clearly meet the criteria for a CE, a grant applicant is strongly encouraged to contact FTA's regional office for assistance in determining the appropriate environmental review process and level of documentation necessary.
- f. Fleet Status. Fleet status data are not required for Section 5311 grant applications.
- g. <u>Application Submission</u>. Once FTA deems the activities eligible, and determines that all preapplication requirements have been satisfied, FTA assigns a grant number. At this point, the grant is ready to be pinned (approved) and submitted in TEAM by the designated recipient/grantee.
- h. <u>Certification of Labor Protective Arrangements</u>. Section 5311 grants are covered by a special warranty and are not submitted to the Department of Labor (DOL). Currently States are required to submit a letter to DOL regarding subrecipient signing of the warrantee and labor union information. However, at the date of this circular revision, DOL is preparing to revise its procedures for Section 5311.
- i. <u>Grant Approval</u>. Once FTA staff determines through a final review of the application that FTA program requirements have been met, FTA awards and obligates funds requested in the grant.
- j. <u>Grant Execution</u>. After FTA has approved and awarded the grant, the applicant shall execute the award before funds can be drawn down from the grant. Grants that include pre-award activity require the submission of a Financial Status Report before grant execution.

3. APPLICATION CHECKLIST.

Part I – Recipient Information

- 1. Are Annual Certifications & Assurances pinned?
- 2. Is the Grantee Contact & Other information Complete?
- Is UZA/Congressional District information entered and accurate?
- 4. Is union contact information entered and accurate?
- 5. Has Civil Rights Program Documentation been approved by FTA?
- 6. Has the applicants DUNS Number been entered in the appropriate field?

Part II - Project Details

Does the Project Description (including the POP and other attachments) include adequate descriptive information of funded subrecipients and projects?

Part III – Project Information

Have the following fields been completed if applicable?

New Application or Amendment?

- 2. Start/End Date?
- 3. Program Date (STIP date) (UPWP if planning activities included)?
- 4. Have control totals been entered?
- 5. If pre-award authority is applicable, has "yes" been selected?
- 6. Has the EO 12372 Review been completed, if applicable?

Part IV - Budget

- 1. Are ALI codes entered under the appropriate scope codes?
- 2. Have funding percentages been verified to ensure that Federal funds are not over the allowable share?
- 3. Does the funding amount entered in the budget match financial information entered in the "Project Information" field?
 - a. Federal Funds
 - b. Local Match
- 4. Does the rolling stock (vehicle) line item contain accurate information such as:
 - a. Description
 - b. Fuel Type
- 5. Details (Extended Budget Description)
 - a. Has descriptive information been added in the details section of each ALI that identifies the items being funded using the line item?
- 6. If the grant contains funding to tribal government, has a non-add scope been added to it that shows the funds allocated to the tribal governments?

Part V – Project Milestones

- 1. Are milestones listed for each ALI? (If an ALI does not have milestones, they should be added.)
- 2. Have estimated completion dates been entered?

Part VI – Environmental Findings (NEPA)

1. Has an environmental finding been entered for each ALI?

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4. ECHO INFORMATION.

ECHO Control Number

a. Office of Management and Budget (OMB) Circulars A–102, A–110 and 31 CFR part 205, governs payment to recipients for financing operations under Federal grant and other programs. These regulations require that payment to a grantee be limited to the minimum amounts needed and timed so as to be in accord only with the actual, immediate cash requirements of the grantee in carrying out the approved project. For further information regarding cash management procedures, refer to the FTA "ECHO System Users Manual for Grantees."

(For initial ECHO setup agency will assign ECN Number,

(ECN)	for non ECHO payments e	nter "N/A").					
Initial Setup Info. Change	Info. Change Grantee Information Change						
Information from this form is required under the provision of 31 U.S.C. 3322 and 31 CFR 210. Treasury uses this to transmit payment data by electronic means to a company's or a grantee's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Treasury ACH Payment System.							
Note: See the bottom for instructions on comp	pleting this form.						
GRANTEE INFORMATION							
NAME:							
ADDRESS:							
CITY/STATE/ZIP:		TELEPHONE NUMBER:					
CONTACT PERSON NAME:							
SIGNATURE OF AUTHORIZED OFFICIAL IN	I FTA	TELEFAX NUMBER:					
	DATE: / /						
AGENCY INFORMATION							
NAME: Federal Transit Administration							
ADDRESS: 400 Seventh Street SW., Room	9422, TBP-24, Washingto	n, DC 20590					
CONTACT PERSON NAME:	6–9748						
FINANCIAL INSTITUTION INFORMATION							
(Note: Have Your Bank Complete This Sec	tion)						
NAME:							
ADDRESS:							
CITY/STATE/ZIP:							

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CONTACT PERSON NAME:		TELEPHONE NUMBER:
NINE DIGIT ROUTING TRANSIT NUMBER:		
DEPOSITOR ACCOUNT TITLE:		
DEPOSITORS ACCOUNT NUMBER:		
TYPE OF ACCOUNT: CHECKING SAVING		
SIGNATURE AND TITLE OF REPRESENTATIVE:	DATE:	FAX NUMBER:

Revised 7/98

b. Instructions for Completing Form:

- Fill in your ECHO Control Number. If this is an Initial ECHO Setup, Agency will assign ECHO Control Number.
- 2. Check appropriate box(es):
 - a. Initial Setup.
 - b. Change in Bank Information.
 - c. Change in Grantee Information.
- 3. Fill out information in the appropriate section(s) listed below:

Grantee Information Section-Print or type the name of the grantee and address that will receive ECHO/ACH payments. Also include a contact person's name, date, telephone and telefax numbers.

Financial Institution Information Section-Have your bank fill out this section. They should print or type the name and address of the financial institution who will receive the ECHO/ACH payment. Also included are the ACH coordinator's name, telephone number, nine-digit routing transit number (ABA #), depositor (grantee) account title, depositor (grantee) account number, and type of account (type can **ONLY** be designated as **Checking** or **Saving**), signature an title of representative, date and telefax number.

- 4. Mail the form to the name and address shown in the **Agency Information Section**. This section also includes a contact person's name and telephone number.
- 5. If there are any questions, please call 202–366–9748 and ask for the agency's ACH contact.

APPENDIX B

SAMPLE SECTION 5311 PROGRAM OF PROJECTS

[Program of projects may be submitted as an electronic attachment. Format shown may be altered, so long as all information is provided.]

5311: FY	Apportionmen	t: \$; Carryover: _		_	
RTAP: FY	Allocation: \$_		; Carryover: _			
Transfer Funds	(plus or minus):				
Total Funds Av	vailable:					
Total number of	of subrecipients	funded in t	his program of p	orojects:		
governments Assistance Pr Required subraward, location the award, incomproject budget to CAPITAL, O (Projects may in (Subrecipient Ty	or serve Indian ogram (RTAP recipient information of the entity eluding the city in to identifying the identify the amount of the entity of identify the amount of the entity in the the entity	n tribal tran) and any transport mation incomplete receiving y and/or continue and pu AND PRO contingencies a State, look	transferred projections in the award and county and Congress of funds all the progress of funds	ds. List Interpreted to the primary of the primary	rcity Bus, Rura 10, 5316, or 53 ying the award location of per strict. use non-add Sco subrecipients.	al Transportation 317 separately.
	Subrecipient	Category		Counties	Net Project Cost	Federal Share
		SUBTO	ΓAL – OPERAT ΓAL – CAPITA ΓAL – PROJ. Al	L		

INTERCITY	BUS PROJEC	TS [Section	5311(f)]			
Subrecipient	Subrecipient	Category	Project D	escription	Net Project	Federal
Name	Type	A or B	Counties	Served	Cost	Share
		Subtotal I	ntercity Bu ntercity Bu ntercity Bu	s Operating		
	SUBTOTAL	INTERCIT	Y BUS			
Section 5311 transferred to	account may be	e used to pr 11 account	ovide a 10 may be use	0 percent Fed ed to provide	ny flex funds trai eral share. Secti 80 percent Feder Net Project Cost	on 5307 funds
	tal State Admin tal Planning (pr	·*				
RURAL TRA	ANSPORTATIO	ON ASSIST	ΓANCE PR	OGRAM (R	ΓΑΡ) [Section 53	311(b)(3)]
			et Project ost	Federal Share		
Subtotal RTA	P Technical As P Transit Rese P Support Serv	arch			- - - -	
SUBT	OTAL RTAP					

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APPENDIX C

SECTION 5311 BUDGET INFORMATION

Use the chart of activity line item (ALI) codes to prepare a consolidated budget for the entire program of projects (Appendix B). Group related line items under appropriate scope codes. The scope is usually identified by the first three digits of the ALI followed by a two digit sequence number. A few exceptions for the 5311 program are noted below. The same scope may be used more than once in a complex budget. If so, the repeated scope is numbered sequentially. The State may enter the project and recipient descriptions from the program of projects as extended text associated with the scopes.

For each ALI, enter the net project cost and the Federal share. Transportation Electronic Award Management (TEAM) System generates standard descriptions for each ALI code, but the text may be overridden to enter more specific descriptions that are consistent with the standard description.

CAPITAL

Use of the correct ALI codes identifies all vehicles as replacement or expansion, and indicates the size and type of vehicle or equipment. Enter a quantity for each vehicle ALI. For example, if there are 10 subrecipients in the program of projects and each will receive three replacement vans and one will get a mid sized bus for new service, the scope 111 (Bus, revenue rolling stock) would include two ALI codes – 11.12.15, quantity 30, and 11.13.03, quantity 1. The individual recipients and types of service provided could be identified in extended text. Through TEAM, the Federal Transit Administration (FTA) is able to use this information to generate detailed reports electronically on the use of program funds. When grantees use the higher Federal match for equipment purchased to meet clean air or accessibility requirements, a special non-add scope must be used for tracking, in addition to the usual coding. Use as many capital scopes and activity codes as necessary to aggregate capital projects from the program of projects. Capital projects in support of intercity bus transportation should not be included here, but rather under scope 634.

Listed below are new codes which reflect new capital definitions:

- 11.7L.00 Mobility Management (5302(a)(1)(L)
- 11.7K.00 Crime Prevention and Security (5302(a)(1)(J)

OPERATING

The ALI for operating assistance for all FTA programs is 30.09.XX. The grant project number is sufficient to identify the program as Section 5311. Operating assistance may be shown either under scope 300 or grouped with other miscellaneous items in scope 600. Operating assistance for intercity bus projects should be shown under scope 634.

The last two digits 30.09.XX (Operating Assistance) indicates different match ratios available:

•	30.09.01	Up to 50 percent Federal Share
•	30.09.02	Sliding Scale (5311 or 5310 pilot only)
•	30.09.03	80 percent CMAQ

OTHER PROGRAM COSTS

The scope 600 may include the ALIs for all other program costs, such as State or program administration (11.80.00), project administration (11.79.00), and program reserve (11.73.00), and (optionally) operating assistance (30.09.xx). This creates a shorter printed project budget. Quantities are not used for these line items.

Alternately, these activities may also be listed under separate scopes in the 600 series:

- 610 State administration
- 620 project administration
- 630 program reserve

It may be preferable to use the separate scopes if only one of these activities is included in the grant, or to list individual subrecipients for project administration.

Show both net cost and Federal share for each ALI. The maximum Federal share for project administration is 80 percent; for operating, 50 percent; for program reserve, 80 percent; and for planning outside the cap, 80 percent. Approved sliding scale shares may be substituted for these percentages. The 15 percent of the apportionment or transferred flex funds allowed for State administration, planning, and technical assistance may be funded at 100 percent Federal share.

New codes were added for Section 5310, Job Access and Reverse Commute (JARC), and New Freedom projects included in a Section 5311 grant after funds for selected projects have been transferred to the nonurbanized formula program. These codes are additive, not non-add. Include all activities for the transferred 5310, JARC, or New Freedom projects under the relevant scope code in the main part of the project budget.

641.00 Section 5310646.00 JARC

• 647.00 New Freedom

INTERCITY BUS [Section 5311(f)]

All projects used to fulfill the statutory requirement to spend 15 percent of the apportionment in support of intercity bus service must be included in scope 634. Any of the ALI codes may be used under this scope, even if they have been used elsewhere in the budget for other rural transit projects. However, the same project should not be double-counted. For example, if a single subrecipient receives capital and/or operating assistance for local rural transit services and also for service meeting the criteria for Section 5311(f), the costs would be separated out and only the intercity bus portion reported under scope 634 with the other project costs shown under other appropriate scopes.

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The activity codes for intercity bus projects are the same as those used elsewhere. Eligible activities also include planning and marketing, in addition to capital and operating. Inclusion under scope 634 identifies these activities as intercity projects and enables FTA to track and report on intercity bus obligations. To help track project costs subject to the expanded eligibility granted in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) under 5302(a)(1)(G), changes/additions were made to the following ALIs under the 5th and 6th digit for Station Stops/Terminals:

- .03 Terminal, Intermodal (transit)
- .11 Terminal, Intermodal (Intercity bus)
- .12 Terminal, Intermodal (Intercity rail)

PLANNING

Planning ALI codes should be used in the project budget only if funds transferred from Section 5307 are being used for planning outside the State administration cap or if the planning or marketing activity is for intercity bus and is included in scope 634. The FPC 09 is used when obligating funds for planning permitted outside the State administration limitation. All other planning is subject to the 15 percent limitation on State administration and must be included in the ALI for State administration (11.80.00) and included in the funds obligated using FPC 06.

RURAL TRANSPORTATION ASSISTANCE PROGRAM (RTAP)

The scope code for RTAP is 635. This code, which departs from the usual numbering scheme, was chosen so that RTAP would appear at the bottom of the printed budget used at the time, since it is funded from a separate allocation. There are five ALI codes for RTAP, which reflect the eligible assistance categories:

- 43.50.01 training,
- 43.50.02 technical assistance,
- 43.50.03 research,
- 43.50.04 support services, and
- 43.50.05 program reserve (not to exceed 10 percent of RTAP allocation).

More specific project descriptions should be included either in the extended description at the grant level (i.e., the program of projects) or in the extended description fields for the RTAP ALIs.

NON-ADD SCOPES

FTA uses non-add scopes in the project budget to track the use of the enhanced Federal share for vehicle related equipment and facilities required for Americans with Disabilities Act of 1990 (ADA) or Clean Air Act (CAA) compliance, for tribal projects, and for other special initiatives. Include under these non-add scopes the portions of ALIs used elsewhere in the project budget for these purposes. The amounts included in the non-add scopes are not computed in the budget totals.

A non-add code was added to enable FTA to track the funding for tribal transit under Section 5311 grants to States. Use this code to identify tribal projects under any program.

• 992.nn Tribal Projects

ACCOUNTING CLASSIFICATION CODES

FTA uses accounting classification codes to indicate the source of funds in a grant. Each digit in the code has a specific meaning. For example, the accounting classification code 2006.25.18.81.2 provides the following information:

The accounting classification codes have the following structure and meaning:

Positions 1–4: "Year"—indicates the year of appropriation or allocation of the funds.

Positions 5–6: "Appropriations"—indicates which of the several large FTA accounts is being used to fund the grant (Formula and Bus Grants, Capital Investment Grants, Research and University Centers, or Administrative). For example, '25' represents the Formula and Bus Grants account funded entirely from the Mass Transit Account of the Highway Trust Fund.

Positions 7–8: "Section"—indicates the program under which the funds are being awarded. Many of the codes were established before the FTA Act was codified and refer to the former section numbers in the old statute (e.g. Section 5311 used to be Section 18). For the new programs, the new codes are related—to the extent possible—to the section number in the codified act. For example, '57' is used for New Freedom, which is 49 U.S.C. 5317.

Positions 9–10: "Limitation"—allows us to track set-asides, transfers, limits, and special uses. The next two digits indicate the specific program source of the funds. The original Section 5311 apportionment is coded 81. Funds transferred from Section 5307 are U8 (unrestricted). Section 5311 funds transferred to Section 5307 are coded T9. Section 5310 funds transferred to Section 5311 are coded B2. Each flexible funding program has its own code, so FTA and the Federal Highway Administration (FHWA) can track the specific source of the funds.

Position 11: Indicates whether funds are appropriated general funds (1) or contract authority (2). The funds from the Mass Transit Account ("trust funds") are coded (2) for contract authority.

FINANCIAL PURPOSE CODES

When the funds are obligated for a grant, FTA uses a financial purpose code (FPC) to indicate any broad statutory restrictions on the funds. All funds used for State administration within the 15 percent cap are obligated using FPC 06. The RTAP funds are obligated under FPC 07. For Section 5311 only, everything else is obligated under FPC 09, the general purpose code. In other FTA grant programs, 00 is used for capital obligations, 04 for operating, and 02 for planning. Because the States have the flexibility to move funds around among projects within the program of projects, FTA maintains the maximum flexibility by aggregating the obligations as broadly as possible. When the funds are actually expended and drawn down, the State indicates the use of the funds by substituting a number for the X in the project number in the draw down request. Operating (4), capital and project administration (0), and planning (2) all draw against the funds

obligated using FPC 09. Program Administration (6) draws against the funds obligated use FPC 06 and RTAP (7) draws against RTAP funds obligated using FPC 07.

SAMPLE APPROVED PROJECT BUDGET

GRANTEE: ANYSTATE DEPARTMENT OF TRANSPORTATION

CAPITAL, ANYSTATE

PROJECT NO.: AN-18-X015-00 BUDGET NO.: 01

	FEDERAL	TOTAL
SCOPE	AMOUNT	AMOUNT
111-01 BUS ROLLING STOCK		
QUANTITY 16	\$1,500,000	\$1,875,000
<u>ACTIVITY</u>		
11.12.01 PURCHASE REPLACEMENT		
<30 FT. BUSES WITH LIFTS		
QUANTITY 8	\$1,350,000	\$1,687,500
11.12.15 PURCHASE REPLACEMENT		
VANS WITH LIFTS		
QUANTITY 8	\$ 150,000	\$ 187,500
SCOPE		
300-01 OPERATING ASSISTANCE	\$1,750,000	\$3,500,000
<u>ACTIVITY</u>		
30.09.00 OPERATING ASSISTANCE	\$1,750,000	\$3,500,000
SCOPE		
600-01 OTHER PROGRAM COSTS	\$447,500	\$509,375
<u>ACTIVITY</u>		
11.73.00 PROGRAM RESERVE	\$ 47,500	\$ 59,375
11.79.00 PROJECT ADMINISTRATION	\$200,000	\$250,000
11.80.00 STATE ADMINISTRATION	\$652,500	\$652,500
SCOPE		
634-01 INTERCITY BUS PROJECTS	\$652,500	\$1,005,000
<u>ACTIVITY</u>		
11.33.01 REMODEL INTERMODAL		
TERMINAL	\$400,000	\$500,000
30.09.00 OPERATING ASSISTANCE	\$252,500	\$505,000
SCOPE		
635-01 RURAL TRANSIT ASSISTANCE		
PROGRAM	\$150,000	\$150,000
<u>ACTIVITY</u>		
43.50.01 TRAINING	\$50,000	\$50,000
43.50.02 TECHNICAL ASSISTANCE	\$25,000	\$25,000

43.50.03 RESEARCH	\$50,000	\$50,000
43.50.04 SUPPORT SERVICES	\$25,000	\$25,000
TOTAL	\$4,500,000	\$7,039,375
ESTIMATED NET PROJECT COST	\$7,039,375	
FEDERAL SHARE	\$4,500,000	
LOCAL SHARE	\$2,539,375	

OTHER (Scopes and Activities not included in Project Budget Totals)

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992.0	TRIBAL PROJECTS	\$ 50,000	\$ 62,500
	ACTIVITY:		
	11.12.15 PURCHASE VAN W/LIFT	\$ 50,000	\$ 62,500

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

FUNDING UZA: 990000 FUNDING UZA NAME: ANYSTATE

ACCOUNTING				PREVIOUSLY	AMENDMENT		
CLASSIFICATION	<u>FPC</u>	<u>FY</u>	<u>SEC</u>	<u>APPROVED</u>	AMOUNT	<u>TOTA</u>	<u>L</u>
2006.25.18.81.2	09	2006	18		\$4,150,000	\$4,150	,000
2006.25.18.81.2	06	2006	18		\$652,500	\$652,5	00
2006.25.18.R7.2	07	2006	18		\$150,000	\$150,0	00
				TOTAL	\$4,500,000	\$4,500	,000

APPENDIX D

PROCEDURES RELATED TO FLEXIBLE FUNDING

1. FLEXIBLE FUNDS.

Flexible funding categories are those programs authorized under the Federal-Aid Highway Program that are permitted to be used for either transit or highway projects. The funds may be transferred to the Federal Transit Administration (FTA) for any non-operating purpose eligible under FTA's Urbanized Area Formula Program (Section 5307), the Elderly Individuals and Individuals with Disabilities Program (Section 5310) and the Nonurbanized Area Formula Program (Section 5311), (including preventive maintenance) and project administration. The primary flexible fund programs are the Surface Transportation Program (STP), and the Congestion Mitigation and Air Quality (CMAQ) Improvement programs, although other Federal Highway Administration (FHWA) programs have some limited intermodal flexibility.

2. PROCEDURES.

FTA and FHWA have jointly developed new procedures to allow the use of flexible funds under the new provisions of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The following guidance refers only to the funds transferred to the Nonurbanized Area Formula Program.

- a. General. For those flexible funds transferred from FHWA to FTA for use in a nonurbanized area, the funds are placed in a State account under the Nonurbanized Area Formula Program. Thereafter, the funding will be treated as Nonurbanized Area Formula Program funds although they retain a special identifying code. Starting in FY2007 flexible funds cannot be combined with regular FTA formula funds in a single grant application (Flexible funds transferred before FY2007 can be combined with Section 5311 funds in a single grant.)
- b. Funds Transferred to FTA. Funds available under the STP may be transferred to FTA and used for any capital purpose eligible under FTA's Nonurbanized Area Formula Program. In addition, National Highway System (NHS) funds and portions of FHWA's Interstate Maintenance and Bridge programs may be transferred to the STP and then made available to FTA for transit capital projects consistent with FTA requirements of the Nonurbanized Area Formula Program. Finally, funds available under the CMAQ Improvement Program may be used in ozone and carbon-monoxide "nonattainment" areas for any transportation project or program (including several transit activities eligible under the Nonurbanized Area Formula Program) which helps lead to the attainment of national ambient air quality standards.

Transit projects in nonurbanized areas (under 50,000) are to be funded under any of these flexible programs must be identified in a Statewide Transportation Improvement Program (STIP). Inclusion into the STIP document constitutes a State's commitment to funding programmed projects with the identified FHWA source.

Once a project is ready to be implemented, the FTA grantee submits a complete application to the appropriate FTA regional office according to the application instructions of Appendix A. At the same time, the grantee notifies the designated State highway/transportation agency that it has submitted an application to FTA that will require a transfer of FHWA funds to FTA. Once the State highway/transportation agency determines that the State has sufficient obligation authority, the State agency notifies FHWA that the funds are to be used for transit purposes and requests that the budget authority be transferred to FTA.

Once FTA approves and obligates the grant, the grantee carries out the project following the guidance of FTA Circular 5010.1C, "Grant Management Guidelines" and this circular. FTA's regional office will administer the project as a Nonurbanized Area Formula Program project.

c. <u>Matching Share for Flexible Funds</u>. The provisions of Title 23 of the U.S. Code, regarding the non-Federal share apply to Title 23 funds that are transferred for use in transit projects. Thus, flexible funds transferred to FTA require the same non-Federal matching share that such funds would have had if used for highway purposes and administered by the FHWA.

An instance in which a higher than 80 percent Federal share could be maintained is in States with large areas of Indian and certain public domain lands, and National forests, parks and monuments, the local share for highway projects is determined by a sliding scale rate, calculated on the basis of the percentage of public lands within that State. This sliding scale, which permits a greater Federal share, but not to exceed 95 percent, is applicable to transit projects funded with flexible funds in these public land States. FHWA develops the sliding scale matching ratios for the increased Federal share. This is the same as the sliding scale share under the Section 5311 program.

There is no need to transfer STP, CMAQ, and NHS funds that would be used for planning, since planning for both transit and highways is eligible under FHWA's formula programs. Flexible funds to be used for a rural transit planning project should not be transferred to Section 5311, where they become subject to the cap on State administration which limits the use of the funds for planning.

APPENDIX E

SAMPLE INTERCITY BUS CERTIFICATION

(On official letterhead)

Month, Day, Year

Mr. James S. Simpson Administrator Federal Transit Administration 400 Seventh Street SW Washington, DC 20590

Dear Mr. Simpson:

I hereby certify to the Secretary of the United States Department of Transportation that the intercity bus service needs of the State of are being met adequately. Pursuant to Subsection 5311(f)(2) of 49 United States Code, the State accordingly does not intend to expend 15 percent of its Fiscal Year(s) Section 5311 apportionment(s) to carry out a program for the development and support of intercity bus transportation as would be required by Federal law in the absence of this certification.

[The model letter constitutes a certification by the person signing the letter. Thus, if this letter is signed by anyone other than the Governor, explain the authority under which this person signs the certification.]

The State has conducted an assessment of statewide intercity bus mobility needs between (fill in dates), which dates are no more than four years before the date of this certification. What follows is a description of the assessment process and findings: ...

Before this certification, as required by 5311(f)(2), the State consulted with affected intercity bus operators. That consultation process contained the four elements required by the circular and involved the following activities: (description of activities and how they complied with required elements):

Considering the State assessment and the results of the consultation process, the basis for the certification that there are no unmet intercity bus needs in the State is (explain in detail):

[Additional explanatory information may be added to determine the correlation between the results of the consultation and needs assessment and the decision to certify. For example, a description of the process used to assess whether unmet needs existed, the extent of any public participation in the decision, State financial support for intercity bus service, or the amount to be used in the case that intercity bus needs can be adequately met using less than the full 15 percent.]

Sincerely,

Jane Doe Governor

cc: FTA Regional Administrator

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APPENDIX F

SPECIAL SECTION 5333(b) WARRANTY FOR APPLICATION TO THE SMALL URBAN AND RURAL PROGRAM

Reserved.

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FTA C 9040.1F

4/1/2007

Appendix G

Page 1 of 1

APPENDIX G

CAPITAL COST OF CONTRACTING

Chapter III, 2, d, 2, o, identifies the capital cost of contracting for service as an eligible capital expense. The following table shows the percent of various types of contracts which are eligible for Federal Transit Administration (FTA) capital assistance without further justification to FTA. The percentages apply no matter whether the service is local, express, shuttle, or paratransit.

PERCENT OF CONTRACT ALLOWED FOR CAPITAL ASSISTANCE WITHOUT FURTHER JUSTIFICATION

Type of Contract	Percent
Service Contract (contractor provides maintenance and	
transit service; grantee provides vehicles)	40 percent
2. Service Contract (contractor provides transit service	
only; grantee provides vehicles and maintenance)	0 percent
3. Vehicle Maintenance Contract (contractor provides	
maintenance; grantee provides vehicles and transit service)	100 percent
4. Vehicle Lease Contract (contractor provides vehicles;	
grantee provides maintenance and transit service)	100 percent
5. Maintenance/Lease Contract (contractor provides	
vehicles and maintenance; grantee provides transit service)	100 percent
6. Turnkey Contract (contractor provides vehicles,	
maintenance, and transit service)	50 percent
7. Vehicle/Service Contract (contractor provides	
vehicles and transit service; grantee provides maintenance)	10 percent

A recipient may request FTA participation in a higher percentage of the contract than is shown in the table, but must provide appropriate written cost information and documentation to justify the higher percentage to FTA. The State should obtain FTA's approval of any such requests for a level of capital participation higher than the percentages shown in the chart before advancing the project to Category A.

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APPENDIX H

FTA REGIONAL AND METROPOLITAN CONTACT INFORMATION

<u>Office</u>	Area Served	Contact Information
Region I	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	Transportation Systems Center Kendall Square 55 Broadway, Suite 920 Cambridge, MA 02142–1093 Phone: 617–494–2055 Fax: 617–494–2865
Region II	New York, New Jersey, and U.S. Virgin Islands	One Bowling Green Room 429 New York, NY 10004–1415 Phone: 212–668–2170 Fax: 212–668–2136
Region III	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia	1760 Market Street Suite 500 Philadelphia, PA 19103–4124 Phone: 215–656–7100 Fax: 215–656–7260
Region IV	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, and Tennessee	Atlanta Federal Center 61 Forsyth Street SW., Suite 17T50 Atlanta, GA 30303 Phone: 404–562–3500 Fax: 404–562–3505
Region V	Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin	200 W Adams Street Suite 320 Chicago, IL 60606 Phone: 312–353–2789 Fax: 312–886–0351
Region VI	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas	819 Taylor Street Room 8A36 Forth Worth, TX 76102 Phone: 817–978–0550 Fax: 817–978–0575
Region VII	Iowa, Kansas, Missouri, and Nebraska	901 Locust, Suite 404 Kansas City, MO 64106 Phone: 816–329–3920 Fax: 816–329–3921

Office	Area Served	Contact Information
Region VIII	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming	12300 W. Dakota Avenue Suite 310 Lakewood, CO 80228–2583 Phone: 720–963–3300 Fax: 720–963–3333
Region IX	Arizona, California, Hawaii, Nevada, Guam, American Samoa, and Northern Mariana Islands	201 Mission Street Room 1650 San Francisco, CA 94105–1839 Phone: 415–744–3133 Fax: 415–744–2726
Region X	Alaska, Washington, Oregon, and Idaho	Jackson Federal Building 915 Second Avenue, Suite 3142 Seattle, WA 98174–1002 Phone: 206–220–7954 Fax: 206–220–7959
Lower Manhattan Recovery Office	Lower Manhattan	1 Bowling Green, Room 436 New York, NY 10004 Phone: 212–668–1770 Fax: 212–668–2505
New York Metropolitan Office	New York Metropolitan Area	One Bowling Green, Room 428 New York, NY 10004–1415 Telephone: 212–668–2201 Fax: 212–668–2136
Philadelphia Metropolitan Office	Philadelphia Metropolitan Area	1760 Market Street, Suite 510 Philadelphia, PA 19103–4124 Telephone: 215–656–7070 Fax: 215–656–7269
Chicago Metropolitan Office	Chicago Metropolitan Office	200 West Adams Street Suite 2410 (24th floor) Chicago, IL 60606 Telephone: 312–886–1616 Fax: 312–886–0351
Los Angeles Metropolitan Office	Los Angeles Metropolitan Area	888 S. Figueroa, Suite 1850 Los Angeles, CA 90012 Telephone: 213–202–3950 Fax: 213–202–3961
Washington, DC Metropolitan Office	Washington, DC Metropolitan Area	1990 K Street NW Suite 510 Washington, DC 20006 Telephone: 202–219–3562 / 219–3565 Fax: 202–219–3545

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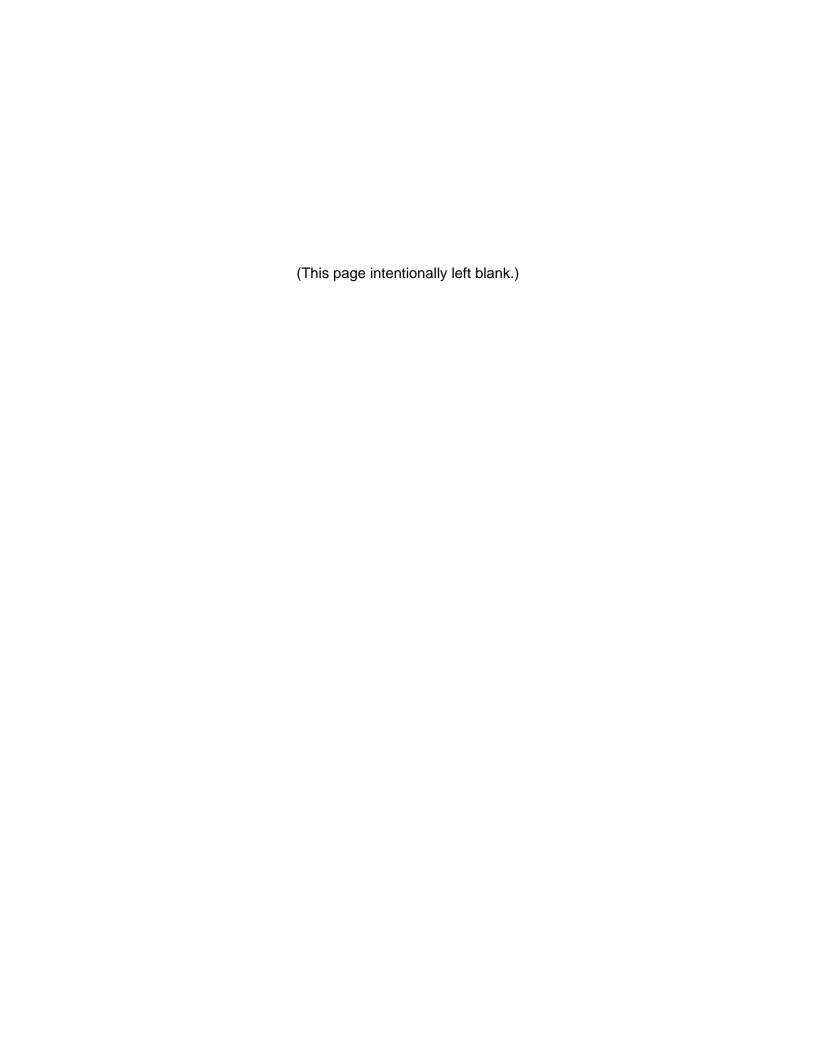
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The 2009 Florida Statutes

CHAPTER 341

PUBLIC TRANSIT

- 341.011 Florida Public Transit Act; short title.
- 341.031 Definitions relating to Florida Public Transit Act.
- 341.041 Transit responsibilities of the department.
- 341.051 Administration and financing of public transit and intercity bus service programs and projects.
- 341.052 Public transit block grant program; administration; eligible projects; limitation.
- 341.053 Intermodal Development Program; administration; eligible projects; limitations.
- 341.0532 Statewide transportation corridors.
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- 341.101 State purchase of mass transit vehicles and facilities.
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- 341.303 Funding authorization and appropriations; eligibility and participation.
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- 341.836 Associated development.
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- 341.838 Rates, rents, fees, and charges.
- 341.839 Alternate means.
- 341.840 Tax exemption.
- 341.841 Report; audit.
- 341.842 Liberal construction.
- **341.011 Florida Public Transit Act; short title.**--Sections 341.011-341.061 shall be known and may be cited as the "Florida Public Transit Act."

History.--s. 1, ch. 78-283; s. 1, ch. 84-340.

341.031 Definitions relating to Florida Public Transit Act.--As used in ss. 341.011-341.061, the term:

- (1) "Public transit provider" or "provider" means a public agency providing public transit service, including rail authorities created in chapter 343.
- (2) "Fixed-guideway transportation system" means a public transit system for the transporting of people by a conveyance, or a series of interconnected conveyances, which conveyance or series of conveyances is specifically designed for travel on a stationary rail or other guideway, whether located on, above, or under the ground.
- (3) "Eligible transit operating costs" means the total administrative, management, and operation costs directly incident to the provision of public transit services, excluding any depreciation or amortization of capital assets.
- (4) "Local revenue sources" means the sum of funds received from a local government entity to assist in paying transit operation costs, including tax funds, and revenue earned from fare box receipts, charter service, contract service, express service, and nontransportation activities.
- (5) "Paratransit" means those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the provider of the service. Paratransit service is provided by taxis, limousines, "dial-a-ride" buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature.
- (6) "Public transit" means 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 governmentally owned or privately owned. Public transit specifically includes those forms of transportation commonly known as "paratransit."
- (7) "Public transit capital project" means a project undertaken by a public agency to provide public transit to its constituency, and is limited to acquisition, design, construction, reconstruction, or improvement of a governmentally owned or operated transit system.
- (8) "Public transit service development project" means a project undertaken by a public agency to determine whether a new or innovative technique or measure can be utilized to improve or expand public transit services to its constituency. The duration of the project shall be limited according to the type of the project in conformance with the provisions of s. 341.051(5)(e), but in no case shall exceed a period of 3 years. Public transit service development projects specifically include projects involving the utilization of new technologies, services, routes, or vehicle frequencies; the purchase of special transportation services; and other such techniques for increasing service to the riding public as are applicable to specific localities and transit user groups.

- (9) "Commuter assistance program" means financial and technical assistance by the department to promote alternatives to the use of automobiles by a single commuter. The term includes the following program areas:
- (a) "Ridesharing," which means an arrangement between persons with a common destination, or destinations, within the same proximity, to share the use of a motor vehicle on a recurring basis for round-trip transportation to and from their place of employment or other common destination. For purposes of ridesharing, employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall be deemed to terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer. However, an employee shall be deemed to be within the course of employment when the employee is engaged in the performance of duties assigned or directed by the employer, or acting in the furtherance of the business of the employer, irrespective of location.
- (b) "Transportation demand management," which means techniques that can be used to increase the efficiency of existing transportation systems by influencing demand on the systems and by reducing the number of automobile trips during peak hours of highway use.
- (c) "Transportation management association," which means an organization which helps solve transportation problems by encouraging businesses and governments to implement ridesharing and demand management strategies.
- (10) "Transit corridor project" means a project that is undertaken by a public agency and designed to relieve congestion and improve capacity within an identified transportation corridor by increasing people-carrying capacity of the system through the use and facilitated movement of high-occupancy conveyances. Each transit corridor project must meet the requirements established in s. 341.051(5)(d). Initial project duration shall not exceed a period of 2 years unless the project is reauthorized by the Legislature. Such reauthorization shall be based upon a determination that the project is meeting or exceeding the criteria, developed pursuant to s. 341.051(5)(d), by which the success of the project is being judged and by inclusion of the project in a departmental appropriation request.
- (11) "Intercity bus service" means regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity; has the capacity for transporting baggage carried by passengers; makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available; maintains scheduled information in the National Official Bus Guide; and provides package express service incidental to passenger transportation.
- (12) "Eligible bus carrier" or "carrier" means a private company that has operated defined intercity bus service in the state, with formal authority in accordance with the rules and regulations of the Federal Motor Carrier Safety Administration and the Surface Transportation Board of the Federal Department of Transportation, for a minimum of 2 years.

- (13) "Eligible intercity bus costs" means the total costs directly incident to the provision of intercity bus service, including any depreciation or amortization of capital assets purchased without public financial assistance.
- (14) "Intercity bus capital project" means a capital project undertaken by an intercity bus carrier to provide intercity bus service, and is limited to acquisition, design, construction, reconstruction, or improvement of a privately operated intercity bus service. Projects may include that portion of a governmentally owned or operated transit system designed to support privately operated intercity bus service.

History.--s. 1, ch. 78-283; s. 2, ch. 82-95; s. 3, ch. 84-340; s. 20, ch. 85-81; s. 80, ch. 90-136; s. 65, ch. 92-152; ss. 35, 62, ch. 93-164; s. 85, ch. 2002-20; s. 1, ch. 2003-291.

341.041 Transit responsibilities of the department.--The department shall, within the resources provided pursuant to chapter 216:

- (1) Develop a statewide plan that provides for public transit and intercity bus service needs at least 5 years in advance. The plan shall be developed in a manner that will assure maximum use of existing facilities, and optimum integration and coordination of the various modes of transportation, including both governmentally owned and privately owned resources, in the most cost-effective manner possible. The plan shall also incorporate plans adopted by local and regional planning agencies which are consistent, to the maximum extent feasible, with adopted strategic policy plans and approved local government comprehensive plans for the region and units of local government covered by the plan and shall, insofar as practical, conform to federal planning requirements. The plan shall be consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.
- (2) Formulate a specific program of projects and project financing to respond to identified transit and intercity bus service needs as part of the work program.
- (3) Develop, publish, and administer state measures concerning system management, performance, productivity, cost distribution, and safety of governmentally 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 consideration given to nationwide industry norms.
- (4) Provide technical and financial assistance to units of local government and intercity bus carriers, based on an analysis of public transit and intercity bus service problems and needs, to assist in establishing and implementing effective transit systems and related support programs. In providing such assistance, the department may assist public agencies that provide public transit and intercity bus carriers that provide intercity bus services by making department-owned transit vehicles and appurtenances available for lease to such agencies for special needs of limited duration.
- (5) Coordinate activities between the public entities and private entities on matters relating to public transit and intercity bus services.

- (6) Assist in the development and implementation of marketing and passenger information programs for public transit and intercity bus services.
- (7) Provide transit service through contracts with existing publicly or privately owned transit systems, where such service represents the transit element of a corridor project designed to relieve urban traffic congestion.
- (8) Provide intercity bus service, as defined in s. 341.031, to support projects that serve to maintain and enhance statewide intercity bus service. The department shall use and dedicate federal funds apportioned to intercity bus service according to federal requirements to support a statewide intercity bus network.
- (9) Provide new transit service and equipment where a public need has been determined to exist pursuant to the transportation planning process and where all of the following conditions occur:
- (a) No other governmental entity of appropriate jurisdiction exists.
- (b) The service cannot be reasonably provided by a governmentally owned or privately owned public transit provider.
- (c) The cost of providing the service does not exceed the sum of revenues resulting from user fares, special transit services such as charter operations, local fund participation, and specific legislative appropriation for this purpose.

The department may buy, sell, own, lease, and otherwise encumber facilities, transit vehicles, and appurtenances thereto, as necessary to provide such service; or the department may provide service by contracts with governmentally owned or privately owned service providers.

- (10) Provide public transportation service where emergency service is required, provided that no other private or public transportation operation is available to provide needed service and that such service is clearly in the best interests of the people or communities being served. Such service shall be provided by contractual services, actual operation of state-owned transit equipment and facilities, or any other means deemed appropriate by the department and shall be limited to a period not to exceed 2 years.
- (11) Administer federal and state commuter assistance programs and related federal-aid funds apportioned to the department, which promote the use of ridesharing arrangements and transportation demand management strategies, and the creation of transportation management associations. Public agencies, and private organizations established pursuant to chapter 617 and approved by the local government and the department as being consistent with local, regional, and state transportation plans, are eligible to receive funds under this program. The department shall establish adequate insurance requirements based on passenger capacity for each vehicle used in ridesharing.
- (12) Assist local governmental entities and other transit operators in the planning and development of transit programs and procedures and in the identification of alternatives for

achieving the most effective use of available transportation resources and increasing revenue sources as needed so that Florida's transit systems can move toward becoming fiscally self-sufficient. The department may also advance, on a matching basis, state funds for capital improvements to transit properties in accordance with the following:

- (a) Candidate programs may include, but are not limited to, the development of terminal facilities for lease by interfacing modes, the acquisition and development of adjacent land for lease or sale to public and private entities, and the acquisition and development of air rights.
- (b) The criteria to be utilized in determining whether or not to advance such funds shall be adopted by rule and shall include the demonstrated need of the transit system, administrative capability, and a system financial plan as approved by the department.
- (13) Assist local governmental entities in achieving a condition wherein transit systems are operated at a service level that is responsive to identified transit needs and in such a manner as to promote maximum transit usage and achieve the highest possible operating recovery ratio commensurate with the local government's transit role and requirements.
- (14) Assist local governmental entities and other transit operators in the planning, development, and coordination of transit services for WAGES program participants as defined in s. 414.0252.
- (15) Create and maintain a common self-retention insurance fund to support fixed-guideway projects throughout the state when there is a contractual obligation to have the fund in existence in order to provide fixed-guideway services. The maximum limit of the fund is as required by any contractual obligation.

History.--s. 1, ch. 78-283; s. 253, ch. 84-309; s. 4, ch. 84-340; s. 16, ch. 89-301; s. 81, ch. 90-136; s. 66, ch. 92-152; s. 3, ch. 95-149; s. 56, ch. 95-257; s. 11, ch. 98-57; s. 34, ch. 99-385; s. 2, ch. 2003-291.

341.051 Administration and financing of public transit and intercity bus service programs and projects.--

- (1) FEDERAL AID.--
- (a) The department is authorized to receive federal grants or apportionments for public transit and intercity bus service projects in this state.
- (b) Local governmental entities are authorized to receive federal grants or apportionments for public transit and commuter assistance projects. In addition, the provisions of s. 337.403 notwithstanding, if the relocation of utility facilities is necessitated by the construction of a fixed-guideway public transit project and the utilities relocation is approved as a part of the project by a participating federal agency (if eligible for federal matching reimbursement), then any county chartered under s. 6(e), Art. VIII of the State Constitution shall pay at least 50 percent of the nonfederal share of the cost attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility. The balance of the nonfederal share shall be paid by the utility.

(2) PUBLIC TRANSIT PLAN.--

- (a) The department shall prepare a public transit plan which shall be included in the tentative work program of the department prepared pursuant to s. 339.135(4). The provisions of s. 339.135 apply to public transit projects in the same manner that they apply to other transportation facility construction projects. Any planned department participation shall be in accordance with subsection (5).
- (b) The public transit plan shall be consistent with the local plans developed in accordance with the comprehensive transportation planning process. Projects that involve funds administered by the department, and that will be undertaken and implemented by another public agency, shall be included in the public transit plan upon the request of that public agency, providing such project is eligible under the requirements established herein and subject to estimated availability of funds. Projects so included in the plan shall not be altered or removed from priority status without notice to the public agency or local governmental entities involved.

(3) APPROPRIATION REQUESTS.--

- (a) Public transit funds shall be requested on the basis of the funding required for the public transit plan. Appropriation requests shall identify each public transit project calling for a state expenditure of \$500,000 or more.
- (b) Public transit service development projects and transit corridor projects shall be individually identified in the appropriation request by the department. Such request shall show a breakdown of funds showing capital and operating expense.
- (c) Unless otherwise authorized by the Legislature, the department is prohibited from entering into any agreement or contract for a public transit project which would result in the ultimate expenditure or commitment of state funds in excess of \$5 million.

(4) PROJECT ELIGIBILITY.--

- (a) Any project that is necessary to meet the program objectives enumerated in s. 341.041, that conforms to the provisions of this section, and that is contained in the local transportation improvement program and the adopted work program of the department is eligible for the expenditure of state funds for transit purposes.
- 1. The project shall be a project for service or transportation facilities provided by the department under the provisions of this act, a public transit capital project, a commuter assistance project, a public transit service development project, an intercity bus service capital project, an intercity bus service project, or a transit corridor project.
- 2. The project must be approved by the department as being consistent with the criteria established pursuant to the provisions of this act.

- (b) Such expenditures shall be in accordance with the fund participation rates and the criteria established in this section for project development and implementation, and are subject to approval by the department as being consistent with the Florida Transportation Plan and regional transportation goals and objectives.
- (c) Unless otherwise authorized by the Legislature, the department is prohibited from entering into any agreement or contract for a public transit project which would result in the ultimate expenditure or commitment of state funds in excess of \$5 million.

(5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

- (a) The department may fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in scope; except, however, that departmental participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project which is not approved for federal funding shall not exceed an amount equal to 12.5 percent of the total cost of each phase.
- (b) The department is authorized to fund up to 100 percent of the cost of any eligible transit capital project, intercity bus service project, or commuter assistance project that is statewide in scope or involves more than one county where no other governmental entity or appropriate jurisdiction exists.
- (c) The department is authorized to advance up to 80 percent of the capital cost of any eligible project that will assist Florida's transit systems and intercity bus services in becoming fiscally self-sufficient. Such advances shall be reimbursed to the department on an appropriate schedule not to exceed 5 years after the date of provision of the advances.
- (d) The department is authorized to fund up to 100 percent of the capital and net operating costs of statewide transit service development projects or transit corridor projects. All transit service development projects shall be specifically identified by way of a departmental appropriation request, and transit corridor projects shall be identified as part of the planned improvements on each transportation corridor designated by the department. The project objectives, the assigned operational and financial responsibilities, the timeframe required to develop the required service, and the criteria by which the success of the project will be judged shall be documented by the department for each such transit service development project or transit corridor project.
- (e) The department is authorized to fund up to 50 percent of the capital and net operating costs of transit service development projects that are local in scope and that will improve system efficiencies, ridership, or revenues. All such projects shall be identified in the appropriation request of the department through a specific program of projects, as provided for in s. 341.041, that is selectively applied in the following functional areas and is subject to the specified times of duration:

- 1. Improving system operations, including, but not limited to, realigning route structures, increasing system average speed, decreasing deadhead mileage, expanding area coverage, and improving schedule adherence, for a period of up to 3 years;
- 2. Improving system maintenance procedures, including, but not limited to, effective preventive maintenance programs, improved mechanics training programs, decreasing service repair calls, decreasing parts inventory requirements, and decreasing equipment downtime, for a period of up to 3 years;
- 3. Improving marketing and consumer information programs, including, but not limited to, automated information services, organized advertising and promotion programs, and signing of designated stops, for a period of up to 2 years; and
- 4. Improving technology involved in overall operations, including, but not limited to, transit equipment, fare collection techniques, electronic data processing applications, and bus locators, for a period of up to 2 years.
- (f) The department may fund up to 100 percent of the federal-aid apportionment for intercity bus service.
- (6) ANNUAL APPROPRIATION.--Funds paid into the State Transportation Trust Fund pursuant to s. 201.15 for the New Starts Transit Program are hereby annually appropriated for expenditure to support the New Starts Transit Program.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

History.--s. 1, ch. 78-283; s. 63, ch. 83-3; ss. 9, 13, ch. 83-138; s. 254, ch. 84-309; s. 5, ch. 84-340; s. 18, ch. 87-225; s. 20, ch. 88-286; s. 17, ch. 89-301; s. 82, ch. 90-136; s. 67, ch. 92-152; s. 21, ch. 92-173; s. 36, ch. 93-164; s. 57, ch. 95-257; s. 136, ch. 99-13; s. 106, ch. 99-385; s. 86, ch. 2002-20; s. 3, ch. 2003-291; s. 34, ch. 2005-290; s. 9, ch. 2008-114.

341.052 Public transit block grant program; administration; eligible projects; limitation.--

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located. In developing public transportation development plans, eligible providers must solicit comments from regional workforce boards established under chapter 445. The development plans must address how the public transit provider will work with the appropriate regional workforce board to provide services to participants in the welfare transition program. Eligible providers must provide information to the regional workforce board serving the county in which the provider is located regarding the availability of transportation services to assist program participants.

- (2) Costs for which public transit block grant program funds may be expended include:
- (a) Costs of public bus transit and local public fixed guideway capital projects.
- (b) Costs of public bus transit service development and transit corridor projects. Whenever block grant funds are used for a service development project or a transit corridor project, the use of such funds is governed by s. 341.051. Local transit service development projects and transit corridor projects currently operating under contract with the department shall continue to receive state funds according to the contract until such time as the contract expires. Transit corridor projects, wholly within one county, meeting or exceeding performance criteria as described in the contract shall be continued by the transit provider at the same or a higher level of service until such time as the department, the M.P.O., and the service provider, agree to discontinue the service. The provider may not increase fares for services in transit corridor projects wholly within one county without the consent of the department.
- (c) Costs of public bus transit operations.

All projects must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the project is located.

- (3) The following limitations shall apply to the use of public transit block grant program funds:
- (a) State participation in eligible capital projects shall be limited to 50 percent of the nonfederal share of such project costs.
- (b) State participation in eligible public transit operating costs may not exceed 50 percent of such costs or an amount equal to the total revenue, excluding farebox, charter, and advertising revenue and federal funds, received by the provider for operating costs, whichever amount is less.
- (c) No eligible public transit provider shall use public transit block grant funds to supplant local tax revenues made available to such provider for operations in the previous year; however, the Secretary of Transportation may waive this provision for public transit providers located in a county recovering from a state of emergency declared pursuant to part I of chapter 252.
- (d) The state may not give any county more than 39 percent of the funds available for distribution under this section or more than the amount that local revenue sources provide to that transit system.
- (4) To remain eligible to receive funding under the public transit block grant program, eligible public transit providers must comply with the requirements of s. 341.071(1) and the requirements of s. 341.071(2) and must comply with the provisions of paragraph (2)(b) relating to existing transit corridor projects.

- (5) The department shall distribute 15 percent of the funds designated for the public transit block grant program into the Transportation Disadvantaged Trust Fund for distribution to community transportation coordinators as provided by the rules of the Commission for the Transportation Disadvantaged.
- (6) The department shall distribute 85 percent of the public transit block grant funds to "Section 9" and "Section 18" providers designated by the United States Department of Transportation. The funds shall be distributed to "Section 9" providers, and to "Section 18" providers that are not designated as community transportation coordinators pursuant to chapter 427, according to the following formula, except that at least \$20,000 shall be distributed to each eligible provider if application of the formula provides less than that amount for any such provider:
- (a) One-third shall be distributed according to the percentage that an eligible provider's county population in the most recent year for which those population figures are available from the state census repository is of the total population of all counties served by eligible providers.
- (b) One-third shall be distributed according to the percentage that the total revenue miles provided by an eligible provider, as verified by the most recent "Section 15" report to the Federal Transit Administration or a similar audited report submitted to the department, is of the total revenue miles provided by eligible providers in the state in that year.
- (c) One-third shall be distributed according to the percentage that the total passengers carried by an eligible provider, as verified by the most recent "Section 15" report submitted to the Federal Transit Administration or a similar audited report submitted to the department, is of the total number of passengers carried by eligible providers in the state in that year.
- (7)(a) Any funds distributed to an eligible provider pursuant to subsection (6) which cannot be expended within the limitations of the block grant program shall be returned to the department for redistribution to other eligible providers pursuant to that subsection.
- (b) The department may consult with an eligible provider, before distributing funds to that provider pursuant to subsection (6), to determine whether the provider can expend its total block grant within the limitations of the block grant program. 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, in which case the funds that exceed such lesser agreed-upon amount shall be redistributed to other eligible providers pursuant to subsection (6).
- (c) 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. The department shall redistribute such repayments to other eligible providers pursuant to subsection (6).
- (8) Notwithstanding the provisions of subsections (5), (6), and (7), the department may supplement an eligible provider's block grant allocation if funds are available; if requested by the M.P.O. or, if there is no M.P.O., by the county with jurisdiction; and if the department concurs in the request. Any supplement of a transit provider's block grant shall be specifically identified in

the tentative work program submitted by the department to the Legislature. The provisions of subsections (2) and (3) shall apply to total block grants as supplemented by allocations made under this subsection.

History.--s. 83, ch. 90-136; s. 68, ch. 92-152; s. 34, ch. 93-164; s. 22, ch. 94-237; s. 15, ch. 97-100; s. 12, ch. 98-57; s. 86, ch. 2000-165.

341.053 Intermodal Development Program; administration; eligible projects; limitations.--

- (1) There is created within the Department of Transportation an Intermodal Development Program to provide for major capital investments in fixed-guideway transportation systems, access to seaports, airports and other transportation terminals, providing for the construction of intermodal or multimodal terminals; and to otherwise facilitate the intermodal or multimodal movement of people and goods.
- (2) In recognition of the department's role in the economic development of this state, the department shall develop a proposed intermodal development plan to connect Florida's airports, deepwater seaports, rail systems serving both passenger and freight, and major intermodal connectors to the Florida Intrastate Highway System facilities as the primary system for the movement of people and freight in this state in order to make the intermodal development plan a fully integrated and interconnected system. The intermodal development plan must:
- (a) Define and assess the state's freight intermodal network, including airports, seaports, rail lines and terminals, intercity bus lines and terminals, and connecting highways.
- (b) Prioritize statewide infrastructure investments, including the acceleration of current projects, which are found by the Freight Stakeholders Task Force to be priority projects for the efficient movement of people and freight.
- (c) Be developed in a manner that will assure maximum use of existing facilities and optimum integration and coordination of the various modes of transportation, including both government-owned and privately owned resources, in the most cost-effective manner possible.
- (3) The Intermodal Development Program shall be administered by the department.
- (4) The department shall review funding requests from a rail authority created pursuant to chapter 343. The department may include projects of the authorities, including planning and design, in the tentative work program.
- (5) No single transportation authority operating a fixed-guideway transportation system, or single fixed-guideway transportation system not administered by a transportation authority, receiving funds under the Intermodal Development Program shall receive more than 33¹/₃ percent of the total intermodal development funds appropriated between July 1, 1990, and June 30, 2015. In determining the distribution of funds under the Intermodal Development Program in any fiscal year, the department shall assume that future appropriation levels will be equal to the current appropriation level.

(6) The department is authorized to fund projects within the Intermodal Development Program, which are consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the project is located. Projects that are eligible for funding under this program include major capital investments in public rail and fixed-guideway transportation facilities and systems which provide intermodal access; road, rail, intercity bus service, or fixed-guideway access to, from, or between seaports, airports, and other transportation terminals; construction of intermodal or multimodal terminals; development and construction of dedicated bus lanes; and projects which otherwise facilitate the intermodal or multimodal movement of people and goods.

History.--s. 84, ch. 90-136; s. 69, ch. 92-152; s. 66, ch. 93-164; s. 47, ch. 99-385; s. 87, ch. 2002-20; s. 4, ch. 2003-291.

341.0532 Statewide transportation corridors.--

- (1) A "statewide transportation corridor" is defined as a system of transportation infrastructure that collectively provides for the efficient movement of significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of transport.
- (2) Florida's statewide transportation corridors are:
- (a) The Atlantic Coast Corridor, from Jacksonville to Miami, including Interstate 95.
- (b) The Gulf Coast Corridor, from Pensacola to St. Petersburg and to Tampa including U.S. Route 98 and U.S. Route 19/State Road 27.
- (c) The Central Florida/North-South Corridor, from the Florida-Georgia border to Naples and Fort Lauderdale/Miami, including Interstate 75.
- (d) The Central Florida/East-West Corridor from St. Petersburg to Tampa and to Titusville, including Interstate 4 and the Beeline Expressway.
- (e) The North Florida Corridor, from Pensacola to Jacksonville, including Interstate 10, and U.S. Route 231, State Road 77, and State Road 79 from the Florida-Alabama border to Panama City.
- (f) The Jacksonville to Tampa Corridor, including U.S. Route 301.
- (g) The Jacksonville to Orlando Corridor, including U.S. 17.
- (h) The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, and West Palm Beach via the Florida Turnpike.

For the purposes of this subsection, the term "corridor" includes railways adjacent to such corridor and the roadways linking to transportation terminals, and intermodal service centers to the major highways listed in this subsection.

341.061 Transit safety standards; inspections and system safety reviews.--

- (1)(a) The department shall adopt by rule minimum safety standards for governmentally owned fixed-guideway transportation systems and privately owned or operated fixed-guideway transportation systems operating in this state which are financed wholly or partly by state funds. Standards must be site-specific for fixed-guideway transportation systems and shall be developed jointly by the department and representatives of the affected systems, giving full consideration to nationwide industry safety norms relating to the development and operation of fixed-guideway transportation systems.
- (b) Each fixed-guideway transportation system shall develop a safety program plan that complies with established standards and shall certify to the department that the plan complies with the standards. Following certification to the department, the fixed-guideway transportation system shall implement and comply with the plan during the development and operation of the system. Each fixed-guideway transportation system shall verify annually in writing to the department that it has complied with its adopted safety program plan.
- (c) Before beginning passenger service operations, a fixed-guideway transportation system must certify in writing to the department that the system is safe for passenger service. Further, before a fixed-guideway transportation system the operations of which have been suspended as a result of noncompliance with established standards returns to service, the system must certify in writing to the department that the system is safe for passenger service.
- (d) If a fixed-guideway transportation system does not comply with paragraph (b) or paragraph (c) or if, upon certification by a fixed-guideway transportation system, the department has good cause to believe that the system is not complying with its adopted safety program plan or is not safe for passenger service, the department may conduct a review of the system for safety compliance. Upon completion of its review, the department shall provide a copy of the review report to the affected system. Any adverse findings and any corrective actions required and the time allowed for such actions must be stated in the report. If at any time continued operation of the system, or a portion thereof, poses an immediate danger to public safety, the system operator shall suspend affected system service until corrective action is taken. If the system operator fails to take corrective action or fails to suspend service when immediate danger to the public exists, the department may require the affected system service to be suspended.
- (2)(a) The department shall adopt by rule minimum equipment and operational safety standards for all governmentally owned bus transit systems and privately owned or operated bus transit systems operating in this state that are financed wholly or partly by state funds, all bus transit systems created pursuant to chapter 427, and all privately owned or operated bus transit systems under contract with any of the foregoing systems. Standards for bus transit systems shall be developed jointly by the department and representatives of the transit systems. Each such bus transit system shall develop a transit safety program plan that complies with established standards and shall certify to the department that the plan complies with the standards. Following certification to the department, the bus transit system shall implement and comply with the plan during the operation of the transit system.

- (b) Each bus transit system shall, as part of the safety program plan, require that all transit buses operated by the system be inspected at least annually in accordance with established standards. Qualified personnel of the bus transit system or public or private entities qualified by the bus transit system shall perform safety inspections. Each bus transit system shall certify annually in writing to the department that it has complied with its adopted safety program plan and, as part of that plan, that safety inspections have been performed by a qualified entity at least once that year on all transit buses operated by such system.
- (c) If a bus transit system does not comply with paragraph (a) or paragraph (b) or if, upon certification by a bus transit system, the department has good cause to believe that the system is not complying with its adopted safety program plan or is not safe for passenger service, the department may conduct a review of the system for safety compliance. Upon completion of its review, the department shall provide a copy of the review report to the affected system. Any adverse findings and any corrective actions required and the time allowed for such actions must be stated in the report. If at any time continued operation of the system, or a portion thereof, poses an immediate danger to public safety, the system operator shall suspend affected system service until corrective action is taken. If the system operator fails to take corrective action or fails to suspend service when immediate danger to the public exists, the department may require the affected system service to be suspended.

History.--s. 6, ch. 84-340; s. 37, ch. 86-243.

341.071 Transit productivity and performance measures; reports.--

- (1) Where there is an approved local government comprehensive plan in the political subdivision or political subdivisions in which the public transportation system is located, each public transit provider shall establish public transportation development plans consistent with approved local government comprehensive plans.
- (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, by January 31 of each year, report 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. The report shall also specifically address potential enhancements to productivity and performance which would have the effect of increasing farebox recovery ratio.
- (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.

History.--s. 85, ch. 90-136; s. 46, ch. 2007-196.

341.101 State purchase of mass transit vehicles and facilities.--

- (1) The Division of Bond Finance of the State Board of Administration is authorized to acquire, finance, lease, or sell, and the department is authorized to lease or purchase, mass transit vehicles and facilities pursuant to ss. 288.23-288.30 and ss. 215.57-215.83.
- (2) As used in s. 166.021, a "municipal purpose" also includes any and all means for the transportation of people and goods from place to place, which means of transportation are developed, operated, or maintained in whole or in part from public funds.

History.--ss. 2, 3, ch. 70-239; s. 255, ch. 84-309; s. 7, ch. 84-340; s. 284, ch. 92-279; s. 55, ch. 92-326.

Note.--Former s. 334.023.

341.102 Regulation of nonpublic sector buses.--

- (1) No local governmental entity shall unduly restrict or impose any economic regulation upon the use of nonpublic sector buses engaged solely in intercounty transportation, or engaged in intracity transportation routes if the owner of such bus can establish that such intracity transportation route has been operated continuously from January 1, 1990, through April 1, 1991, and such intracity transportation has been conducted in compliance with applicable safety rules and regulations promulgated under s. 316.70. The partial exemption from local governmental regulation afforded the intracity transportation routes specified in the preceding sentence shall be limited to the routes maintained continuously from January 1, 1990, through April 1, 1991, and such authority shall expire April 1, 2011, or 10 years after any change in ownership of such bus, whichever occurs first. Any existing restrictions inconsistent with this section are invalid. However, local governmental entities may enact necessary safety, insurance, and traffic ordinances.
- (2) Except for contract agreements awarded pursuant to chapter 427, a county, as defined in s. 125.011(1), or a local governmental entity located within such a county, may not unduly restrict or impose any economic regulation upon any private sector contract transportation agreement. A private sector contract transportation agreement is a prearranged written contract between a bus owner and a public sector or private sector entity for the prearranged transportation of specific passengers, not including street hails, by a nonpublic sector bus over public roads that do not overlap public transportation corridors by more than 70 percent; provided, such passengers are employees, patients, or clients of the public sector or private sector entity, and such entity has a legitimate business or governmental purpose in transporting such employees, patients, or clients; and such entity's primary business is not transportation of passengers by motor vehicle, as defined in s. 320.01. For the purpose of this subsection, a nonpublic sector bus is defined as a vehicle designed for carrying more than 10 passengers. A public transportation corridor consists of those public roads within one-quarter mile of, and including, existing public transportation routes. Nothing contained in this subsection shall restrict local governmental entities from enacting necessary safety, insurance, and traffic ordinances.

History.--s. 5, ch. 81-209; s. 256, ch. 84-309; s. 8, ch. 84-340; s. 123, ch. 90-136; s. 1, ch. 90-230; s. 70, ch. 92-152.

341.301 Definitions; ss. 341.302 and 341.303.--As used in ss. 341.302 and 341.303, the term:

- (1) "Branch line continuance project" means a project that involves branch line rehabilitation, new connecting track, rail banking, and other similar types of projects, including those specifically identified in the federal Railroad Revitalization and Regulatory Reform Act of 1976, and subsequent amendments to that act.
- (2) "Intercity rail transportation system" means the network of railroad facilities used or available for interstate and intrastate passenger and freight operations by railroads, whether or not on a schedule or whether or not restricted.
- (3) "Rail programs" means those programs administered by the state or other governmental entities which involve projects affecting the movement of people or goods by rail lines that have been or will be constructed to serve freight or passenger markets within a city or between cities.
- (4) "Rail service development project" means a project undertaken by a public agency to determine whether a new or innovative technique or measure can be utilized to improve or expand rail service. The duration of the project funding shall be limited according to the type of project and in no case shall exceed 3 years. Rail service development projects include those projects and other actions undertaken to enhance railroad operating efficiency or increased rail service, including measures that result in improved speed profiles, operations, or technological applications that lead to reductions in operating costs and increases in productivity or service.
- (5) "Railroad" or "rail system" means any common carrier fixed-guideway transportation system such as the conventional steel rail-supported, steel-wheeled system. The term does not include a high-speed rail line developed by the Department of Transportation pursuant to ss. 341.8201-341.842.
- (6) "Railroad capital improvement project" means a project identified by the rail component of the Florida Transportation Plan, which project involves the leasing, acquisition, design, construction, reconstruction, or improvement to the existing intercity rail transportation system or future segments thereof, including such items as locomotives and other rolling stock, tracks, terminals, and rights-of-way for the continuance or expansion of rail service as necessary to ensure the continued effectiveness of the state's rail facilities and systems in meeting mobility and industrial development needs.
- (7) "Train" means any locomotive engine that is powered by diesel fuel, electricity, or other means, with or without cars coupled thereto, and operated upon a railroad track or any other form of fixed guideway, except that the term does not include a light rail vehicle such as a streetcar or people mover.

History.--s. 1, ch. 84-333; s. 38, ch. 86-243; s. 42, ch. 95-143; s. 32, ch. 2004-5.

341.302 Rail program, duties and responsibilities of the department.--The department, in conjunction with other governmental units and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under Title 49 C.F.R. part 212, the department shall:

- (1) Provide the overall leadership, coordination, and financial and technical assistance necessary to assure the effective responses of the state's rail system to current and anticipated mobility needs.
- (2) Promote and facilitate the implementation of advanced rail systems, including high-speed rail and magnetic levitation systems.
- (3) Develop and periodically update the rail system plan, on the basis of an analysis of statewide transportation needs. The plan shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155. The rail system plan shall include an identification of priorities, programs, and funding levels required to meet statewide needs. The rail system plan shall be developed in a manner that will assure the maximum use of existing facilities and the optimum integration and coordination of the various modes of transportation, public and private, in the most cost-effective manner possible. The rail system plan shall be updated at least every 2 years and include plans for both passenger rail service and freight rail service.
- (4) As part of the work program of the department, formulate a specific program of projects and financing to respond to identified railroad needs.
- (5) Provide technical and financial assistance to units of local government to address identified rail transportation needs.
- (6) Secure and administer federal grants, loans, and apportionments for rail projects within this state when necessary to further the statewide program.
- (7) Develop and administer state standards concerning the safety and performance of rail systems, hazardous material handling, and operations. Such standards shall be developed jointly with representatives of affected rail systems, with full consideration given to nationwide industry norms, and shall define the minimum acceptable standards for safety and performance.
- (8) Conduct, at a minimum, inspections of track and rolling stock; train signals and related equipment; hazardous materials transportation, including the loading, unloading, and labeling of hazardous materials at shippers', receivers', and transfer points; and train operating practices to determine adherence to state and federal standards. Department personnel may enforce any safety regulation issued under the Federal Government's preemptive authority over interstate commerce.
- (9) Assess penalties, in accordance with the applicable federal regulations, for the failure to adhere to the state standards.
- (10) Administer rail operating and construction programs, which programs shall include the regulation of maximum train operating speeds, the opening and closing of public grade crossings, the construction and rehabilitation of public grade crossings, and the installation of traffic control devices at public grade crossings, the administering of the programs by the department including participation in the cost of the programs.

- (11) Coordinate and facilitate the relocation of railroads from congested urban areas to nonurban areas when relocation has been determined feasible and desirable from the standpoint of safety, operational efficiency, and economics.
- (12) Implement a program of branch line continuance projects when an analysis of the industrial and economic potential of the line indicates that public involvement is required to preserve essential rail service and facilities.
- (13) Provide new rail service and equipment when:
- (a) Pursuant to the transportation planning process, a public need has been determined to exist;
- (b) The cost of providing such service does not exceed the sum of revenues from fares charged to users, services purchased by other public agencies, local fund participation, and specific legislative appropriation for this purpose; and
- (c) Service cannot be reasonably provided by other governmental or privately owned rail systems.

The department may own, lease, and otherwise encumber facilities, equipment, and appurtenances thereto, as necessary to provide new rail services; or the department may provide such service by contracts with privately owned service providers.

- (14) Furnish required emergency rail transportation service if no other private or public rail transportation operation is available to supply the required service and such service is clearly in the best interest of the people in the communities being served. Such emergency service may be furnished through contractual arrangement, actual operation of state-owned equipment and facilities, or any other means determined appropriate by the secretary.
- (15) Assist in the development and implementation of marketing programs for rail services and of information systems directed toward assisting rail systems users.
- (16) Conduct research into innovative or potentially effective rail technologies and methods and maintain expertise in state-of-the-art rail developments.
- (17) Exercise such other functions, powers, and duties in connection with the rail system plan as are necessary to develop a safe, efficient, and effective statewide transportation system.

History.--s. 2, ch. 84-333; s. 18, ch. 89-301; s. 72, ch. 92-152; s. 53, ch. 93-164; s. 58, ch. 95-257; s. 35, ch. 99-385.

341.3025 Multicounty public rail system fares and enforcement.--

(1) Any entity that owns or operates a public rail system in two or more counties of the state may adopt rules and regulations relating to the operation and management of its rail system, including regulations relating to fares, fees, and charges for the use of the facilities and services of the system.

- (2) It is unlawful for any person to ride the rail system without payment of the appropriate fare or to cause goods or other items for which a fee is charged to be carried on the rail system without payment of the fee.
- (3)(a) Any person riding the rail system without paying the appropriate fare or causing goods or other items for which a fee is charged to be carried without paying such fee shall be subject to citation by an enforcement officer of the system and, in addition to any other penalty provided by law, is guilty of a noncriminal violation punishable by a fine of \$50 per each such violation.
- (b) The citation issued to a person in violation of this section shall state the reason for the citation, the amount of the fine, and the court having jurisdiction of the offense.
- (c) Each enforcement officer issuing a citation for an alleged violation of this section shall deposit the original and one copy of the citation with a court having jurisdiction over the alleged offense within 5 days after issuance to the violator.
- (d) The entity operating the system shall maintain a copy of the citation.
- (e) Upon the deposit of the original and one copy of such citation with a court having jurisdiction over the alleged offense, the original or copy of such citation may be disposed of only by trial in the court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine to the entity by the person to whom such citation has been issued.
- (f) The entity shall maintain or cause to be maintained a record of the disposition of each citation issued.
- (4)(a) Any person cited for an offense under this section shall sign and accept a citation indicating a promise to appear.
- (b) Any person who does not elect to appear shall pay the fine either by mail or in person within 30 days of the date of receiving the citation. If the person cited follows the procedure provided in this paragraph, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a trial on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceeding.
- (c) Any person electing to appear before the judge shall be deemed to have waived his or her right to pay the penalty. The judge, after a trial, shall make a determination as to whether an infraction has been proven and may impose a civil penalty not to exceed \$500. If the judge determines that no infraction has been committed, no cost or penalties shall be imposed, and any cost or penalty which has been paid shall be returned.
- (d) Any person who fails to appear or otherwise properly respond to a citation issued under this section shall also be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083. A written warning to this effect shall be provided at the time such citation is issued.

- (e) The commission of an offense must be proved beyond a reasonable doubt at any trial.
- (5) For the purpose of enforcing the payment of such fares, fees, and charges for use of the facilities and services of the system, such entity shall have the authority:
- (a) To employ enforcement officers or contract with a private firm or company to verify payment of appropriate fares or fees and to issue citations to persons traveling on the system without paying the appropriate fare or to persons who cause goods or other items for which a fee is charged to be carried without paying such fee. Such enforcement officers who are not licensed security officers shall not carry firearms or other weapons or have arrest authority; armed security officers performing fare inspection services shall not have arrest authority and shall be licensed as required by chapter 493 and all other applicable laws and regulations.
- (b) To maintain records of citations issued and to accept payment of fines and costs.
- (6) All fines and forfeitures received by any court from violations of this section shall be paid monthly, less any administrative costs, to the entity operating the system.
- (7) Venue for prosecution or recovery for violations of rules or regulations adopted pursuant to this section shall be in the county where the entity which owns and operates the public rail system maintains its principal place of business.

History, --s. 1, ch. 88-360; s. 73, ch. 92-152; s. 38, ch. 93-164; s. 506, ch. 95-148; s. 55, ch. 95-257.

341.303 Funding authorization and appropriations; eligibility and participation.--

- (1) APPROPRIATIONS REQUESTS.--
- (a) Rail funds shall be requested on the basis of the funding required for the implementation of the rail component of the work program.
- (b) No state funds shall be allocated or expended for operation deficits of any intercity or commuter rail projects except as specifically allowed for approved rail service development projects.
- (2) PROJECT ELIGIBILITY.--Any project that is necessary to carry out those duties and responsibilities enumerated in s. 341.302, that is consistent with the approved local government comprehensive plan of the unit of government of the areas served by the rail service, and that is contained in the adopted work program is eligible for the expenditure of state funds in accordance with the fund participation rates established in this section.
- (3) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

- (a) The department may fund up to 50 percent of the nonfederal and nonprivate share of the costs of any eligible railroad capital improvement project that is local in scope.
- (b) The department is authorized to fund up to 100 percent of the cost of any eligible railroad capital improvement project that is statewide in scope or involves more than one county if no other governmental unit of appropriate jurisdiction exists.
- (c) The department is authorized to fund up to 100 percent of the costs of any railroad capital improvement project involving the acquisition of rights-of-way for future transportation purposes. Departmental fund participation in such project shall be credited as part of the appropriate share of the participation by the department in total project cost for any future project involving such rights-of-way.

(4) FUND PARTICIPATION; SERVICE DEVELOPMENT.--

- (a) The department is authorized to fund up to 50 percent of the net operating costs of any eligible intercity or commuter rail service development project that is local in scope, not to exceed the local match.
- (b) The department is authorized to fund up to 100 percent of the net operating costs of any eligible intercity or commuter rail service development project that is statewide in scope or involves more than one county if no other governmental unit of appropriate jurisdiction exists. For commuter rail service, after the 5th year of operation, the department's participation is limited to a maximum of 50 percent of the net operating costs of the service.
- (c) Each such local or statewide service development project shall be identified in the appropriation request of the department in a manner that defines project objectives, the assigned operational and financial responsibilities, the timeframe required to develop the service, and the criteria by which the success of the project can be judged.
- (d) Any service development project funded under this section shall continue to be eligible for such funds only if the project reaches a systemwide operating ratio of 25 percent or more during the 5th year.
- (e) The term "net operating costs" means all operating costs of the project less any federal funds, fares, or other sources of income to the project.

History.--s. 3, ch. 84-333; s. 21, ch. 85-81; s. 23, ch. 88-168; s. 19, ch. 89-301; s. 2, ch. 89-351; s. 74, ch. 92-152; s. 37, ch. 93-164.

341.501 High-technology transportation systems; joint project agreement or assistance.Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. The department may, subject to s. 339.135, provide funds to match any available federal aid or aid from other states or jurisdictions for effectuating the research, development, and demonstration

of high-technology transportation systems. To be eligible for funding under this section, the project must be located in Florida.

History.--s. 64, ch. 93-164; s. 58, ch. 96-323; s. 56, ch. 97-100; ss. 54, 88, ch. 2002-20.

341.8201 Short title.--Sections 341.8201-341.842 may be cited as the "Florida High-Speed Rail Authority Act."

History.--s. 28, ch. 2002-20; s. 31, ch. 2003-1.

341.8202 Legislative findings, policy, purpose, and intent.--

- (1) The intent of this act is to implement the purpose of s. 19, Art. X of the State Constitution, which directs the Legislature, the Cabinet and the Governor to proceed with the development, either by the state or an approved private entity, of a high-speed monorail, fixed guideway, or magnetic levitation system, capable of speeds in excess of 120 miles per hour. The development of such a system, which will link Florida's five largest urban areas as defined in this act, includes acquisition of right-of-way and the financing of design and construction with construction beginning on or before November 1, 2003. Further, this act promotes the various growth management and environmental protection laws enacted by the Legislature and encourages and enhances the establishment of a high-speed rail system. The Legislature further finds that:
- (a) The implementation of a high-speed rail system in the state will result in overall social and environmental benefits, improvements in ambient air quality, better protection of water quality, greater preservation of wildlife habitat, less use of open space, and enhanced conservation of natural resources and energy.
- (b) A high-speed rail system, when developed in conjunction with sound land use planning, becomes an integral part in achieving growth management goals and encourages the use of public transportation to augment and implement land use and growth management goals and objectives.
- (c) Development and utilization of a properly designed, constructed, and financed high-speed rail system and associated development can act as a catalyst for economic growth and development, mitigate unduly long and traffic-congested commutes for day-to-day commuters, create new employment opportunities, serve as a positive growth management system for building a better and more environmentally secure state, and serve a paramount public purpose by promoting the health, safety, and welfare of the citizens of the state.
- (d) Transportation benefits of a high-speed rail system include improved travel times and more reliable travel, which will increase productivity and energy efficiency in the state.
- (2) The Legislature further finds that:
- (a) Access to timely and efficient modes of passenger transportation is necessary for travelers, visitors, and day-to-day commuters, to the quality of life in the state, and to the economy of the state.

- (b) Technological advances in the state's transportation system can significantly and positively affect the ability of the state to attract and provide efficient services for domestic and international tourists and therefore increase revenue of the state.
- (c) The geography of the state is suitable for the construction and efficient operation of a high-speed rail system.
- (d) The public use of the high-speed rail system must be encouraged and assured in order to achieve the public purpose and objectives set forth in this act. In order to encourage the public use of the high-speed rail system and to protect the public investment in the system, it is necessary to provide an environment surrounding each high-speed rail station which will allow the development of associated development for the purpose of creating revenue in support of and for the high-speed rail system, enhance the safe movement of pedestrians and traffic into and out of the area, ensure the personal safety of high-speed rail system and related facility users and their personal property while the users are in the area of each station, and eliminate all conditions in the vicinity which constitute economic and social impediments and barriers to the use of the high-speed rail system and associated development.
- (e) Areas surrounding certain proposed high-speed rail stations can, as a result of existing conditions, crime, and traffic congestion, pose a serious threat to the use of the high-speed rail system, reduce revenue from users, discourage pedestrian and traffic ingress and egress, retard sound growth and development, impair public investment, and consume an excessive amount of public revenues in the employment of police and other forms of public protection to adequately safeguard the high-speed rail system and its users. Such areas may require redevelopment, acquisition, clearance, or disposition, or joint public and private development to provide parking facilities, retail establishments, restaurants, hotels, or office facilities associated with or ancillary to the high-speed rail system and rail stations and to otherwise provide for an environment that will encourage the use of, and safeguard, the system.
- (f) The powers conferred by this act are for public uses and purposes as established by s. 19, Art. X of the State Constitution for which public funds may be expended, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination to implement the intent of s. 19, Art. X of the State Constitution.
- (g) Urban and social benefits include revitalization of economically depressed areas, the redirection of growth in a carefully and comprehensively planned manner, and the creation of numerous employment opportunities within inner-city areas.
- (h) The provisions contained in this act are a declaration of legislative intent that the state develop a high-speed rail system to help solve transportation problems and eliminate their negative effect on the citizens of this state, and therefore serves a public purpose.
- (i) Joint development is a necessary planning, financing, management, operation, and construction mechanism to ensure the continued future development of an efficient and economically viable high-speed rail system in this state.

(3) It is the intent of the Legislature to authorize the authority to implement innovative mechanisms required to effect the joint public-private venture approach to planning, locating, permitting, managing, financing, constructing, operating, and maintaining a high-speed rail system for the state, including providing incentives for revenue generation, operation, construction, and management by the private sector.

History.--s. 29, ch. 2002-20.

341.8203 Definitions.--As used in this act, unless the context clearly indicates otherwise, the term:

- (1) "Associated development" means property, equipment, buildings, or other ancillary facilities which are built, installed, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or part of the rail stations. The term includes property, including air rights, necessary for joint development, such as parking facilities, retail establishments, restaurants, hotels, offices, or other commercial, civic, residential, or support facilities, and may also include property necessary to protect or preserve the rail station area by reducing urban blight or traffic congestion or property necessary to accomplish any of the purposes set forth in this subsection which are reasonably anticipated or necessary.
- (2) "Authority" means the Florida High-Speed Rail Authority and its agents. However, for purposes of s. 341.840, the term does not include any agent of the authority except as provided in that section.
- (3) "Central Florida" means the counties of Lake, Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard, Hernando, Pasco, Hillsborough, Pinellas, and Polk.
- (4) "DBOM contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, and maintain a high-speed rail system.
- (5) "DBOM & F contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, maintain, and finance a high-speed rail system.
- (6) "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is capable of operating at speeds in excess of 120 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the authority. The term includes a corridor and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, and rail stations and also includes facilities or equipment used exclusively for the purposes of design, construction, operation, maintenance, or the financing of the high-speed rail system.

- (7) "Joint development" means the planning, managing, financing, or constructing of projects adjacent to, functionally related to, or otherwise related to a high-speed rail system pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private.
- (8) "Northeast Florida" means the counties of Nassau, Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.
- (9) "Northwest Florida" means the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon, Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee, Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford, and Levy.
- (10) "Rail station," "station," or "high-speed rail station" means any structure or transportation facility that is part of a high-speed rail system designed to accommodate the movement of passengers from one mode of transportation to another at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.
- (11) "Selected person or entity" means the person or entity to whom the authority awards a contract under s. 341.834 to establish a high-speed rail system pursuant to this act.
- (12) "Southeast Florida" means the counties of Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin, Okeechobee, and Palm Beach.
- (13) "Southwest Florida" means the counties of Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte, Glades, Lee, Hendry, and Collier.
- (14) "Urban areas" means Central Florida, Northeast Florida, Northwest Florida, Southeast Florida, and Southwest Florida.

History.--s. 30, ch. 2002-20; s. 15, ch. 2004-366.

341.821 Florida High-Speed Rail Authority.--

- (1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Florida High-Speed Rail Authority," hereinafter referred to as the "authority."
- (2)(a) The governing board of the authority shall consist of nine voting members appointed as follows:
- 1. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

- 2. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.
- 3. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.
- (b) The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years.
- (c) A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.
- (d) The Secretary of Transportation shall be a nonvoting ex officio member of the board.
- (e) The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.
- (f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.
- (3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.
- (4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

History.--s. 1, ch. 2001-153; s. 31, ch. 2002-20.

- (1) The authority created and established by this act shall locate, plan, design, finance, construct, maintain, own, operate, administer, and manage the high-speed rail system in the state.
- (2) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may only incur debt in accordance with levels authorized by the Legislature.
- (3) The authority shall have perpetual succession as a body politic and corporate.
- (4) The authority is authorized to seek and obtain federal matching funds or any other funds to fulfill the requirements of this act either directly or through the Department of Transportation.
- (5) The authority may employ an executive director as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

History.--s. 2, ch. 2001-153; s. 32, ch. 2002-20.

341.823 Criteria for assessment and recommendations.--

- (1) The following criteria shall apply to the establishment of the high-speed rail system required by this act:
- (a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;
- (b) The initial segments of the system will be developed and operated between the St. Petersburg area, the Tampa area, and the Orlando area, with future service to the Miami area;
- (c) The authority is to develop a program that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, maintenance, operation, and financing of the system;
- (2) The authority shall establish requirements concerning:
- (a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;
- (b) The preferred routes between the cities and urban areas designated in accordance with s. 341.8203;
- (c) The preferred locations for the stations in the cities and urban areas designated in accordance with s. 341.8203;
- (d) The preferred locomotion technology to be employed; and

- (e) Any other issues the authority deems relevant to the development of a high-speed rail system.
- (3) The authority shall develop a marketing plan, a detailed planning-level ridership study, and an estimate of the annual operating and maintenance cost for the system and all other associate expenses.

History.--s. 3, ch. 2001-153; s. 33, ch. 2002-20.

341.824 Technical, scientific, or other assistance.--

- (1) The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.
- (2) The Department of Community Affairs shall, if requested, provide assistance to local governments in analyzing the land use and comprehensive planning aspects of the high-speed rail system. The Department of Community Affairs shall assist the authority with the resolution of any conflicts between the system and adopted local comprehensive plans.
- (3) The Department of Environmental Protection shall, if requested, provide assistance to local governments and other permitting agencies in analyzing the environmental aspects of the high-speed rail system. The Department of Environmental Protection shall assist the authority and the contractor in expediting the approval of the necessary environmental permits for the system.

History.--s. 6, ch. 2001-153; s. 34, ch. 2002-20.

341.827 Service areas; segment designation.--

- (1) The authority shall determine in which order the service areas, as designated by the Legislature, will be served by the high-speed rail system.
- (2) The authority shall plan and develop the high-speed rail system so that construction proceeds as follows:
- (a) The initial segments of the system shall be developed and operated between the St. Petersburg area, the Tampa area, the Lakeland/Winter Haven area, and the Orlando area, with future service to the Miami area.
- (b) Construction of subsequent segments of the high-speed rail system shall connect the metropolitan areas of Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft. Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft. Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala, Tallahassee, and Pensacola.
- (c) Selection of segments of the high-speed rail system to be constructed subsequent to the initial segments of the system shall be prioritized by the authority, giving consideration to the

demand for service, financial participation by local governments, financial participation by the private sector, and the available financial resources of the authority.

History.--s. 35, ch. 2002-20.

341.828 Permitting.--

- (1) The authority, for the purposes of permitting, may utilize one or more permitting processes provided for in statute, including, but not limited to, the metropolitan planning organization long-range transportation planning process as defined in s. 339.175(7) and (8), in conjunction with the Department of Transportation's work program process as defined in s. 339.135, or any permitting process now in effect or that may be in effect at the time of permitting and will provide the most timely and cost-effective permitting process.
- (2) The authority shall work in cooperation with metropolitan planning organizations in areas where the high-speed rail system will be located. The metropolitan planning organizations shall cooperate with the authority and include the high-speed rail system alignment within their adopted long-range transportation plans and transportation improvement programs for the purposes of providing public information, consistency with the plans, and receipt of federal and state funds by the authority to support the high-speed rail system.
- (3) For purposes of selecting a route alignment, the authority may use the project development and environment study process, including the efficient transportation decisionmaking system process as adopted by the Department of Transportation.

History.--s. 36, ch. 2002-20; s. 59, ch. 2007-196.

341.829 Conflict prevention, mitigation, and resolution.--

- (1) The authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, shall develop and implement, within 180 days after the effective date of this act, a process to prevent, mitigate, and resolve, to the maximum extent feasible, any conflicts or potential conflicts of a high-speed rail system with growth management requirements and environmental standards.
- (2) Any person who disagrees with the alignment decision must file a complaint with the authority within 20 days after the authority's final adoption of the alignment.
- (3) The authority must respond to any timely filed complaint within 60 days after the complaint is filed with the authority.

History.--s. 37, ch. 2002-20.

341.830 Procurement.--

(1) The authority may employ procurement methods under chapters 255, 287, and 337 and under any rule adopted under such chapters. To enhance the effective and efficient operation of

the authority, and to enhance the ability of the authority to use best business practices, the authority may, pursuant to ss. 120.536(1) and 120.54, adopt rules for and employ procurement methods available to the private sector.

(2) The authority is authorized to procure commodities and the services of a qualified person or entity to design, build, finance, operate, maintain, and implement a high-speed rail system, including the use of a DBOM or DBOM & F method using a request for proposal, a request for qualifications, or an invitation to negotiate.

History.--s. 38, ch. 2002-20.

341.831 Prequalification.--

- (1) The authority may prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system. The authority may establish qualifying criteria that may include, but not be limited to, experience, financial resources, organization and personnel, equipment, past record or history of the person or entity, ability to finance or issue bonds, and ability to post a construction or performance bond.
- (2) The authority may establish the qualifying criteria in a request for qualification without adopting the qualifying criteria as rules.

History.--s. 39, ch. 2002-20.

341.832 Request for qualifications.--

- (1) The authority is authorized to develop and execute a request for qualifications process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for qualifications. The authority shall develop criteria for selection of a person or entity that shall be included in any request for qualifications.
- (2) The authority may issue a request for qualifications without adopting a rule.

History.--s. 40, ch. 2002-20.

341.833 Request for proposals.--

- (1) The authority is authorized to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for proposals. The authority shall develop criteria for selection of a person or entity that shall be included in any request for proposals.
- (2) In the request for proposals, the authority shall specify the minimum period of time for the contract duration. A person or entity may propose a longer period of time for the contract and provide justification of the need for an extended contract period. If the authority extends the time

period for the contract, such time period shall be extended for all persons or entities if so requested.

History.--s. 41, ch. 2002-20.

341.834 Award of contract.--

- (1) The authority may award a contract subject to such terms and conditions, including, but not limited to, compliance with any applicable permitting requirements, and any other terms and conditions the authority considers appropriate.
- (2) The contract shall authorize the contractor to provide service between stations as established by the contract. The contractor shall coordinate its facilities and services with passenger rail providers, commuter rail authorities, and public transit providers to provide access to and from the high-speed rail system.
- (3) The contractor shall not convey, lease, or otherwise transfer any high-speed rail system property, any interest in such property, or any improvement constructed upon such property without written approval of the authority.

History.--s. 42, ch. 2002-20.

341.835 Acquisition of property; rights-of-way; disposal of land.--

- (1) The authority may purchase, lease, exchange, or otherwise acquire any land, property interests, or buildings or other improvements, including personal property within such buildings or on such lands, necessary to secure or utilize rights-of-way for existing, proposed, or anticipated high-speed rail system facilities.
- (2) Title to any property acquired in the name of the authority shall be administered by the authority under such terms and conditions as the authority may require.
- (3) When the authority acquires property for a high-speed rail system, or any related or ancillary facilities, by purchase or donation, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.
- (4) In acquiring property or property rights for any high-speed rail system or related or ancillary facilities, the authority may acquire an entire lot, block, or tract of land if the interests of the public will be best served by such acquisition, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper or for the specific related or ancillary facilities.

- (5) The authority, by resolution, may dispose of any interest in property acquired pursuant to this section on terms and conditions the authority deems appropriate.
- (6) The authority and its employees and agents shall have the right to enter upon properties which may be determined to be necessary for the construction, reconstruction, relocation, maintenance, and operation of a proposed high-speed rail system and associated development and related or ancillary facilities as described in subsection (1) for the purposes of surveying and soil and environmental testing.
- (7) The authority is authorized to accept donations of real property from public or private entities for the purposes of implementing a high-speed rail system.

History.--s. 43, ch. 2002-20.

341.836 Associated development.--

- (1) The authority, alone or as part of a joint development, may undertake development of associated developments to be a source of revenue for the establishment, construction, operation, or maintenance of the high-speed rail system. Such associated developments must be associated with a rail station and have pedestrian ingress to and egress from the rail station; be consistent, to the extent feasible, with applicable local government comprehensive plans and local land development regulations; and otherwise be in compliance with the provisions of this act.
- (2) This act does not prohibit the authority, the selected person or entity, or a party to a joint venture with the authority or its selected person or entity from obtaining approval, pursuant to any other law, for any associated development that is reasonably related to the high-speed rail system.

History.--s. 44, ch. 2002-20.

341.837 Payment of expenses.--All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, or from other legally available sources.

History.--s. 45, ch. 2002-20.

341.838 Rates, rents, fees, and charges.--

(1) The authority is authorized to fix, revise, charge, and collect rates, rents, fees, charges, and revenues for the use of and for the services furnished, or to be furnished, by the system and to contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. Such rates, rents, fees, and charges shall be reviewed annually by the authority and may be adjusted as set forth in the contract setting such rates, rents, fees, or charges. The funds collected hereunder shall, with any other funds available, be used to pay the cost of all administrative expenses of the authority, and the cost of designing, building, operating, and maintaining the system and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for.

(2) Rates, rents, fees, and charges fixed, revised, charged, and collected pursuant to this section shall not be subject to supervision or regulation by any department, commission, board, body, bureau, or agency of this state other than the authority.

History.--s. 46, ch. 2002-20.

341.839 Alternate means.--The foregoing sections of this act shall be deemed to provide an additional and alternative method for accomplishing the purposes authorized therein, and shall be regarded as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided in this act, none of the powers granted to the authority under the provisions of this act shall be subject to the supervision or require the approval or consent of any municipality or political subdivision or any commission, board, body, bureau, or official.

History.--s. 47, ch. 2002-20.

341.840 Tax exemption.--

- (1) The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions. The design, construction, operation, maintenance, and financing of a high-speed rail system by the authority, its agent, or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function.
- (2)(a) For the purposes of this section, the term "authority" does not include agents of the authority other than contractors who qualify as such pursuant to subsection (7).
- (b) For the purposes of this section, any item or property that is within the definition of "associated development" in s. 341.8203(1) shall not be considered to be part of the high-speed rail system as defined in s. 341.8203(6).
- (3)(a) Purchases or leases of tangible personal property or real property by the authority, excluding agents of the authority, are exempt from taxes imposed by chapter 212 as provided in s. 212.08(6). Purchases or leases of tangible personal property that is incorporated into the high-speed rail system as a component part thereof, as determined by the authority, by agents of the authority or the owner of the high-speed rail system are exempt from sales or use taxes imposed by chapter 212. Leases, rentals, or licenses to use real property granted to agents of the authority or the owner of the high-speed rail system are exempt from taxes imposed by s. 212.031 if the real property becomes part of such system. The exemptions granted in this subsection do not apply to sales, leases, or licenses by the authority, agents of the authority, or the owner of the high-speed rail system.
- (b) The exemption granted in paragraph (a) to purchases or leases of tangible personal property by agents of the authority or by the owner of the high-speed rail system applies only to property that becomes a component part of such system. It does not apply to items, including, but not limited to, cranes, bulldozers, forklifts, other machinery and equipment, tools and supplies, or other items of tangible personal property used in the construction, operation, or maintenance of

the high-speed rail system when such items are not incorporated into the high-speed rail system as a component part thereof.

- (4) Any bonds or other security, and all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of bonds or other security, issued by the authority, or on behalf of the authority, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the counties, and the municipalities and other political subdivisions in the state. This subsection, however, does not exempt from taxation or assessment the leasehold interest of a lessee in any project or any other property or interest owned by the lessee. The exemption granted by this subsection is not applicable to any tax imposed by chapter 220 on interest income or profits on the sale of debt obligations owned by corporations.
- (5) When property of the authority is leased to another person or entity, the property shall be exempt from ad valorem taxation only if the use by the lessee qualifies the property for exemption under s. 196.199.
- (6) A leasehold interest held by the authority is not subject to intangible tax. However, if a leasehold interest held by the authority is subleased to a nongovernmental lessee, such subleasehold interest shall be deemed to be an interest described in s. 199.023(1)(d), Florida Statutes 2005, and is subject to the intangible tax.
- (7)(a) In order to be considered an agent of the authority for purposes of the exemption from sales and use tax granted by subsection (3) for tangible personal property incorporated into the high-speed rail system, a contractor of the authority that purchases or fabricates such tangible personal property must be certified by the authority as provided in this subsection.
- (b)1. A contractor must apply for a renewal of the exemption not later than December 1 of each calendar year.
- 2. A contractor must apply to the authority on the application form adopted by the authority, which shall develop the form in consultation with the Department of Revenue.
- 3. The authority shall review each submitted application and determine whether it is complete. The authority shall notify the applicant of any deficiencies in the application within 30 days. Upon receipt of a completed application, the authority shall evaluate the application for exemption under this subsection and issue a certification that the contractor is qualified to act as an agent of the authority for purposes of this section or a denial of such certification within 30 days. The authority shall provide the Department of Revenue with a copy of each certification issued upon approval of an application. Upon receipt of a certification from the authority, the Department of Revenue shall issue an exemption permit to the contractor.
- (c)1. The contractor may extend a copy of its exemption permit to its vendors in lieu of paying sales tax on purchases of tangible personal property qualifying for exemption under this section. Possession of a copy of the exemption permit relieves the seller of the responsibility of collecting

tax on the sale, and the Department of Revenue shall look solely to the contractor for recovery of tax upon a determination that the contractor was not entitled to the exemption.

- 2. The contractor may extend a copy of its exemption permit to real property subcontractors supplying and installing tangible personal property that is exempt under subsection (3). Any such subcontractor is authorized to extend a copy of the permit to the subcontractor's vendors in order to purchase qualifying tangible personal property tax-exempt. If the subcontractor uses the exemption permit to purchase tangible personal property that is determined not to qualify for exemption under subsection (3), the Department of Revenue may assess and collect any tax, penalties, and interest that are due from either the contractor holding the exemption permit or the subcontractor that extended the exemption permit to the seller.
- (d) Any contractor authorized to act as an agent of the authority under this section shall maintain the necessary books and records to document the exempt status of purchases and fabrication costs made or incurred under the permit. In addition, an authorized contractor extending its exemption permit to its subcontractors shall maintain a copy of the subcontractor's books, records, and invoices indicating all purchases made by the subcontractor under the authorized contractor's permit. If, in an audit conducted by the Department of Revenue, it is determined that tangible personal property purchased or fabricated claiming exemption under this section does not meet the criteria for exemption, the amount of taxes not paid at the time of purchase or fabrication shall be immediately due and payable to the Department of Revenue, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by chapter 212.
- (e) If a contractor fails to apply for a high-speed rail system exemption permit, or if a contractor initially determined by the authority to not qualify for exemption is subsequently determined to be eligible, the contractor shall receive the benefit of the exemption in this subsection through a refund of previously paid taxes for transactions that otherwise would have been exempt. A refund may not be made for such taxes without the issuance of a certification by the authority that the contractor was authorized to make purchases tax-exempt and a determination by the Department of Revenue that the purchases qualified for the exemption.
- (f) The authority may adopt rules governing the application process for exemption of a contractor as an authorized agent of the authority.
- (g) The Department of Revenue may adopt rules governing the issuance and form of high-speed rail system exemption permits, the audit of contractors and subcontractors using such permits, the recapture of taxes on nonqualified purchases, and the manner and form of refund applications.

History.--s. 48, ch. 2002-20; s. 16, ch. 2004-366; s. 53, ch. 2007-5.

341.841 Report; audit.--The authority shall prepare an annual report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1. The authority shall provide for an annual financial audit, as defined in s. 11.45, of its accounts and records conducted by an independent certified public accountant. The audit report shall include a management letter as

defined in s. 11.45. The cost of the audit shall be paid from funds available to the authority pursuant to this act.

History.--s. 49, ch. 2002-20.

341.842 Liberal construction.--This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

History.--s. 50, ch. 2002-20.



Appendix B

FLORIDA GREYHOUND DATA





Table B-1 Greyhound Station Locations (Florida)

#	Greyhound Stop Location
1	Belle Glade
2	Big Pine Key
3	Bradenton
4	Brooksville
5	Chiefland
6	Clearwater
7	Clewiston
8	Crystal River
9	Daytona Beach
10	Delray Beach
11	Ft Lauderdale
12	Ft Myers
13	Ft Pierce
14	Ft Walton Beach
15	Gainesville
16	Hastings
17	Hawthorne
18	Interlachen
19	Islamorada
20	Jacksonville
21	Key Largo
22	Key West
23	Kissimmee
24	La Belle
25	Lake City
26	Lakeland
27	Leesburg
28	Marathon
29	Marianna
30	Melbourne
31	Miami
32	Miami Airport
33	Miami Cutler Ridge
34	Miami Downtown
35	Miami North
36	Naples
37	New Port Richey
38	Ocala
39	Orange Park





Table B-1 (Continued)
Greyhound Station Locations (Florida)

zymouma :	Station Locations (Fiorig
	Greyhound Stop
#	Location
40	Orlando
41	Palatka
42	Panama City
43	Pensacola
44	Perry
45	Port Charlotte
46	Punta Gorda
47	Sarasota
48	Spring Hill
49	St Augustine
50	St Pertersburg
51	Starke
52	Tallahassee
53	Tampa
54	Titusville
55	Vero Beach
56	Waldo
57	West Palm Beach
58	Winter Haven





Table B-2
Annual Greyhound Boardings and Alightings

	Allina	Aillidai eleyilddid boardiligs aild Ailgiitiligs	משמות	III yo ai ii	Alight	y		
				γ	Year			
Station Location	Data	2004	2005	2006	2007	2008	2009*	Total
ALACHUA	Boardings	138	75					213
	Alightings	343	164					507
ARCADIA	Boardings	422	199					621
	Alightings	688	282					970
AVON PARK	Boardings	60	2					62
	Alightings	270	5					275
BARTOW	Boardings	27	15					42
	Alightings	110	77					187
BELLE GLADE	Boardings	189	77					266
	Alightings	532	177					709
BELLEVIEW	Boardings	197	132					329
	Alightings	330	178					508
BIG COPPITT	Boardings	20	17					37
	Alightings	28	34					62
BIG PINE KEY	Boardings	846	540	573	565	512	310	3,346
	Alightings	813	535	458	459	412	267	2,944
BLOUNTSTOWN	Boardings	675	268					943
	Alightings	316	96					412
BOCA CHICA	Boardings	ъ	8					13
	Alightings	8	11					19
BONIFAY	Boardings	37						37
	Alightings	88						88
BONITA SPRINGS	Boardings	131	114					245
*2000 data is from Insurant to Contombor	Alightings	410	187					597
*2009 data is from January to Sentem								

^{*2009} data is from January to September.





Table B-2 (Continued)

)		
				Year	ڀ			
Station Location	Data	2004	2005	2006	2007	2008	*6002	Total
BOYNTON BEACH	Boardings	292	68					381
	Alightings	447	161					809
BRADENTON	Boardings	6,329	9,762	8,732	8,303	7,663	4,119	47,908
	Alightings	8,321	8,757	8,193	7,437	7,087	4,059	43,854
BRANDON	Boardings	118	46					164
	Alightings	393	125					518
BROOKSVILLE	Boardings	1,290	1,221	1,799	2,004	1,993	1,137	9,444
	Alightings	1,500	1,499	1,703	1,600	1,473	874	8,649
CARYVILLE	Boardings	3						က
	Alightings	12						12
CHATTAHOOCHEE	Boardings	53	26					79
	Alightings	93	24					117
CHIEFLAND	Boardings	463	640	626	1,270	1,271	623	5,226
	Alightings	478	929	861	848	818	436	4,097
CHIPLEY	Boardings	823	165					886
	Alightings	391	167					558
CLEARWATER	Boardings	11,709	13,995	15,272	12,079	6,526	4,265	63,846
	Alightings	10,212	12,710	14,846	10,994	6,768	4,873	60,403
CLEWISTON	Boardings	389	138					527
	Alightings	517	261					778
COCOA	Boardings	5,248	999					5,914
	Alightings	5,451	1,547					866'9
COTTONDALE	Boardings	2						2
	Alightings	7						7

^{*2009} data is from January to September.





Table B-2 (Continued)
Annual Greyhound Boardings and Alightings

	100	Ailliaal of cyllodila boardiligs alia Ailgittiigs	משמח	nigo allu	7119116114	٥		
				Year	ar			
Station Location	Data	2004	2005	2006	2007	2008	2009*	Total
CRESTVIEW	Boardings	1,135	191					1,326
	Alightings	1,140	206					1,346
CROSS CITY	Boardings	181	100					281
	Alightings	179	88					267
CRYSTAL RIVER	Boardings	740	949	1,714	1,774	1,827	1,107	8,111
	Alightings	1,125	1,435	1,668	1,617	1,548	914	8,307
CUDJOE KEY	Boardings	32	23					55
	Alightings	49	30					79
DADE CITY	Boardings	904	365					1,269
	Alightings	1,409	645					2,054
DAVENPORT	Boardings	11	0					11
	Alightings	33	0					33
DAYTONA BEACH	Boardings	25,221	24,549	22,079	19,110	20,543	11,527	123,029
	Alightings	23,105	23,392	21,879	18,002	19,380	11,646	117,404
DEFUNIAK SPRINGS	Boardings	605						605
	Alightings	404						404
DELAND	Boardings	1,357	2,142	2,933	2,413	529		9,374
	Alightings	2,365	2,486	2,380	2,099	445		9,775
DELRAY BEACH	Boardings	773	1,068	2,078	1,981	1,853	897	8,650
	Alightings	959	1,017	1,539	1,734	1,554	997	7,800
FROSTPROOF	Boardings	49	2					51
	Alightings	152	ω					155
FT LAUDERDALE	Boardings	62,045	63,061	59,924	56,882	52,846	31,783	326,541
	Alightings	60,293	62,240	57,818	55,306	51,641	30,191	317,489

^{*2009} data is from January to September.





Table B-2 (Continued)

				C C				
				Year	ar			
Station Location	Data	2004	2002	2006	2007	2008	*6002	Total
FT MEADE	Boardings	28	19					47
	Alightings	86	45					134
FT MYERS	Boardings	26,317	26,675	24,287	22,548	21,522	12,131	133,480
	Alightings	24,450	25,527	23,794	21,089	20,293	11,202	126,355
FT PIERCE	Boardings	20,355	22,350	24,475	23,193	22,419	11,877	124,669
	Alightings	20,059	22,463	25,124	24,699	23,343	12,108	127,796
FT WALTON BEACH	Boardings	8,046	9,532	9,674	9,486	8,163	4,616	49,517
	Alightings	6,776	7,984	8,751	8,294	7,413	4,131	43,349
GAINESVILLE	Boardings	21,015	20,474	20,015	19,068	18,074	10,336	108,982
	Alightings	19,942	19,244	19,370	18,343	17,253	9,915	104,067
HAINES CITY	Boardings	252	125					377
	Alightings	1,026	479					1,505
HAVANA	Boardings	3						3
	Alightings	7						7
HOLLYWOOD	Boardings	14,045	269'9					19,740
	Alightings	10,433	4,217					14,650
HOMESTEAD	Boardings	3,815	3,525	2,794				10,134
	Alightings	3,882	3,955	2,517				10,354
IMMOKALEE	Boardings	798	415					1,213
	Alightings	971	403					1,374
INDIANTOWN	Boardings	22	64					119
	Alightings	141	112					253
ISLAMORADA	Boardings	518	487	320	264	205	157	1,951
	Alightings	548	228	418	408	342	195	2,469

*2009 data is from January to September.





Table B-2 (Continued)
Annual Greyhound Boardings and Alightings

		ol cyllon.		9 9 10 10	9110119			
				Year	r			
Station Location	Data	2004	2005	2006	2007	2008	2009*	Total
JACKSONVILLE	Boardings	221,536	186,889	137,376	117,530	107,339	59,052	829,722
	Alightings	221,602	188,275	138,242	117,314	107,956	60,792	834,181
JACKSONVLE NORTH	Boardings	1	2					13
	Alightings	13	4					17
JACKSONVLE WEST	Boardings	406	97					503
	Alightings	236	104					340
JUPITER	Boardings	244	105					349
	Alightings	505	217					722
KEY LARGO	Boardings	1,234	603	457	287	266	192	3,039
	Alightings	1,307	994	768	642	568	393	4,672
KEY WEST	Boardings	12,281	10,786	8,394	7,838	7,208	4,563	51,070
	Alightings	10,429	9,302	8,017	7,767	6,979	4,034	46,528
KEY WEST SIMONTON & VIRGI	Boardings	0	0					0
	Alightings	37	30					67
KISSIMMEE	Boardings	11,389	13,118	10,903	10,216	8,639	4,770	59,035
	Alightings	8,600	9,190	7,691	6,760	5,650	3,144	41,035
LA BELLE	Boardings	193	67					260
	Alightings	429	211					640
LAKE ALFRED	Boardings	_	0					1
	Alightings	4	0					4
LAKE CITY	Boardings	6,034	11,211	14,261	15,122	16,349	9,318	72,295
	Alightings	8,341	11,149	11,714	12,884	14,260	8,008	66,356
LAKE WALES	Boardings	122	_					123
4	Alightings	370	5					375
*2000 Jata is firming laws to Cambridge	-							

^{*2009} data is from January to September.





Table B-2 (Continued)

				C				
				Year	ar			
Station Location	Data	2004	2002	2006	2007	2008	*6002	Total
LAKE WORTH	Boardings	252	19					271
	Alightings	360	29					389
LAKELAND	Boardings	9,725	6,935	965'6	908'8	7,935	4,548	50,545
	Alightings	9,434	9,776	9,318	660'6	9,042	4,285	50,954
LAYTON	Boardings	28	6					37
	Alightings	31	47					78
LEESBURG	Boardings	1,744	4,302	4,822	4,842	3,266	1	18,977
	Alightings	3,281	4,011	3,992	3,943	2,864	14	18,105
LEHIGH ACRES	Boardings	27						57
	Alightings	125						125
LIVE OAK	Boardings	1,035	170					1,205
	Alightings	972	430					1,402
MADISON	Boardings	513						513
	Alightings	437						437
MARATHON	Boardings	1,293	1,022	988	750	216	341	4,871
	Alightings	1,495	1,155	899	762	542	325	5,178
MARATHON ARPT	Boardings	47	41					88
	Alightings	123	124					247
MARIANNA	Boardings	9/2/9	8,060	11,945	9,684	3,995	2,169	42,429
	Alightings	6,001	6,961	9,602	6,874	3,368	2,294	35,100
MELBOURNE	Boardings	6,708	10,511	6,707	9,317	8,992	5,131	53,366
	Alightings	9,255	9,180	8,112	7,866	7,379	4,469	46,261
MIAMI	Boardings	76,432	70,606	64,640	59,467	54,595	33,561	359,301
	Alightings	84,351	81,296	75,895	69,562	63,138	36,896	411,138

^{*2009} data is from January to September.





Table B-2 (Continued)
Annual Greyhound Boardings and Alightings

1,067					287	780	Alightings	
377					90	287	Boardings	NEW SMYRNA BEACH
12,813	6	1,714	2,866	2,819	2,744	2,664	Alightings	
13,458	0	1,652	3,421	3,279	2,700	2,406	Boardings	NEW PORT RICHEY
169					20	149	Alightings	
28					ω	25	Boardings	NAVARRE
56,041	5,221	9,316	9,713	11,091	10,718	9,982	Alightings	
52,653	5,124	8,708	8,847	10,344	10,078	9,552	Boardings	NAPLES
						_	Alightings	
0						0	Boardings	MT PLEASANT
484					119	365	Alightings	
422					56	366	Boardings	MONTICELLO
716					209	507	Alightings	
665					166	499	Boardings	MILTON
98,105	9,367	16,338	18,318	20,093	18,422	15,567	Alightings	
145,794	13,856	23,689	26,935	28,091	27,589	25,634	Boardings	MIAMI NORTH
58,893	3,344	8,790	10,363	11,276	12,584	12,536	Alightings	
81,510	4,552	12,660	14,779	14,495	17,803	17,221	Boardings	MIAMI DOWNTOWN
10,810	1,033	2,103	2,225	1,639	2,033	1,777	Alightings	
19,015	2,206	3,895	4,765	3,118	2,832	2,199	Boardings	MIAMI CUTLER RIDGE
14,198	1,191	1,864	2,145	2,159	3,146	3,693	Alightings	
3,312	268	442	471	575	744	812	Boardings	MIAMI ARPT
90					21	69	Alightings	
18					10	8	Boardings	MIAMI AMTRAK
Total	2009*	2008	2007	2006	2005	2004	Data	Station Location
			ar	Year				
				•		•		

^{*2009} data is from January to September.





Table B-2 (Continued)

						_		
				Year	ar			
Station Location	Data	2004	2002	2006	2007	2008	2009*	Total
OCALA	Boardings	44,821	31,468	16,847	16,592	14,895	8,905	133,528
	Alightings	46,585	31,467	14,942	14,494	13,280	7,762	128,530
OKEECHOBEE	Boardings	238	307					545
	Alightings	878	335					1,213
ORLANDO	Boardings	136,689	218,822	302,285	306,924	268,645	145,309	1,378,674
	Alightings	135,942	225,672	317,741	320,568	276,987	150,399	1,427,309
PALATKA	Boardings	620	402					1,352
	Alightings	686	478					1,467
PALM COAST	Boardings	925	497					1,422
	Alightings	1,388	623					2,011
PANAMA CITY	Boardings	14,438	14,404	14,798	14,086	15,359	9,141	82,226
	Alightings	11,971	11,677	12,492	11,605	12,190	7,088	67,023
PANAMA CTY BEACH	Boardings	51	25					76
	Alightings	325	133					458
PENSACOLA	Boardings	25,725	26,230	21,771	20,115	19,405	10,999	124,245
	Alightings	22,060	22,108	18,689	17,619	17,992	10,164	108,632
PENSACOLA NAVAL AIR STA	Boardings	0	0					0
	Alightings	0	0					0
PERRY	Boardings	881	1,037	1,334	1,432	1,578	839	7,101
	Alightings	545	869	729	751	099	314	3,697
PLANT CITY	Boardings	91						91
	Alightings	246						246
POMPANO BEACH	Boardings	4,787	3,721	3,123	2,882	727		15,240
	Alightings	3,437	2,638	2,431	2,373	719		11,598

^{*2009} data is from January to September.





Table B-2 (Continued)
Annual Greyhound Boardings and Alightings

			9	30	9	.90		
				Ye	Year			
Station Location	Data	2004	2005	2006	2007	2008	2009*	Total
PONCE DE LEON	Boardings	_						
	Alightings	18						18
PORT CHARLOTTE	Boardings	4,148	4,966	4,741	4,597	4,679	2,580	25,711
	Alightings	3,547	4,319	4,369	4,202	4,037	2,289	22,763
PUNTA GORDA PILOT STA	Boardings	2,028	2,293	512	408	423	279	5,943
	Alightings	2,528	2,908	938	692	744	515	8,325
QUINCY	Boardings	524	204					728
	Alightings	695	238					933
RAMROD KEY	Boardings	27	6					33
	Alightings	58	29					87
RS CHIEFLAND	Boardings	0						0
	Alightings	0						0
RS FT MYERS	Boardings	0						0
	Alightings	0						0
RS LAKE WALES	Boardings	0	0					0
	Alightings	0	0					0
RS OCALA PILOT STA	Boardings	0	0	0	0	0	0	0
	Alightings	4	11	11	11	11	13	61
RS OKEECHOBEE	Boardings	0	0					0
	Alightings	0	0					0
RUSKIN	Boardings	48						48
	Alightings	106						106
SANFORD	Boardings	468	1,133	1,728	1,720	145		5,194
	Alightings	1,792	1,736	1,707	1,557	139		6,931

^{*2009} data is from January to September.





Table B-2 (Continued)

				C				
				Year	_			
Station Location	Data	2004	2002	2006	2007	2008	*6002	Total
SARASOTA	Boardings	10,689	10,640	999'6	9,246	8,725	5,255	54,221
	Alightings	9,753	9,910	9,580	8,791	8,380	4,871	51,285
SEBASTIAN	Boardings	127	22					182
	Alightings	285	121					406
SEBRING	Boardings	272	14					286
	Alightings	693	17					710
SPRING HILL	Boardings	826	919	1,321	1,639	2,077	1,375	8,157
	Alightings	1,107	1,203	1,272	1,316	1,642	1,166	7,706
ST AUGUSTINE	Boardings	1,203	4,394	4,721	4,981	4,989	2,674	22,962
	Alightings	4,330	4,627	4,348	4,326	4,674	2,364	24,669
ST CLOUD	Boardings	34	13					47
	Alightings	140	64					204
ST PETERSBURG	Boardings	17,252	16,148	14,220	13,098	13,670	7,944	82,332
	Alightings	15,488	15,025	13,008	11,638	12,142	7,142	74,443
STARKE	Boardings	894	669	282	982	714	465	4,339
	Alightings	416	353	271	400	209	66	1,748
STUART	Boardings	828						858
	Alightings	1,887						1,887
SUGAR LOAF SHORES	Boardings	32	17					49
	Alightings	29	41					100
TALLAHASSEE	Boardings	100,901	129,083	141,429	127,307	120,860	70,944	690,524
	Alightings	104,064	129,344	140,645	127,088	119,215	69,612	896'689
TAMPA	Boardings	76,181	88,700	105,285	101,790	89,904	44,872	506,732
	Alightings	78,376	92,588	109,513	108,194	92,891	45,490	527,052

^{*2009} data is from January to September.





Table B-2 (Continued)
Annual Greyhound Boardings and Alightings

				90 51.5	9			
				Year	ar			
Station Location	Data	2004	2005	2006	2007	2008	2009*	Total
TAVERNIER	Boardings	74	45					119
	Alightings	147	108					255
TITUSVILLE	Boardings	577	2,480	3,791	3,601	3,772	2,049	16,270
	Alightings	1,831	2,781	3,451	2,811	3,098	1,706	15,678
VENICE NOKOMIS	Boardings	506	400					906
	Alightings	804	644					1,448
VERO BEACH	Boardings	739	1,012	2,794	2,622	1,481	216	8,864
	Alightings	2,855	2,859	2,597	2,509	2,246	325	13,391
WALDO	Boardings	л	4	7	2	0	0	18
	Alightings	18	10	14	7	8	ω	60
WAUCHULA	Boardings	121	88					209
	Alightings	397	280					677
WEST PALM BEACH	Boardings	33,464	32,472	28,793	26,744	25,395	15,174	162,042
	Alightings	31,325	31,823	29,970	26,826	25,100	14,644	159,688
WINTER HAVEN	Boardings	6,752	7,075	7,018	6,978	6,543	3,513	37,879
	Alightings	6,258	6,278	6,131	5,932	5,756	3,048	33,403
YEEHAW JCT	Boardings	1						_
	Alightings	1						_
YOUNGSTOWN	Boardings	52	31					83
	Alightings	131	37					168
STATEWIDE TOTAL	Boardings	1,129,036	1,199,435	1,217,286	1,151,763	1,040,141	577,070	6,314,731
	Alightings	1,120,602	1,190,158	1,209,495	1,135,742	1,023,761	565,638	6,245,396

^{*2009} data is from January to September.





Table B-3 Greyhound Annual Outbound Passenger Sales

				,			
			Year				
Station Location	2004	2005	2006	2007	2008	*6005	Total
ALACHUA	\$8,581	\$3,463					\$12,044
ARCADIA	\$36,497	\$17,142					\$53,639
AVON PARK	\$4,837						\$4,837
BARTOW	\$1,842	\$1,109					\$2,951
BELLE GLADE	\$6,794	\$2,186				\$199	89,779
BELLEVIEW	\$5,410	\$2,067					\$7,477
BIG COPPITT	\$511	\$225					\$736
BIG PINE KEY	\$3,680	\$8,955	\$40,305	\$40,013	\$36,265	\$23,654	\$152,872
BLOUNTSTOWN	\$33,257	\$23,705					\$56,962
BOCA CHICA		\$142					\$142
BONIFAY	\$1,850						\$1,850
BONITA SPRINGS	\$3,096	\$1,989					\$5,085
BOYNTON BEACH	\$11,188	\$2,731					\$13,919
BRADENTON	\$659,033	\$661,617	\$670,231	\$610,346	\$555,919	\$340,582	\$3,497,728
BRANDON	\$13,184	\$3,531					\$16,715
BROOKSVILLE	\$30,770	\$40,345	\$189,316	\$182,073	\$198,414	\$126,606	\$767,524
CARYVILLE	\$56						\$56
CHATTAHOOCHEE	\$2,631	\$1,477					\$4,108
CHIEFLAND	\$11,781	\$41,958	\$97,233	\$117,538	\$117,709	\$73,866	\$460,085
CHIPLEY	\$36,090	\$10,142					\$46,232
CLEARWATER	\$837,332	\$818,703	\$821,827	\$755,663	\$543,006	\$421,555	\$4,198,086
CLEWISTON	\$4,934	\$1,847				\$408	\$7,189
COCOA	\$329,562	\$24,797					\$354,359
CRESTVIEW	\$25,917	\$7,711					\$33,628
CROSS CITY	\$5,787	\$5,858					\$11,645
*2009 data is from January to September.							

^{&#}x27;2009 data is from January to September.





Table B-3 (Continued)
Greyhound Annual Outbound Passenger Sales

	,			(
			Year	ar			
Station Location	2004	2005	2006	2007	2008	2009*	Total
CRYSTAL RIVER	\$18,865	\$55,503	\$167,647	\$158,725	\$178,843	\$114,250	\$693,833
CUDJOE KEY	\$628	\$248					\$876
DADE CITY	\$21,130	\$10,294					\$31,424
DAVENPORT	\$197						\$197
DAYTONA BEACH	\$1,399,837	\$1,414,117	\$1,433,091	\$1,307,779	\$1,514,206	\$920,551	\$7,989,581
DEFUNIAK SPRINGS	\$12,197						\$12,197
DELAND	\$36,672	\$166,708	\$271,582	\$242,223	\$54,800		\$771,985
DELRAY BEACH	\$19,997	\$88,971	\$215,900	\$193,158	\$212,301	\$119,404	\$849,731
FROSTPROOF	\$2,353						\$2,353
FT LAUDERDALE	\$3,082,081	\$3,593,313	\$3,946,389	\$3,552,108	\$3,744,953	\$2,422,264	\$20,341,108
FT MEADE	\$1,134	\$1,792					\$2,926
FT MYERS	\$1,475,134	\$1,568,192	\$1,593,751	\$1,494,128	\$1,432,252	\$898,037	\$8,461,494
FT PIERCE	\$1,006,786	\$1,229,296	\$1,198,973	\$1,141,395	\$1,218,768	\$785,210	\$6,580,428
FT WALTON BEACH	\$682,374	\$867,131	\$907,161	\$851,014	\$817,646	\$505,119	\$4,630,445
GAINESVILLE	\$1,127,459	\$1,133,743	\$1,177,490	\$1,078,274	\$1,142,947	\$718,520	\$6,378,433
HAINES CITY	\$13,773	\$4,961					\$18,734
HAVANA	\$92						\$92
HOLLYWOOD	\$1,098,177	\$409,758	\$528	\$166	\$396	\$13	\$1,509,038
HOMESTEAD	\$142,097	\$170,889	\$254,592				\$567,578
IMMOKALEE	\$6,755	\$7,621					\$14,376
INDIANTOWN	\$6,212	\$5,642					\$11,854
ISLAMORADA	\$2,060	\$2,898	\$9,722	\$8,073	\$9,335	\$7,974	\$40,062
JACKSONVILLE	\$4,342,608	\$4,580,248	\$4,537,367	\$4,045,347	\$4,012,031	\$2,484,211	\$24,001,812
JACKSONVLE WEST	\$4,185	\$2,240					\$6,425
JACKSONVLE NORTH	\$576	\$88					\$664

^{*2009} data is from January to September.





Table B-3 (Continued)
Greyhound Annual Outbound Passenger Sales

	,			,			
			Year	ar			
Station Location	2004	2005	2006	2007	2008	2000 _*	Total
JUPITER	\$5,459	\$3,421					\$8,880
KEY LARGO	\$5,391	\$4,412	\$12,066	\$11,090	\$7,501	\$5,675	\$46,135
KEY WEST	\$620,326	\$592,844	\$535,543	\$460,381	\$458,551	\$296,507	\$2,964,152
KEY WEST SIMONTON & VIRGI	\$849	\$20					\$889
KISSIMMEE	\$647,312	\$794,627	\$750,922	\$732,261	\$677,358	\$377,748	\$3,980,228
LA BELLE	\$3,083	\$3,018				\$366	\$6,467
LAKE ALFRED	\$125						\$125
LAKE CITY	\$75,105	\$393,352	\$557,511	\$534,141	\$584,876	\$363,440	\$2,508,425
LAKE WALES	\$6,671	\$14					\$6,685
LAKE WORTH	\$8,543	\$543					980'6\$
LAKELAND	\$635,015	\$692,471	\$727,979	\$665,164	\$694,231	\$425,604	\$3,840,464
LAYTON	\$40	\$19					\$26
LEESBURG	\$67,683	\$348,617	\$421,046	\$416,684	\$309,855		\$1,563,885
LEHIGH ACRES	\$1,843						\$1,843
LIVE OAK	\$46,063	\$41,742					\$87,805
MADISON	\$6,935						\$6,935
MARATHON	\$8,077	\$23,831	\$63,251	\$53,998	\$46,210	\$33,353	\$228,720
MARATHON ARPT	\$897	\$303					\$1,200
MARIANNA	\$232,336	\$411,293	\$515,285	\$526,840	\$158,928	\$100,871	\$1,945,553
MELBOURNE	\$674,574	\$738,241	\$684,888	\$677,299	\$664,149	\$404,023	\$3,843,174
MIAMI	\$4,021,424	\$3,585,669	\$3,514,930	\$3,342,212	\$3,330,752	\$2,321,029	\$20,116,016
MIAMI AMTRAK	\$241	\$518					\$759
MIAMI ARPT	\$11,472	\$9,528	\$13,446	\$14,401	\$16,952	\$13,202	\$79,001
MIAMI CUTLER RIDGE	\$1,157,523	\$1,193,806	\$1,059,726	\$1,076,256	\$1,001,439	\$336,891	\$5,825,641
MIAMI DOWNTOWN	\$18,669	\$168,340	\$294,402	\$488,945	\$457,819	\$273,251	\$1,701,426
*2009 data is from January to September							

^{&#}x27;2009 data is from January to September.





Table B-3 (Continued)
Greyhound Annual Outbound Passenger Sales

	01031	oreyriodila Arillaar Odtboaria Fasseriger Sales	וו סמנטטמוומ	i asseriger s	aics		
			Year	ar			
Station Location	2004	2005	2006	2007	2008	2009*	Total
MIAMI NORTH	\$1,792,151	\$1,949,388	\$2,133,709	\$2,048,980	\$1,896,233	\$1,282,734	\$11,103,195
MILTON	\$16,457	\$6,533					\$22,990
MONTICELLO	\$8,546	\$7,663					\$16,209
NAPLES	\$525,583	\$545,350	\$589,018	\$531,766	\$493,845	\$306,307	\$2,991,869
NAVARRE	\$784	\$171					\$955
NEW PORT RICHEY	\$54,288	\$122,410	\$320,578	\$322,172	\$151,532		\$970,980
NEW SMYRNA BEACH	\$16,638	\$4,414					\$21,052
OCALA	\$1,118,917	\$1,164,029	\$1,192,212	\$1,156,834	\$1,231,851	\$805,240	\$6,669,083
OKEECHOBEE	\$21,905	\$31,056					\$52,961
ORANGE PARK					\$224	\$133	\$357
ORLANDO	\$5,588,938	\$5,868,297	\$6,022,146	\$5,701,828	\$5,805,813	\$3,656,166	\$32,643,188
PALATKA	\$16,030	\$9,988			\$3,386	\$26,064	\$55,468
PALM COAST	\$44,836	\$23,369					\$68,205
PANAMA CITY	\$1,076,452	\$1,167,690	\$1,269,859	\$1,179,881	\$1,434,505	\$960,940	\$7,089,327
PANAMA CTY BEACH	\$1,110	\$502					\$1,612
PENSACOLA	\$1,974,630	\$2,374,026	\$1,954,047	\$1,855,972	\$1,945,267	\$1,193,934	\$11,297,876
PENSACOLA NAVAL AIR STA	\$1,292	\$1,335					\$2,627
PERRY	\$14,795	\$36,588	\$93,606	\$105,162	\$136,683	\$89,982	\$476,816
PLANT CITY	\$2,896						\$2,896
POMPANO BEACH	\$440,303	\$363,010	\$311,076	\$299,949	\$74,555		\$1,488,893
PORT CHARLOTTE	\$346,801	\$378,966	\$379,955	\$359,351	\$379,341	\$212,950	\$2,057,364
PUNTA GORDA	\$36,272	\$36,740	\$26,863	\$22,315	\$24,688	\$17,094	\$163,972
QUINCY	\$42,604	\$17,661					\$60,265
RAMROD KEY	\$210						\$210
RUSKIN	\$3,702						\$3,702
*2000 data is from January to Sontember	\$						

^{*2009} data is from January to September.



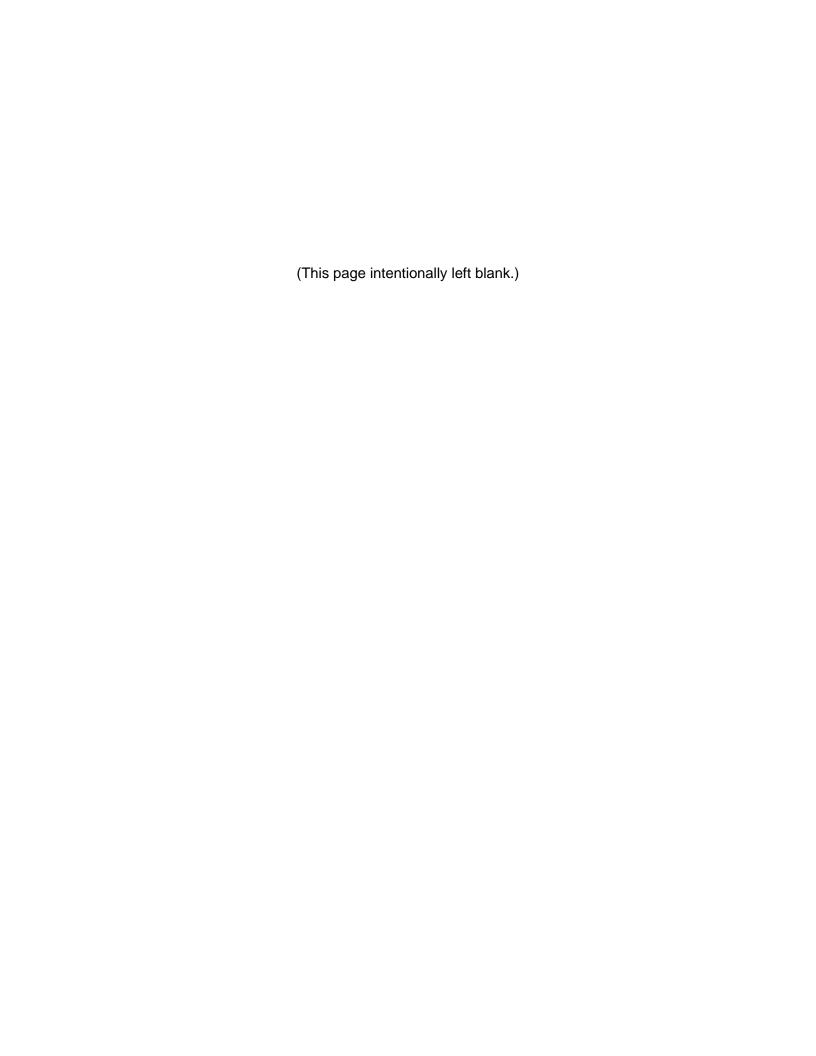


Table B-3 (Continued)
Greyhound Annual Outbound Passenger Sales

				G			
			Ye	Year			
Station Location	2004	2005	2006	2007	2008	2009*	Total
SANFORD	\$37,613	\$92,494	\$177,327	\$172,191	\$15,435		\$495,060
SARASOTA	\$630,160	\$642,814	\$628,636	\$586,798	\$572,967	\$345,254	\$3,406,629
SEBASTIAN	\$4,047	\$1,916					\$2,963
SEBRING	\$15,267	\$632					\$15,899
SPRING HILL	\$22,250	\$29,383	\$125,595	\$152,082	\$224,579	\$156,494	\$710,383
ST AUGUSTINE	\$43,407	\$279,758	\$340,722	\$373,448	\$388,877	\$225,920	\$1,652,132
ST CLOUD	\$3,433	\$1,401					\$4,834
ST PETERSBURG	\$1,012,813	\$981,195	\$954,132	\$865,318	\$967,631	\$610,458	\$5,391,547
STARKE	\$27,085	\$56,133	\$79,448	\$100,281	\$80,228	\$55,883	\$306'028
STUART	\$44,569						\$44,569
SUGAR LOAF SHORES	\$632	\$331					\$963
TALLAHASSEE	\$2,343,893	\$2,608,096	\$2,810,740	\$2,678,724	\$2,946,337	\$2,004,845	\$15,392,635
TAMPA	\$2,983,099	\$3,068,938	\$3,137,426	\$2,963,806	\$3,048,444	\$1,813,030	\$17,014,743
TAVERNIER	\$215	\$254					\$469
TITUSVILLE	\$28,923	\$210,302	\$329,174	\$310,024	\$321,249	\$187,462	\$1,387,134
VENICE NOKOMIS	\$27,225	\$17,824					\$45,049
VERO BEACH	\$29,232	\$47,201	\$234,981	\$204,569	\$102,683	\$11,890	\$630,556
WALDO	\$19	\$162	\$139	\$126			\$446
WAUCHULA	\$66'6\$	\$10,225					\$20,218
WEST PALM BEACH	\$2,078,939	\$2,330,000	\$2,345,130	\$2,094,893	\$2,073,595	\$1,320,846	\$12,243,403
WINTER HAVEN	\$440,140	\$586,243	\$651,410	\$610,168	\$646,541	\$361,749	\$3,296,251
YEEHAW JCT	\$26						\$26
YOUNGSTOWN	\$4,781	\$2,134					\$6,915
STATEWIDE TOTAL	\$47,767,556	\$51,078,604	\$52,792,029	\$49,474,333	\$49,164,901	\$30,560,358	\$280,837,781
*2000 data is from January to Contombor	rod						

^{*2009} data is from January to September.







Appendix C

STATE, REGIONAL, AND LOCAL PLANS REVIEW





As discussed in Section Five, a detailed review of state, regional, and local plans was undertaken to identify intercity service needs gathered through previous stakeholder/public involvement efforts. Section Five documents a summary of intercity service needs identified from these plans for each FDOT district. This Appendix documents the detailed review completed for each plan, including a summary of the service provided by the agency(ies), public and stakeholder input received during the development of the plan, summary of existing intercity service, and intercity needs identified in the plan. It should be noted that intercity services included in these plans largely refers to a broader definition of fixed-route intercity transit service, rather than only §5311(f) intercity service providers.

The studies and plans reviewed and documented in this Appendix are organized into three major sections: statewide planning efforts, regional planning efforts, and local planning efforts. The summaries are then organized alphabetically by title within each of these three sub-areas.

Statewide Planning Efforts

2025 Florida Transportation Plan (March 2006)

The 2025 Florida Transportation Plan (FTP) provides the policy framework for allocating funding to meet the transportation needs of residents, tourists, and business people between now and 2025. The FTP identifies the goals and objectives for the next 20 years to address the needs of the entire state transportation system, as well as to guide transportation planning in Florida over the next 20 years. The FTP addresses how Florida's transportation system can meet the mobility needs of its growing population and help make its economy more competitive, build great communities, and preserve the natural environment. The FTP also addresses how to ensure that Florida's transportation system is safe and secure in a time of unprecedented public concern. Finally, the FTP provides guidance on how transportation investments should be focused during a time of constrained funding, as well as how public and private transportation partners can most effectively work together to make these decisions. It should be noted that the 2025 FTP is currently in the process of being updated.

Public and Stakeholder Input – Extensive public and partner involvement was used to support the development of the 2025 FTP. A total of 2 statewide summits, 14 regional forums, 6 focus group meetings, and 43 briefings at regularly scheduled meetings of transportation partners were held. In addition, input received from an interactive web site and email system





contributed to this process. These activities provided extensive opportunities to provide input into developing the FTP.

Intercity Needs Survey – Needs identified in the 2025 Florida Transportation Plan include:

- Significant additional capacity is needed in rail and urban transit systems to provide viable options for moving people and freight within and between urban areas.
- The State must plan, develop, and implement transportation facilities and services with communities and agencies to enhance the livability of communities. If enhancement is not possible, the state should, at a minimum, avoid or minimize adverse impacts to communities.
- The FTP identifies inadequate connectivity between modes, such as access from seaports, airports and other passenger and freight terminals to highways, rail corridors, waterways, and other transportation hubs, as a statewide issue. As one of the modes for moving people or goods, an Intercity service need identified in the FTP relates to increased intermodal connectivity.

The Florida Intercity Passenger Rail "Vision Plan" (August 2006)

The purpose of the Florida Intercity Passenger Rail Study is to develop a "Vision Plan" for a statewide passenger rail system, to be incrementally implemented, and to serve the major travel markets within the State.

Public and Stakeholder Input – The Rail Stakeholders Advisory Committee, previously discussed under the Florida Rail System Plan, provided input in the development of the Florida Intercity Passenger Rail Vision Plan.

Intercity Needs Survey – According to the Florida Intercity Passenger Rail Vision Plan, the largest numbers of intercity trips are between:

- Central Florida and Tampa Bay (Orlando-Tampa)
- Southeast Florida and Central Florida (Miami-Orlando)
- Southeast Florida and Tampa Bay (Miami-Tampa)





The Plan also notes that there is also significant travel between Northeast Florida and Central Florida (Jacksonville-Orlando). Given the demand for intercity trips, the above key markets should be connected in the initial phase of the Florida Intercity Passenger Rail System, with expansion to Jacksonville creating the opportunity to serve intermediate markets such as, but not limited to Daytona Beach, St. Augustine, and Cocoa Beach. At build-out, the Florida Intercity Passenger Rail System will be a 1,200-mile network that links all the major communities of Florida. Due to the linear distribution of much of the state's population, the proposed system provides a competitive travel option to over 90 percent of the state's population.

The Florida Rail System Plan: Policy Element (March 2009)

The 2009 Florida Rail System Plan is one of the various statewide modal planning efforts of FDOT conducted under the policy guidance of the 2025 Florida Transportation Plan. The Florida Rail System Plan is statutorily required to include an identification of priorities, programs, and funding levels required to meet statewide regarding both passenger rail service and freight rail service. Updated every two years, the Florida Rail System Plan is comprised of two documents: the Policy Element and Investment Element. The purpose of the Policy Element is to establish the policy framework to guide the development of the Investment Element, which will identifying the needs of Florida's rail system, establishing funding priorities, and develop an action plan for implementation.

Public and Stakeholder Input – The 2009 Florida Rail System Plan is being developed based on guidance from the Rail Stakeholders Advisory Committee, which includes a broad base of representatives from the public and private sectors, who represent various modes of transportation, as well as economic development and environmental interests. In addition, the Rail Stakeholders Advisory Group includes a citizen representative.

Intercity Needs Survey – Needs identified in the 2009 Florida Rail System Plan include:

The Florida Rail System Plan recognizes increased interest in employing rail options as a
way to meet intercity and regional mobility needs. This would provide a way to combat
increased road congestion, increase the mobility of target groups (e.g. commuters,
tourists, business travelers, and older Floridians), and decrease dependency on foreign
oil.





- The Florida Rail System Plan identifies several goals, one of which is Mobility and Economic Competitiveness. To accomplish this, the Plan identifies the FDOT implementation strategy to "focus on the development of intercity passenger rail service between commuter rail hubs and key city pairs." Key city pairs identified in the Plan include connections between:
 - o Orlando and Tampa
 - Miami and Jacksonville
 - o Miami and Orlando/Tampa mid-point
 - Miami and Orlando/Jacksonville mid-point

Florida Strategic Intermodal System Plan (Revised July 2008)

In 2003, FDOT established Florida's Strategic Intermodal System (SIS), the purpose of which is to enhance Florida's economic competitiveness by focusing limited State resources on those transportation facilities that are critical to Florida's economy and quality of life. Comprising a statewide network of high-priority transportation facilities, the focus of the SIS is multi-modal and includes the state's largest and most significant commercial service airports, spaceport, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. The purpose of the SIS Strategic Plan is to provide the policy framework for implementation of the SIS. The SIS Strategic Plan is currently in the process of being updated.

Public and Stakeholder Input – As a statewide plan, the SIS Strategic Plan was developed by the FDOT in cooperation with nearly 40 statewide transportation partners, as well as numerous regional and local partners. The 2010 SIS Strategic Plan Update is being led by the Strategic Plan Update Leadership Committee. The Leadership Committee will provide overall guidance during the update process and make recommendations on key SIS policy issues. Similar to the development of previous SIS Strategic Plans, the Leadership Committee comprises representatives of all modes of transportation; state, regional and local government agencies; and economic development, business, national security, growth management, community and environmental interests.

Intercity Needs Survey – The SIS includes, among other modes, the state's largest and most significant passenger rail and intercity bus terminals. Policy guidance shaping the framework of the SIS Strategic Plan includes focusing on facilities with regional (intercity/intercounty)





significance that connect rural, transitioning and urban areas within multi-county regions, as well as connections from regional economic centers to the SIS.

Transit 2020: A Strategic Plan for Public Transportation (2002)

Transit 2020 is the transit element of the FTP and is a statewide strategic plan that will help guide the development of transit in Florida over the next 20 years. In addition, Transit 2020 provides the policy framework linking Florida's transportation goals and objectives with FDOT's annual budget and five-year work program. Transit 2020 provides a conceptual direction for transit in Florida for the next 20 years by articulating a common vision of the future of public transit in Florida's urban areas. The Florida CTD is primarily responsible for paratransit planning in Florida; therefore, the scope of Transit 2020 is limited to those services provided by Florida's fixed-route urban systems.

Public and Stakeholder Input – Transit 2020 was developed by FDOT in collaboration the Statewide Transit Strategic Plan Advisory Committee (SWTSPAC), as well as state and local government agencies, transit providers, community leaders and the general public.

Intercity Needs Survey – Intercity needs were not specifically identified in Transit 2020; however, the following is a list of related Objectives included in the Plan:

- Objective 1.2: Develop and expand regional transportation service in corridors where the number of inter-county trips exceeds established thresholds.
- Objective 1.4: Provide an effective and efficient mix of transit modes and transfer facilities to achieve seamless intermodal travel.
- Objective 3.3: Develop a multi-modal transportation planning process that addresses
 the wide range of policy issues involved in making sound, long-range transportation
 investment decisions, including technological innovation and the environmental and
 economic benefits of transit.





Regional Planning Efforts

Heartland Rural Mobility Plan (Technical Memorandum 3, Passenger Transportation Alternatives and Recommendations – June 2009)

The Heartland region consists of six counties and four communities. The six counties included in the Heartland region are DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee. The four communities include Belle Glade, Pahokee, and South Bay, and Immokalee.

Public and Stakeholder Input – Initiatives undertaken in developing the Heartland Rural Mobility Plan included examining the existing transportation and mobility services within the Heartland Region, analyzing the region's demographics and evaluating input received from the public involvement efforts. Public involvement techniques involved direct and indirect interaction with agencies, organizations, and citizens.

Summary of Existing Intercity Bus Services – Amtrak provides two trips per day in Sebring and Okeechobee. These two lines offer connections in Winter Haven and West Palm Beach. Good Wheels operates the Lake Region Commuter Service, a fixed-route transit service on S.R. 80 connecting Clewiston in Hendry County to Belle Glade in Palm Beach County. The Lake Region Commuter Route is currently funded by FDOT District 1.

Intercity Needs Survey – Intercity services identified in the needs assessment include:

- Timely and affordable access to medical and social services is a critical need for the Heartland region's citizens. Transportation is needed within the region's communities as well as to neighboring communities and to outside the region.
 Many residents of the Heartland Region have either no or limited mobility options to meet their medical and social service travel needs, either locally or regionally.
- One-Stop Regional Travel Planning A single point of contact for the region's residents to obtain regional travel information and trip planning assistance should be provided.
- An opportunity for intercity bus service exists between the Heartland region and the nearby cities of West Palm Beach, Punta Gorda, Fort Myers, Bradenton, Sarasota, Lakeland, and Winter Haven. (Greyhound bus services were previously offered in the Heartland region but were cancelled in 2005.)





 Veterans Services - The need to provide transportation for the region's veterans to travel to local and regional Veterans Administration hospitals will continue to grow. Coordination of these services across the region could be pursued.

Strategic Regional Transit Needs Assessment (April 2007)

FDOT began the Strategic Regional Transit Needs Assessment (SRTNA) project to objectively identify key regional travel patterns, transit operations, and infrastructure opportunities in the West Central Florida region over the next 50 years. FDOT has identified currently met, unmet, and emerging regional transit infrastructure and service needs, and the related improvements required for an effective regional and integrated transit system in Hillsborough, Pinellas, Pasco, Hernando, Citrus, Polk, Sarasota, and Manatee counties.

Intercity Needs Survey – As the spine of a greater system, some of the regional transit system connections validate and extend projects from previous local plans. The five key connections identified to serve the greatest regional needs include:

- East St. Petersburg to Westshore, Tampa, Lakeland, and points east
- South St. Petersburg to Bradenton and Sarasota
- North (East) Tampa to USF, East Pasco County, and Brooksville
- North (Central) Westshore to Northwest Hillsborough, Central Pasco, and Brooksville
- North (West) Pinellas Core (St. Petersburg/Gateway) to North Pinellas and New Port Richey

Tampa Bay Area Regional Transportation Authority (TBARTA) Master Plan (May 2009)

Established by the Florida State Legislature in July 2007, TBARTA is charged with implementing a Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties.

The TBARTA Regional Transportation Master Plan is intended to create the framework for a seamless, linked transportation network, using a variety of modes (highways, rail, bus and ferry) where they are most effective. In this plan, improving the level of transit service in the





region is identified as key to improving overall connectivity and mobility, as well as enhancing the capacity of existing roadways.

Public and Stakeholder Input – Development of the TBARTA Master Plan involved comprehensive technical analysis and evaluation, and valuable input from TBARTA's Transit Management Committee, Citizens Advisory Committee, Land Use Working Group, government agency partners, and the public.

Summary of Existing Intercity Bus Service – As stated in the TBARTA Master Plan, the success of the Tampa Bay regional network will only be as good as the local transit systems that feed it. Today, the amount of local transit service that is provided per capita in TBARTA's seven county-region is low in comparison to other similar metropolitan areas. Expanding these services to reach more potential transit riders will be essential to the success of a comprehensive and effective regional system. To do this, TBARTA must work closely with each county to define a supporting network of transit services that would provide vital connections to the proposed regional network, as well as improved circulation within each county.

Intercity bus service connections in the Tampa Bay area currently are available between:

- Clearwater/St. Petersburg
- Tampa/Clearwater
- St. Petersburg/Tampa
- Wesley Chapel/Tampa
- New Port Richey/Clearwater
- Zephyrhills/Dade City
- Venice/City of Sarasota
- City of North Port/Venice
- Sarasota County/Manatee County
- City of Sarasota/ City of Palmetto

Intercity Needs Survey – Regional anchors, such as population and employment centers, were identified as part of developing the TBARTA Master Plan to understand where transportation improvements and connections need to occur. Also important was the identification of tourism areas; clusters of special uses such as sporting venues, universities and medical centers (each





of which generate high volumes of traffic); and areas that are ripe for redevelopment such as older malls or vacant commercial centers.

TBARTA's regional network was identified in a Long-Term plan and a Mid-Term plan, and includes long-distance connections encompassing express bus and managed lanes with travel between the following cities:

- Lakeland to Tampa
- Zephyrhills to New Port Richey
- Crystal River to Tampa
- Wesley Chapel to Temple Terrace
- New Port Richey to Clearwater
- Wesley Chapel to Tampa
- Inverness to Brooksville
- Brandon to Tampa
- Brandon to North Port
- Brooksville to Bradenton
- Tampa to Clearwater/Largo
- Sarasota to North Port
- St. Petersburg to Bradenton
- Bradenton to Northport via Sarasota and Venice
- Clearwater to St. Petersburg
- Sarasota to Venice

Tri-County Access Plan (July 2007)

The Hillsborough, Pasco and Pinellas County MPOs, in partnership with the FDOT District 7, developed a LCHSTP, also known as the Tri-County Access Plan (TCAP). The plan was designed to meet the criteria outlined in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation regarding Jobs Access Reverse Commute, New Freedom, and Elderly and Disabled funding programs. The purpose of the plan is to assist the region in creating a broader perspective for coordinating public transportation services in the tri-county area, specifically to ensure public transportation services and improvements benefit elderly, disabled, low-income, and unemployed populations. The TCAP was first published in 2007 and is currently in the process of being updated.





Public and Stakeholder Input – A public participation strategy was developed to maximize participation and encourage diverse representation of stakeholders throughout the tri-county area. The Hillsborough, Pasco and Pinellas TCAP was developed following several public workshops held in each county, analysis of existing transportation services within each county, and coordination with stakeholders including human service providers, private transportation providers, public transportation providers, as well as members of the public representing targeted populations in Hillsborough, Pasco, and Pinellas counties.

Summary of Existing Intercity Services – Intercity bus service connections in the Tri-County area currently are available between:

- Clearwater/St. Petersburg
- Tampa/Clearwater
- St. Petersburg/Tampa
- Wesley Chapel/Tampa
- New Port Richey/Clearwater
- Zephyrhills/Dade City

Tri-County Transit Service Needs identified in the TCAP include:

- Improve regional connections between Hillsborough Area Regional Transit (HART),
 Pinellas Suncoast Transit Authority (PSTA), Pasco County Public Transportation (PCPT),
 as well as connections to Citrus Connection (Polk County), and Manatee County Area
 Transit (MCAT), which are outside of the Tri-County area. The regional connectivity will
 improve access to employment, housing, and other human services for target
 populations in all five counties.
- Expand paratransit service to coincide with the above-mentioned improvements to serve
 the same areas and time periods as the local service. This is important to ensure that
 passengers with disabilities who cannot use fixed-route service have access to a
 comparable level of service as required by the 1990 Americans with Disabilities Act
 (ADA).





Sarasota-Manatee Locally Coordinated Human Services Transportation Plan for the Sarasota-Bradenton Urbanized Area (July 2008)

The Sarasota County Transportation Authority (SCTA), in partnership with Manatee County Area Transit (MCAT) and the Sarasota-Manatee Metropolitan Planning Organization (MPO), developed this LCHSTP to meet the criteria outlined in the SAFETEA-LU legislation regarding Jobs Access Reverse Commute, New Freedom, and Elderly and Disabled funding programs.

Public and Stakeholder Input – To obtain public input and meet SAFETEA-LU criteria for public participation in developing the LCHSTP, two public workshops were held to identify the gaps and overlaps in public transportation services, and to identify solutions to meet unmet transportation needs. In addition to direct invitations to known stakeholders, meeting notices were placed in newspapers, on buses, and on web sites in an effort to increase participation.

Summary of Existing Intercity Services – The transportation services currently offered in the Sarasota-Manatee area include:

- Venice/Sarasota
- North Port/Venice
- Venice/Englewood
- Sarasota/Bradenton/Palmetto

Intercity Needs Survey – Geographic Expansion of Fixed-Route Service – The following are several different examples identified in the Sarasota-Manatee LCHSTP of how fixed-route service could be expanded to serve other geographic areas:

- Commuter/Express Routes Commuter/express routes need to connect the major urban and suburban centers of the Sarasota-Manatee area. These areas would include Bradenton, Ellenton and Palmetto in Manatee County and Sarasota, Venice and North Port in Sarasota County, as well as rapidly developing areas such as Lakewood Ranch and east of I-75.
- Cross-County Service Cross-county service is needed to provide inter-county connectivity between Sarasota County and Manatee County. In addition, cross-county service may provide opportunities for local bus service connections between Charlotte, Hillsborough and Pinellas counties.





 Cross-County Demand Response – There is currently no ADA requirement for comparable paratransit service paralleling express-route service, therefore, the majority of paratransit services are operated intra-county. This provides very limited regional access to employment, housing and human services.

Local Planning Efforts

Some of the local plans discussed below include transit agencies that also were discussed as part of a regional plan in the previous section.

Bay County Transportation Planning Organization 2009-2018 TDP Update - Executive Summary

Bay County transit service is relatively new and focuses on local fixed-route and circulator services. While the potential for enhanced hours of service and expanded areas service have been identified in the Bay County Ten-Year Transit Development Plan Update for 2008-2017, all recommendations are focused on local services.

Public and Stakeholder Input – Interviews included elected representatives of the jurisdictions including Bay County Commissioners, Panama City, Panama City Beach, Springfield and Mexico Beach. Transportation Planning Organization (TPO) staff also made presentations to the Bay County and the Greater Panama City Beaches Chambers of Commerce. TPO staff met with individual citizens to advocate increased service and local financial support at TPO meetings and at local jurisdictions' council meetings.

Summary of Existing Intercity Services – No intercity bus services exist at this time.

Intercity Needs Survey - There is significant development occurring in Panama City Beach and Mexico Beach with anticipated new development in the northwest portions of the county with the development of the new airport. Community leaders are aware of Bay Town Trolley and annual increases in ridership, and most feel that the focus of the trolley should continue to be connecting people to employment opportunities in Panama City Beach.

Expand connections between Mexico Beach and Panama City to five days per week.





Charlotte County 2005 - 2014 Transit Development Plan Update (May 2004)

Charlotte County Transit is a program of the Charlotte County Board of County Commissioners and operated by the Transit Division of the Charlotte County Human Services Department.

Public and Stakeholder Input – Public and stakeholder input undertaken to identify community transportation needs and issues included analysis of the following public involvement activities: a passenger survey mailed to current users of both the Dial-A-Ride and Transportation Disadvantaged (TD) Door-To-Door systems; a survey of Charlotte County Transit employees; a telephone survey of Charlotte County residents; community leader interviews; a focus group discussion with members of the MPO's Citizen Advisory Committee and the Local Coordinating Board; and a public workshop held March 25, 2004, at the Port Charlotte Cultural Center.

Summary of Existing Intercity Services – There are two Greyhound terminals in Charlotte County, with service seven days per week, excluding holidays.

Intercity Needs Survey – Intercity service from Punta Gorda to Arcadia via Kings Highway I-75 interchange is needed in Charlotte County. This intercity service would provide access to employment opportunities as well as to Greyhound, Amtrak, and cruise line buses at the Highway I-75 interchange.

Express Service to Ft. Myers was also identified as a need in this area. The provision of express bus service between Charlotte County and Ft. Myers would permit residents a direct connection with Lee County's public transit service at the main LeeTran transfer center on Peck Street.

Regularly scheduled service on U.S. 41 from North Port to Murdock and Port Charlotte was also identified as a need. Inter-county travel demand exists for services along U.S. 41 from North Port to shopping opportunities in the Murdock area and medical services in Port Charlotte.

Escambia County 2007-2016 Transit Development Plan - Executive Summary (*July 2006*)

Operating six days per week, Escambia County Area Transit (ECAT) operates 17 routes, with the Pensacola Beach Trolley operating seasonally. ECAT also provides service to the University of West Florida (UWF) through the UWF on-campus trolley.





Public and Stakeholder Input – Interviews included elected representatives of Escambia County, Pensacola, Santa Rosa County, and the Cities of Milton and Gulf Breeze. Additional stakeholders interviewed as part of the TDP development include officials from the Pensacola Naval Air Station, ECAT riders (through an on-board survey instrument), ECAT staff, and the TDP Review Committee.

Summary of Existing Intercity Services – The nature of ECAT service remains in-town and beach area circulation. There are no intercity bus services.

Intercity Services Needs Survey – Intercity connection needs identified through the public involvement phase of the TDP Update include:

- Connections between Milton and Pensacola and possibly along U.S. 90
- Service to and within Perdido Key, Marcus Pointe, and Santa Rosa County
- Service to Perdido Key via the west transit center on Mobile Highway
- Service to Milton via the north transit at Target on Nine Mile Road
- Service to Navarre to connect Escambia residents with Navarre as well as connect with Okaloosa County Transit
- Expansion to the west to connect to Innerarity Point and Lillian, Alabama
- Better service between Pensacola, Gulf Breeze, and the Pensacola Beaches
- A network of transit and paratransit connections to Santa Rosa County
- A Pensacola/Navarre regional route connecting ECAT's main transfer facility to Navarre transit hub
- A West Transit Center/Lillia regional route connecting residents of Lillian to the regional system via the west transit center on Mobile Highway

Gainesville Regional Transit System 2007 – 2011 Transit Development Plan (July 2006)

The Gainesville Regional Transit System (RTS) has provided public transportation to Gainesville and adjacent areas of Alachua County for 35 years. In addition, a unique aspect of RTS is that it has partnered with the University of Florida to provide on-campus public transportation in an effort to respond to the tremendous demand for transit services by the University's students, faculty, and staff.





Public and Stakeholder Input – RTS has developed and implemented a Public Outreach Program with the objective of educating the community about transit and transit related issues, as well as obtaining feedback from the community to improve transit planning. This includes speaking engagements with homebuilders, the Chamber of Commerce, environmental coalitions, disabled advocates, seniors, university student groups, and school children. In addition, RTS has partnered with the Center for Urban Transportation Research (CUTR) to conduct public forums to gather public opinion and information regarding the community's public transportation system.

Summary of Existing Intercity Services – There is currently no intercity service provided by RTS, and RTS does not have a route that runs directly to the Gainesville Greyhound terminal.

Intercity Services Needs Survey – As part of the 2006 TDP Update, stakeholders expressed the belief that a more regional approach to funding transit services will be needed, particularly regarding potential expansion of services to the west. A more regional transit system would provide for the connection of smaller, more rural town centers to the more urbanized Gainesville area.

Hernando County 2010 – 2019 Transit Development Plan (October 2009)

THE Bus provides fixed-route transit service in Hernando County within the urbanized areas of the county. Fixed-route service also is coordinated with the specialized services available to the county's transportation disadvantaged population. THE Bus provides three circulator routes; two of which are in Spring Hill (part of the unincorporated county) and the third in Brooksville, which connects with the Spring Hill routes.

Public and Stakeholder Input – The Hernando County TDP Update included an extensive public involvement process that involved representatives from local agencies, including the County and the MPO Transit Technical Committee; organizations, including the Community Initiative Team for the south Brooksville area, Workforce Development Board; local employers; and the public.

Summary of Existing Intercity Services – There is currently no intercity service provided in Hernando County.





Intercity Services Needs Survey - Intercity service needs identified in the TDP relate to regional service identified in the TBARTA Master Plan. The TBARTA Master Plan has identified the following preliminary mid-term (2035) and long-term (2050) improvements connecting Hernando County to its neighboring counties:

- Suncoast Parkway, Express Bus in Mixed Traffic (Stations). Mid-term vision identifies express bus stations along the Suncoast Parkway from the Citrus County line to the Pasco County line.
- I-75 from North Port to Brooksville, Managed Lanes for Express Bus. Long-term vision identifies express bus stations on SR 50 from Brooksville to I-75 and a managed lane on I-75 from SR 50 to the Hernando/Pasco County line.
- Brooksville Tampa, Long Distance Rail. Long-term vision identifies a CSX corridor near US 41 between Brooksville and the Hernando/Pasco County line.
- Inverness to Brooksville, Express Bus in Mixed Traffic (Stations). Long-term vision identifies express bus stations along US 19/SR 45 from the Citrus County line to Brooksville.

Jacksonville Transportation Authority Regional Transportation Agency Study (Ongoing)

House Bill 1213 of the 2009 the Florida Legislative session directed FDOT to conduct a study regarding the framework for the creation of a regional transportation agency encompassing the following counties and each of the municipalities located therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns. Facilitated through Jacksonville Transportation Authority (JTA), Jacksonville's public transit agency, the creation of a regional transportation agency will provide the tools necessary to develop a more cohesive regional transportation system in northeastern Florida.

Public and Stakeholder Input – To facilitate stakeholder input throughout the development of the Regional Transportation Agency Study, a Regional Transportation Advisory Panel has been created, consisting of citizens from each county, representatives of JTA, and County and municipal officials.

Summary of Existing Intercity Services – JTA coordinates routes with neighboring county transportation providers to offer intercity/intercounty service throughout the First Coast region.





- Bus service operated by the Sunshine Bus Company and the St Johns County Council on Aging provides a connection between St. Johns County and Jacksonville where transfers to JTA are possible.
- Bus service operated by Clay Transit and the Clay County Council on Aging provides a connection between Clay County to Orange Park Mall where transfers to JTA are possible.
- Bus service operated by Ride Solutions connects Palatka, Green Cove Springs, and Orange Park, where transfers to JTA are possible.
- The Baldwin Commuter Shuttle, operated by JTA, connects passengers from Macclenny and Baldwin to the Rosa Parks Transit Station in Downtown Jacksonville.

Key West Department of Transportation 2005 – 2010 Transit Development Plan Major Update

Operating eight routes, the City of Key West Department of Transportation provides public transit services throughout Key West and the lower Keys, including Stock Island and as far north as Marathon.

Public and Stakeholder Input – Public and stakeholder involvement at the local level included interviews with officials and staff from Key West, Marathon, Big Pine, and Monroe County, as well as other community leaders. This included interviews with the Local Coordinating Board/Community Transportation Coordinator, the Guidance Clinic of Middle Keys, the Social Services division of Monroe County, and the South Florida Work Force Board Transportation Study Committee, which includes members of the City, County, and human service agencies.

Summary of Existing Intercity Services:

- Through the Lower Keys Shuttle, the Key West Department of Transportation operates a route that goes to from Key West to Marathon.
- The City of Key West Department of Transportation's Lower Keys Shuttle connects to Miami-Dade Transit's Monroe Express in Marathon several times per day, seven days per week, providing public transportation north of Marathon and connecting to mainland Florida in Florida City.
- American Coachlines contracts with Miami-Dade Transit to provide service between Marathon and Florida City.





Intercity Needs Survey – Intercity services identified in the needs assessment include:

- Connectivity between the Lower and Middle Keys for persons with service jobs in Key West.
- Inter-modal connectivity between transit, airports, and seaports.

Polk County 2008 – 2017 Consolidated Transit Development Plan (August 2007), Citrus Connection 2030 Transit Improvement Plan (June 2007)

There are currently three separate transit providers in Polk County: the Lakeland Area Mass Transit District (LAMTD) (d.b.a. Citrus Connection), Winter Haven Area Transit (WHAT), and the Polk County Transit Services Division (PCTSD). Efforts are under way to merge these three providers into one as part of a proposed Regional Transportation Authority.

Public and Stakeholder Input – The development of the 2030 Transit Improvement Plan included extensive public outreach including efforts targeted at traditionally underserved areas. In 2004, the TPO adopted and began implementing a Public Involvement Plan that was intended to increase awareness of the TPO and its long-range transportation plan. A concerted effort was made to include all aspects of the regional community, not just those traditionally part of the planning process. Stakeholders in this process included citizens, civic organizations and community groups, local governments, the local MPO, FDOT, the Federal Highway Administration, and other state and Federal agencies.

Summary of Existing Intercity Services:

- LAMTD LAMTD provides service in Winter Haven under a contractual agreement with WHAT. There are two regional routes, which are important for passenger transfers between transit systems:
 - o Connecting Lakeland with Winter Haven via Bartow
 - o Connecting Lakeland with Winter Haven via Auburndale
- WHAT The WHAT Policy Board contracts with LAMTD and PCTSD to provide fixed-route service in the Winter Haven urbanized area. Federally required complementary ADA paratransit services are provided for WHAT under a contract with PCTSD. Currently, WHAT operates one intercity bus route connecting Winter Haven and Haines City.





- PCTSD PCTSD of the Board of County Commissioners provides two fixed-routes that serve portions of the county's rural area with intercity connections to:
 - Ft. Meade/Bartow
 - Frost Proof/Winter Haven
- PCTSD is contracted by WHAT to provide ADA complementary paratransit service for the Winter Haven service area.

Intercity Needs Survey - Intercity services identified in the needs assessment include:

- Express Service between Bartow and Lakeland premium transit service between downtown Bartow and the Citrus Connection terminal in downtown Lakeland.
- Express bus service between Lakeland and Winter Haven.
- Express bus service in the U.S. 27 corridor between the Eagle Ridge Mall in Lake Wales and I-4.
- Three bus express routes on I-4 serving the Disney area near Orlando, downtown Tampa, and Plant City, with stops at existing and proposed intermodal centers in Polk County:
 - o Walt Disney World Express I-4/S.R. 559 to Walt Disney World
 - Plant City Express 1-4/North Socrum Loop Road to Plant City
 - o Downtown Tampa Express I-4/North Socrum Loop Road to downtown Tampa
- High Speed Rail Service Along I-4 in Polk County as part of the Tampa to Orlando route.

Lake-Sumter MPO 2025 Long Range Transportation Plan (December 2005)

The Lake-Sumter MPO is responsible for developing the Long Range Transportation Plan (LRTP) for the metropolitan planning areas of Lake and Sumter counties.

Public and Stakeholder Input – In addition to public involvement activities conducted directly for the Lake-Sumter MPO LRTP, other opportunities to address transportation issues were provided during the update of Lake County's Comprehensive Plan Transportation Element, the development of the Minneola Ridge Areawide Transportation Plan, and the Lake County TDP.





The Lake-Sumter MPO hosted consensus-building workshops at the Lake-Sumter Community College on June 15, 2005 and August 19, 2005. Two Environmental Justice Discussion groups were held at Minneola City Hall and at the Leesburg Community Center June 17, 2005 to solicit input on transportation needs and concerns within the region. In addition, the MPO provided a 45-day public review and comment period, from October 26, 2005 to December 14, 2005, prior to MPO adoption. The input received helped guide the development of the 20-year LRTP-

Stakeholders included the general public; low-income, minority and disabled communities; neighborhood representatives; chambers of commerce; and special transportation interests such as freight shippers, transit users, bicycle and pedestrian organizations; local officials; and Federal and state transportation agencies.

Summary of Existing Intercity Services – In Lake County, LakeXpress is the county's fixed-route public transportation service. Bus service runs every hour from Lady Lake to Mount Dora with circulator routes in the cities of Leesburg and Mount Dora. LakeXpress provides public transportation along the U.S. Highway 441 corridor, including the municipalities of Eustis, Fruitland Park, Lady Lake, Leesburg, Mount Dora and Tavares. In addition, LakeXpress recently began providing service from Umatilla to Zellwood, where passengers can then transfer to LYNX. Lake County also contracts with LYNX to provide express commuter service from Clermont to downtown Orlando.

A large number of activity centers are located along U.S. 441 including Leesburg Regional Medical Center, Lake-Sumter Community College, Lake Square Mall, Leesburg Regional Airport, Florida Hospital-Waterman, Accent Marketing and the Lake County Votech Center. The Villages Development of Regional Impact (DRI) also is located on U.S. 441.

Sumter County provides door-to-door transit service to patrons for destinations anywhere in the county. Medical trips extend to the Leesburg and Villages areas. Services are provided Monday, Wednesday, and Friday to the Veteran's Administration and Shands Hospital in Gainesville.

Intercity Needs Survey – Intercity services identified in the needs assessment include:

• Intercity Connector - A local route is proposed to serve as a connector, linking the transit services in both Lake and Sumter counties. This route would provide two trips per





day, one morning trip and one afternoon trip, from Downtown Ocala to Lake/Sumter counties through The Villages area in Sumter County. The route would connect major cities in both Lake and Sumter counties with Ocala, and also will serve as another route to the Belleview area in Marion County.

LeeTran 2006 – 2015 Transit Development Plan (August 2006)

Based on technical evaluation results, public involvement, and discussions with LeeTran staff, recommended transit improvements in LeeTran's 2006-2015 TDP were prioritized over the next 10 years. In addition to increasing service frequencies on existing routes and implementing new local service, a need for new inter-county bus service was identified. This new service could potentially include two major fixed-route improvements.

Public and Stakeholder Input - LeeTran conducted extensive public involvement that included the following: an initial community workshop to introduce the plan and gather feedback on publicly perceived gaps and overlaps in services and a second public workshop to address prioritization and project selection for funding purposes. Such planning efforts are developed specifically to ensure public transit services and improvements that benefit the elderly, disabled, low-income, and unemployed populations.

Summary of Existing Intercity Services – Transportation services in the county are composed of LeeTran, the county's fixed-route bus system; paratransit services, which include door-to-door transportation disadvantaged services and complementary ADA transportation services; a commuter assistance program; and a variety of private transportation service providers.

LeeTran provides service between Fort Myers, Cape Coral, and Bonita Springs. In addition, the Rosa Parks Transportation Center, a Transfer Center for several of LeeTran's routes also includes a Greyhound Station.

Intercity Needs Survey – Intercity services identified in the needs assessment include:

- Inter-county Express Service An express service could provide a connection between Lee County and Collier County via I-75 or U.S. 41 into Downtown Ft. Myers.
- Inter-county Connector Service A Charlotte Connector would connect northern Lee County with Charlotte Park in Charlotte County via U.S. 41.





LYNX Metroplan Orlando 2025 Long Range Transportation Plan (September 2004)

In September 2004, the Board of METROPLAN Orlando, the MPO for Orange, Osceola, and Seminole counties, adopted the 2025 Long Range Transportation Plan. This plan was developed through regional cooperation and collaboration and included extensive public involvement to ensure that the needs of all stakeholders in the region were considered. The result of this effort was a \$7.2 billion plan that guides the planning, programming, and implementation of highway, transit, bicycle, and pedestrian improvements during the next 20 years.

Public and Stakeholder Input – To assure strong, meaningful public involvement in the development of MetroPlan Orlando 2030, a series of smaller, less formal community meetings were held to obtain deeper, more qualitative input. Community meetings were held in diverse settings to engage citizens in a meaningful, extended discussion about transportation.

Initiatives included outreach to traditional media, social media and viral marketing tactics. In addition, Spanish language materials were produced, along with advertisements featured in community-based publications targeting the Hispanic community. Community meetings and events were targeted to communities with large minority populations. Partnerships were used to help raise awareness and included area chambers of commerce, local governments, other transportation agencies, service organizations, neighborhood groups and environmental groups. These partners were provided with newsletter articles, Web banner ads, video, photos, press release copy, print ads and other template materials.

Summary of Existing Intercity Services:

- Silver Star Road Crosstown Orlando/Apopka
- Volusia County/Downtown Orlando
- Clermont/Downtown Orlando
- Downtown Orlando/Downtown Disney
- Pine Hills/Downtown Disney
- Rosemont/Downtown Disney
- Washington Shores/Downtown Disney
- Rio Grande/Vistana
- Metro West/Downtown Disney





- Oviedo/Winter Springs / Rosemont
- Orlando/Winter Park

Intercity Needs Survey – The METROPLAN ORLANDO Board designated SunRail as its first transit priority and light rail from International Drive to Medical City/Innovation Way (including the Orlando International Airport) as its second priority. Plan-identified needs also include:

- The SunRail, which includes a 61.5-mile line from Volusia County through Seminole and Orange counties and ending in Osceola County
- Northwest Corridor Commuter Rail from downtown Orlando to Eustis in Lake County

Martin County 2007 – 2016 Transit Development Plan Update (June 2006)

Martin County's 2007-2016 TDP Update references a number of joint planning activities with St. Lucie County. The majority of transit services provided in Martin County are operated by the Council on Aging of Martin County (COAMC) through their transportation department, Community Coach. Community Coach provides paratransit services on an advance-reservation basis. Additionally, Community Coach operates two fixed routes, and a third route provides regional transit.

Summary of Existing Intercity Services –The Treasure Coast Connector is operated by Community Transit of St. Lucie County between Martin and St. Lucie counties. Service is provided from Martin Memorial Hospital to downtown Stuart, the Treasure Coast Square Mall, and north to Fort Pierce. In addition, Community Coach provides service between Hobe Sound and south Stuart, as well an express route between Hobe Sound and downtown Stuart.

Intercity Service Needs Survey – Intercity services identified in the needs assessment include:

- Treasure Coast Connector "Plus" service is needed to connect Ft. Pierce to U.S. 1 service and the Port St. Lucie trolley route.
- The TDP identifies a need to provide an east-west connector service that is proposed along the S.R. 714 corridor between Palm City and the County Administrative Center on SE Monterey Road continuing via Ocean Boulevard to meet the Treasure Coast Connector and the U.S. 1 South corridor at Haney Circle.





 Express bus service between Stuart and the nearest Tri-Rail station in Mangonia Park is needed.

Miami-Dade County 2010 – 2019 Transit Development Plan Major Update (Draft October 2009)

Miami-Dade Transit (MDT) is the 14th largest public transit system in the United States, and the largest transit agency in the state of Florida. MDT provides an integrated transportation system consisting of four major components: Metrorail, Metrobus, Metromover, and Special Transportation Service (STS), designed to meet the needs of people with disabilities unable to use regular transit services.

Public and Stakeholder Input – The development of MDT's TDP incorporated a variety of public involvement and participation throughout the entire update process. Using the Miami-Dade MPO's 2007 Public Involvement Plan as a guide, the MDT public participation program included several different elements, such as citizen involvement, formal meetings with technical advisory committees, MPO public meetings, and coordination with the workforce board within Miami-Dade County.

Summary of Existing Intercity Services:

- Metrorail Miami-Dade County's 22-mile, elevated rapid transit system runs from Kendall through South Miami, Coral Gables, and downtown Miami; to the Civic Center/Jackson Memorial Hospital area; and to Brownsville, Liberty City, Hialeah and Medley in northwest Miami-Dade, with connections to Broward and Palm Beach counties at the Tri-Rail/Metrorail transfer station.
- *Metrobus* Metrobus offers countywide service from Miami Beach to West Miami-Dade and from the Middle Keys to the southern portion of Broward County.
- *Metromover* Metromover is a free automated people-mover system that serves downtown Miami from Omni to Brickell and connects with Metrorail.

Intercity Needs Survey Findings – The current MDT network provides Intercity service throughout Miami-Dade County, as well as connections to service in Broward and Palm Beach counties. However, a major project currently under way includes the construction of a 2.4-mile line of Metrorail is currently underway that will connect Miami Intermodal Center (MIC) to the





Earlington Heights Metrorail Station. This project includes a new Metrorail Station located at the MIC to serve as a multi-modal transfer hub for Metrobus, Metrorail, Tri-Rail, future expansion of Amtrack, and other chartered services such as an intercity bus line.

Ocala-Marion County Transit Development Plan, Major Update (November 2007)

Existing public transportation services in Marion County include both fixed-route and paratransit services. The fixed-route transit system (d.b.a. SunTran) is governed by the Ocala/Marion TPO and serves the greater Ocala area. The paratransit, or demand-response service, in Marion County is called Marion Transit Services (MTS) and is managed by Marion County Senior Services (MCSS).

Public and Stakeholder Input – In the completion of the TDP, an extensive public involvement initiative was undertaken to identify future transit needs for Marion County.

Summary of Existing Intercity Services – There are currently no intercity services provided at this time.

Intercity Needs Survey – Intercity services identified in the needs assessment include:

 An intercity route is needed to connect transit services in Marion County to Lake and Sumter counties. This service could travel between Downtown Ocala to Lake/Sumter counties through The Villages area in Sumter County. The route would connect major cities in both Lake and Sumter counties with Ocala and also could serve as another route to the Belleview area in Marion County.

Okaloosa County 2003-2007 Transit Development Plan Executive Summary

Okaloosa County Transit (OCT) offers deviated fixed route bus service (d.b.a. The Wave) and limited paratransit service countywide. To identify future service needs, the Okaloosa-Walton TPO commissioned a five-year TDP for the years 2003-2007.

Public and Stakeholder Input – The TDP process included public involvement activities with the Okaloosa-Walton TPO, the Technical Coordinating Committee (TCC) of the TPO, the Citizen's Advisory Committee (CAC) of the TPO, the Okaloosa County Tourist Development Council





(TDC), Okaloosa County Council on Aging Meals Program, and the Public Transportation Planning Workshop sponsored by the Workforce Development Board of Okaloosa and Walton Counties, and the Okaloosa and Walton Counties Transportation Disadvantaged Coordinating Boards.

Summary of Existing Intercity Services – The Wave Express connects Crestview via Niceville to Fort Walton Beach.

Intercity Services Needs Survey – Access to jobs and connections between North and South Okaloosa County were common topics that were expressed in the various public involvement activities.

Pasco County 2009 – 2018 Transportation Development Plan, Major Update (July 2008)

Pasco County Public Transportation (PCPT) operates nine fixed routes. The east side of the system connects Zephyrhills to Dade City, and the west side of the system connects Port Richey and New Port Richey to Pinellas County and points north.

Public and Stakeholder Input – Specific public involvement activities undertaken include public workshops, a discussion group, passenger and driver interviews, and presentations to committees and the MPO Board. Additionally, input was gathered from a non-user transit survey distributed at the public workshop and to members of the MPO mailing list, as well as the onboard transit survey.

Summary of Existing Intercity Services – Existing Intercity services in Pasco include transit traveling between:

- New Port Richey/Pinellas County
- Zephyrhills/Dade City

Intercity Service Needs Survey – Intercity services identified in the needs assessment include:

• It is documented in the Pasco County TDP that there is demand for providing east-west cross-county service on S.R. 54.





- Express service is needed along U.S. 19 to connect to key destinations in Pinellas and Hernando counties.
- The eastern side of the bus system needs to be connected to Tampa.
- Wesley Chapel needs to be connected to the eastern and western portions of the county as well as to Tampa.

Sarasota/Manatee Long Range Transportation Plan 2030 Update (February 2006)

Public and Stakeholder Input - The Sarasota/Manatee MPO conducted a series of focus group discussions with key people representing various transportation stakeholders and diverse geographic areas in the two counties as part of the development of the 2030 LRTP. This process allowed the transportation disadvantaged, minority groups, and rural communities to also have a direct influence in the process.

Summary of Existing Intercity Services:

- Manatee County Area Transit (MCAT), a service of Manatee County Government, offers 10 routes serving Bradenton, Ellenton, Palmetto and the Gulf Beach communities of Manatee County.
- MCAT Handy Bus paratransit service provides trips to people who are unable to use the fixed-route service.
- MCAT also connects with SCAT services to provide inter-county trips, including connection of the Longboat Key Trolley from Anna Maria Island to downtown Sarasota.
- SCAT connects North Port, Venice, Englewood, and Sarasota.

Intercity Service Needs Survey – Intercity services identified in the needs assessment include:

- Commuter/Express Routes Commuter/express routes would connect the major urban and suburban centers of the Sarasota-Manatee area. These areas would include Bradenton, Ellenton, and Palmetto in Manatee County and Sarasota, Venice, and North Port in Sarasota County, as well as rapidly developing areas such as Lakewood Ranch and east of I-75.
- Cross-County Service In addition to commuter/express routes, cross-county service would provide inter-county connectivity between Sarasota County and Manatee County.





- Cross-county service is needed to connect between Charlotte, Hillsborough, and Pinellas counties.
- Provide demand response services cross-county. There is currently no ADA requirement
 for comparable paratransit service paralleling express route service. Therefore, the
 majority of paratransit services are operated intra-county. This provides very limited
 regional access to employment, housing, and human services.

Space Coast Area Transit 2009 – 2018 Transit Development Plan Update (2009)

Space Coast Area Transit (SCAT) is a small transit agency tasked with providing both fixed route and paratransit service to Brevard County. Cities in the service area include: Cocoa Beach, Melbourne, Palm Bay, Cape Canaveral, and Rockledge.

Public and Stakeholder Input – To assess transit needs, the TDP planning process included public outreach.

Summary of Existing Intercity Services – SCAT's fixed-route service operates throughout the county to provide public transportation to Brevard's residents and visitors. A total of 14 fixed routes operate on a set schedule at designated stops, providing extensive coverage throughout the County's municipalities as well as unincorporated area. Current intercity service includes:

- Melbourne to Titusville
- Titusville to Mims
- Cocoa to Rockledge
- Palm Bay to Melbourne

Intercity Service Needs Survey – Intercity services identified in the needs assessment include:

• Establish connections to Volusia, Orange and Indian River counties in collaboration with Votran, LYNX, and Indian River Transit for commuter-based trips.

St. John's County 2007 – 2016 Transit Development Plan (November 2006)

St. Johns County Government supports the St. Johns County Council on Aging's delivery of public transportation services, which is known as The Sunshine Bus. The St. Johns County





2007 – 2016 TDP documents the significant travel occurring between St. Johns County and Duval, Putnam, and Flagler counties.

Public and Stakeholder Input – The TDP included public involvement by members of the community, county leadership, and peer government agencies. Community transportation needs and issues were identified through the following public involvement activities: an onboard survey of fixed-route bus passengers, a random telephone survey of St. Johns County residents, a user/non-user discussion group, and community leader interviews

Summary of Existing Intercity Services – Intercity services identified in the needs assessment include:

- Bus service provides a connection between St. Johns County and Jacksonville where transfers to JTA are possible.
- There is a Greyhound facility located in St. Augustine.

Intercity Service Needs Survey – There is a need for bus services between key destinations in St. Johns, Flagler, Putnam, and Duval counties, connecting to local services for access to employment, educational, and human service agencies.

Tallahassee 2006 – 2015 Transit Development Plan Major Update (November 2005)

Tallahassee's public transit system, StarMetro, operates city bus routes in Tallahassee, Florida, including campus shuttles at Florida State University and Florida A&M University, plus a Diala-Ride service for seniors and disabled citizens and a variety of seasonal transit programs.

Public and Stakeholder Input – Extensive public involvement targeting various groups of riders was undertaken as part of the TDP Update. This included an on-board customer survey, student rider survey, and community survey of the general public. Workshops were held with bus operators, employers, and the general public and interviews were conducted with key local officials. In addition, StarMetro is in the process of conducting a study to gather community input on potentially decentralizing the entire transit network. The project is called Innovation in Transit 2010, or Nova2010.

Summary of Existing Intercity Services – The current StarMetro fixed-route system serves only Tallahassee.





Intercity Service Needs Survey – The results of the public involvement indicated that there are a number of areas within Tallahassee that bus patrons would like to see service expanded to, with a few riders specifically indicating a need for service outside the city limits. However, since Tallahassee is the only municipality within Leon County and service connecting Tallahassee to other municipalities or counties was not specifically addressed.



