

Triennial Review

5310 Subrecipients

FLORIDA DEPARTMENT OF TRANSPORTATION

Florida Department of Transportation – Triennial Review Guide – Revised 01-07-20

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# TRIENNIAL REVIEW GUIDE

**5310 SUBRECIPIENTS**

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## Introduction

### FDOT Compliance Monitoring Program

**Purpose**

The purpose of a 5310 review is to determine whether a 5310 only agency is operating in compliance with the agency’s TOP and all State and Federal requirements.

## Section 1. Selection and Eligibility/Eligible Services

### FTA Funds Received by Subrecipient

1. What best describes this project? Does the agency receive 5310 operating assistance? Mobility Management funds?

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### Organizational Status of the Subrecipient

1. What is the organizational status of the subrecipient and does this agency qualify as an eligible subrecipient the Federal funds received by this subrecipient? Provide a short description. (For example, for 5310 is the subrecipient a private nonprofit organization, local government etc.)

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### Local Match/Financial Capability

Funds may be used to finance capital and operating expenses. The federal share of eligible capital costs shall be in an amount equal to 80 percent of the net cost of the activity. The federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity.

The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization. Some examples of these sources of local match include: state or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; transportation development credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

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 operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. All sources of local match must be identified and described in the grant application at the time of grant award.

In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than DOT programs, or from DOT’s Federal Lands Highway program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services. Specific program information for other types of federal funding is available at [www.unitedweride.gov](http://www.unitedweride.gov).

It is also imperative to determine if the subrecipient has the financially capability to accept and manage the federal funds.

1. What are the sources funds being used to generate the local match? Are these sources non-Federal as defined above?

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1. Is the subrecipient generating sufficient local match for the grant?

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1. Does the subrecipient appear financially sound? Was a risk assessment of the agency completed prior to finalizing the award?

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**These questions apply only to agencies receiving 5310 operating assistance or mobility management funding.**

1. Do subrecipient financial records appear to be maintained using Generally Accepted Accounting Principles? Can funds be traced to level of expenditures?

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1. Is the subrecipient charging indirect costs? If so, has the District approved their indirect cost rates/plan?

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1. Sample invoice to ensure reported expenditures are supported by the proper documentation?

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### Coordinated Public Transit/Human Services Transportation Plan

Federal transit law, as amended by SAFETEA–LU, required that projects funded from the Section 5310, program be derived from a locally developed, coordinated public transit-human service transportation plan (“coordinated plan”). A coordinated plan should maximize the programs’ collective coverage by minimizing duplication of services. A coordinated plan may incorporate activities offered under other programs sponsored by federal, state, and local agencies to greatly strengthen its impact. FTA also encourages participation in coordinated service delivery as long as the coordinated services will continue to meet the purposes of all programs.

Under MAP-21, Section 5310 is the only program that still has this coordinated plan requirement. However, recipients with unobligated JARC and New Freedom funds must continue to certify that projects are included in a coordinated plan. Therefore, FTA encourages recipients with unobligated JARC and New Freedom funds to include/continue to include the Section 5310 program funds when developing the coordinated plan.

1. Obtain a copy of the coordinated plan. What is the date of the most recent plan? Is the agency’s project referenced in the plan?

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## Section 2. Equipment Management

### Equipment – General (non-vehicle or facility)

**This section only applies to agencies receiving capital awards for items other than vehicles.**

Any property (equipment, furniture and fixtures, vehicles, buildings, and land) purchased with Federal or state funds administered by the FDOT and valued at $5,000 or more must be accounted for in the agency fixed asset listing. The asset listing is to contain the federally required information outlined in the Common Rule and generally accepted accounting principles, as appropriate.

Each capital items shall be assigned a unique identification number throughout its life; the identification number should not be reused. Equipment purchased as an integral part of the vehicle does not need to be separately inventoried; for example, a lift or destination sign that is purchased as part of a vehicle does not need to be inventoried. Capital items are to be depreciated in accordance with generally accepted accounting principles. However, depreciation expense is not an allowable reimbursable cost to Federal programs if purchased, in part or in whole, with federal funds.

FTA approval of the Department’s grant and the execution of the subrecipient joint participation agreement represents FTA concurrence of the final determination of useful life for the purpose of project property acquisition. This in turn will identify the useful life of the Federal interest for the disposition of the project property in later years.

**Determining Useful Life for Project Property**

*For all State administered programs, the State is responsible for approving the useful life proposed by the subrecipient*. In the grant application, the grantee shall propose and identify a useful life for the capital asset to be purchased with Federal funds. The department recommends using [***Internal Revenue Service guidelines***](http://www.irs.gov/irm/part1/irm_01-035-006.html#d0e1061) when determining useful life for project property/equipment. The grantee should make sure to check these guidelines for changes on a regular basis.

1. Does the subrecipient use all equipment acquired with FTA funds in a manner consistent with the original project application or purpose?

Yes  No

1. Does the subrecipient have any project equipment that is no longer needed for transportation purposes?

Yes  No

If “Yes,” has the subrecipient notified FDOT that the equipment is no longer needed for program purposes?

Yes  No

1. How does the subrecipient document inventory of non-vehicle assets with a federal or state interest?

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1. Has the subrecipient disposed of any project equipment during the last three years?

Yes  No

If “Yes,” had the equipment exceeded its useful life as determined by FDOT?

Yes  No

If “No,” did the subrecipient notify FDOT for transfer to another transit program?

Yes  No

1. Does the subrecipient maintain property/asset records for all equipment acquired with FTA funds?

Yes  No

If “Yes,” are all the required data elements contained in the inventory record?

| **Yes** | **No** | **Requirement** |
| --- | --- | --- |
|  |  | Description of the property |
|  |  | Serial number or other identification numbers |
|  |  | Source of the property (grant source, program number) |
|  |  | Name of the title holder |
|  |  | Acquisition date |
|  |  | Cost |
|  |  | Percentage of Federal participation in the cost of the property |
|  |  | Location of the equipment |
|  |  | Use and current condition |
|  |  | Disposition information (if applicable), including date of disposal and sales price |

1. If the subrecipient disposed of any project equipment prior to the end of useful life via a transfer to another project, what methods were used to establish fair market value?

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1. Has the subrecipient transferred any project equipment with remaining useful life to another entity?

Yes  No

If “Yes,” did the subrecipient transfer real property to another entity eligible to receive assistance under 49 U.S.C. Chapter 53?

Yes  No

If “Yes,” Did FDOT approve of the transfer?

Yes  No

### Property Management and Control (Vehicle and Facility)

The Common Rule requires all recipients and subrecipients adopt property management standards for all equipment acquired under any program. Property management records must adhere to the elements specified in this section.

A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented; if the equipment was purchased with FDOT administered federal or at least 50% state funds, and had not passed the end of its useful life, the subrecipient shall promptly notify FDOT.

Subrecipients shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds or 50% state funds as provided to property owned by the recipient.

Subrecipients must carry insurance on vehicles, equipment, and facilities to cover the federal interest and state interest in the asset.

If a vehicle is out of service more than 30 days, transit providers must provide written notification to the appropriate FDOT Program Manager. For the period of time the vehicle is out of service, the transit provider must ensure that the time does not count toward the minimum useful life; accounting must stop the depreciation calculation. Additionally, incidental service mileage does not count toward the minimum useful life mileage.

1. Does the subrecipient maintain satisfactory continuing control over all FDOT administered federally funded assets (e.g., maintains direct control over the asset)?

Yes  No

If “No,” has the subrecipient leased equipment to another entity?

Yes  No

If “Yes,” is there a formal agreement between the parties?

Yes  No

If “Yes,” does the lease:

| **Yes** | **No** | **Lease Requirement** |
| --- | --- | --- |
|  |  | Specify FDOT interest in the vehicle? |
|  |  | Specifies permissible/non-permissible incidental use of the vehicle? |
|  |  | Require lessee to perform vehicle maintenance in accordance with OEM recommendations? |
|  |  | Assign insurance responsibility and all appropriate hold-harmless/indemnification provisions? |
|  |  | Have a finite period of performance? |
|  |  | Notification protocols in the event the vehicle is involved in an accident? |

1. Has the subrecipient suffered any casualty loss of project equipment during the last three years?

Yes  No

If “Yes,” did the subrecipient receive an insurance settlement?

Yes  No

Did the subrecipient request guidance from FDOT on the procedures for re-investing the settlement proceeds in a replacement vehicle?

Yes  No

1. Does the subrecipient utilize project equipment for use on other projects or programs supported directly or indirectly by the Federal government?

Yes  No

### Maintenance

For agencies who receive only FTA Section 5310 funding, the maintenance compliance reviews are condensed to examine the following areas:

1. Maintenance Plan or *Transportation Operating Plan*
2. Vehicle history files
3. Vehicle fleet rosters
4. Asset Management plans
5. Vehicle safety Inspections
6. Preventative Maintenance
7. Pre-trip Inspections
8. Warranty
9. Vehicle Appearance

It is important to be prepared for these reviews. Preventative maintenance programs will be analyzed to ensure that maintenance activities are being performed according to what is described in the maintenance plan. A file review is also conducted in which preventative maintenance inspections are examined for the prior twelve months or multiple years depending on the amount of information available. These file reviews help determine whether inspections are occurring within the target mileages defined within the maintenance plan or TOP. The file review is performed on a minimum of 20% of the vehicle fleet.

The list of vehicle components inspected during preventative maintenance inspections is compared to the *FDOT Preventative Maintenance Standards Manual* to ensure that the inspections meet FDOT’s minimum maintenance requirements.

A vehicle safety inspection is conducted on a minimum of 10% of the vehicle fleet to ensure safety components are in good working condition. If a vehicle is found to have multiple safety defects that pose a risk to passenger safety, the vehicle may be pulled from service by the District Representative until documentation is provided showing all necessary repairs have been made.

Once the maintenance compliance review is completed, a maintenance compliance report is generated that lists a number of findings or deficiencies within the agency’s maintenance practices. Each finding will come with a recommendation for remedying the deficiency and how the agency can improve maintenance practices to comply with federal and/or state maintenance requirements. Additional recommendations are sometimes made to help improve the agency’s overall maintenance program efficiency. These additional recommendations are not made due to findings but offer suggestions. For more information on the triennial maintenance compliance review processes, please consult the *FDOT State Management Plan.*

### Incidental Use of Project Equipment

FTA and FDOT encourage maximum use of vehicles funded under the Section 5310 and 5311 programs. Consistent with the requirements of 49 CFR parts 18 and 19, vehicles are to be used first for program-related needs for which a Section 5310 or 5311 grant is made and then to meet other federal programs or project needs, providing these uses do not interfere with the project activities originally funded. If the vehicle is no longer needed for the original program or project, the vehicle may be used in other activities currently or previously supported by a federal agency.

The program must provide for maximum feasible coordination with transportation services assisted by other federal sources. Subrecipients should be encouraged to the extent feasible to also provide service to seniors and people with disabilities not affiliated with their agency, as well as to the general public, on an incidental basis if such service does not interfere with transportation services for seniors and people with disabilities in 5310 and with the delivery of public transportation in 5311. In some situations it may be appropriate to provide Section 5310 assistance to an agency to provide transportation exclusively to its own clients, but even in situations in which it is not feasible for the agency to provide services to those in the community beyond its own clients, that agency must, when practicable, make the vehicle itself available to provide transportation service to other seniors and people with disabilities at times the agency is not using the vehicle for grant-related purposes.

Transit service providers receiving assistance under this section may coordinate and assist in providing meal delivery services 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. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

FDOT does allow incidental use of assets provided that the incidental use does not interfere with the public transit services for which it was originally obtained. Incidental use is addressed as part of FDOT’s on-site compliance reviews.

Certain additional services (such as meal delivery) are permitted within program funding restrictions as long as they are incidental and do not disrupt the general public service normally provided. However, the cost of these incidental services must be fully allocated and mileage associated with the incidental service must not count towards the useful life of the vehicle. If FTA-funded vehicles are used occasionally to deliver meals, FDOT requires nutrition programs to pay the operating costs attributable to meal delivery.

1. Does the subrecipient use FTA funded equipment to engage in homebound meal delivery?

Yes  No

If “Yes,” does the subrecipient have a cost allocation/costing methodology in place to assess the meals program the fully allocated cost of service?

Yes  No

1. Does the subrecipient use FTA funded equipment to engage in any other incidental uses for other than service to elderly persons and individuals with disabilities?

Yes  No

If “Yes,” does the subrecipient have a cost allocation/costing methodology in place to assess the fully allocated cost of service?

Yes  No

1. Does the subrecipient have a means to track mileage for incidental use (FDOT does not permit incidental mileage towards useful life calculation)?

Yes  No

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## Section 3. Project and Financial Management

### CTC & CTC Agreements (5310 Recipients)

1. If the review of the recipient’s files revealed any problems, discuss each of those problems with the recipient. Make discussion notes as part of the documentation for the site visit.

2. Does a recipient who is not a CTC maintain coordination or a transportation operator contract with the CTC? (Unless the recipient is a local government providing fixed route/fixed schedule service.)

1. Make sure you have a signed standard lobbying certification form for any sub-recipient agreement at $100,000 or more. Make sure you have a valid EPLS search in your file for the agency.

### Audit

1. Review the agency’s most recent A-133 audit performed in accordance with the Single Audit Act. Ask the agency if there are any audit exceptions included in the audit, and discuss these with the agency to determine the nature and severity of the exceptions. Review the Recipient/Subrecipient Single Audit Procedure No. 450-010-001. Contact the Statewide Grant Coordinators at 850-414-4391 to determine if there are additional single audit issues that need to be resolved. *(An A-133 audit is required for any entity that exceeds $750,000 or more in Federal awards in a single year. If the entity expends less than $750,000 in Federal awards in a year they are exempt from the Federal audit requirements for that year.)*

### DBE

This section only applies to agencies receiving 5310 operating assistance or contracting out mobility management services.

1. Is the recipient undertaking and documenting the necessary and reasonable steps required by FTA for compliance with the Federal DBE Program requirements?

1. How does the subrecipient monitor third-party contractors to ensure compliance with DBE program requirements?

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## Section 4. Procurement

### Acquisition Methods

This section only applies to agencies award items to be purchased outside of the TRIPS or DMS vehicle contracts.

Subrecipients must comply with FTA procurement requirements contained in the current FTA Circular 4220.1. States and designated recipients are responsible for ensuring that subrecipients are aware of and comply with these additional requirements.

1. Does the subrecipient have an agency purchasing policy?

Yes  No

If “Yes”, does the agency’s purchasing policy incorporate Federal purchasing rules?

Yes  No

1. Has the subrecipient purchased vehicles through a state contract administered either by the Florida Department of Transportation (TRIPS Program) or the Department of Management Services (DMS)?

Yes  No

1. If vehicles were purchased through the DMS state contract, has the subrecipient ensured that all Federal provisions have been met?

Yes  No

1. If the subrecipient has purchased vehicles through the DMS state contract, did the vehicles meet Buy America standards?

Yes  No

1. Has the subrecipient made any other purchases?

Yes  No

If “Yes”, review a sampling of procurements to determine if the subrecipient followed their purchasing policy and utilized the Third Party Checklist found in the Procurement Guidance for Transit Agencies.

Yes  No

1. Did the agency complete and document the EPLS check for contractors at sam.gov?

Yes  No

Did the agency complete and document the e-verify process?

Yes  No

### Purchase of Service Contracts

**This section only applies if the 5310 agency receives funds to contract for services with another provider.**

Subrecipients may purchase service from private sector transportation providers as well as public providers. Under such arrangements, certain special conditions apply to the purchase of service agreement.

The purchase of service contracts must be either a cost reimbursement or fixed price contract.

* Fixed price contracts should have the cost calculated on a service or route specific basis, either vehicle or passenger miles, or a combination of both. It is not subject to any adjustment on the basis of a contractor's cost experience in performing the contract.
* Cost reimbursement contracts should allow for a periodic evaluation of the fixed rate in order to accommodate changes in transportation costs. These contracts establish an estimate of total cost for obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without approval.

Profit is an eligible cost in the contract. The amount of profit must be established as a fixed fee, not as a percentage figure.

Depreciation of vehicles is an eligible expense in private sector purchase of service agreements and must be based on acquisition, not replacement costs, and is not eligible if the vehicles were originally purchased with Federal funds.

Management or administrative costs incurred by the contract provider should be prorated for only that portion of the operator's service being purchased.

Division of Multimodal Transportation Resources shall approve the proposed purchase of service contracts prior to execution by the subrecipient.

1. Has the subrecipient entered into any purchase of service contracts?

Yes  No

If “Yes,” what type of contract did the subrecipient use with the service provider?

Fixed price contract

Cost reimbursement contract

1. Has the subrecipient used “capital cost of contracting” in any service contract entered into with a private sector provider?

Yes  No

If “Yes,” has the subrecipient correctly classified the type of contract and corresponding capital participation rate in the contract?

Yes  No

If “No,” has the subrecipient adhered to FDOT guidelines in structuring the respective types of contracts?

Yes  No

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## Section 5. Other Provisions

### Title VI

Federal civil rights requirements are encompassed in laws, regulations, and Executive Orders. The objective of FTA's oversight in this area is to:

* Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
* Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
* Promote the full and fair participation of all affected populations in transportation decision making;
* Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and
* Ensure meaningful access to programs and activities by persons with limited English proficiency.

1. Has the subrecipient developed a Title VI Program?

Yes  No

If “Yes,” has it been adopted by the subrecipient’s governing board?

Yes  No

1. Has the program been submitted to FDOT?

Yes  No

If “Yes,” did the District review it using the Title VI checklist? **If they approved it using the checklist they can skip this section?**

| **Yes** | **No** | **Required List Elements** |
| --- | --- | --- |
|  |  | A notice to the public that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. |
|  |  | A copy of the recipient’s instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. |
|  |  | A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission to FDOT. |
|  |  | A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. |
|  |  | A copy of the recipient’s plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance. |
|  |  | A table depicting the racial breakdown of the membership of advisory boards or non-elected planning boards and a description of efforts made to encourage the participation of minorities on such committees or councils. |
|  |  | A narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions. |

1. Does the notice include the following items?

| **Yes** | **No** | **Required List Elements** |
| --- | --- | --- |
|  |  | A statement that the agency operates programs without regard to race, color, and national origin. |
|  |  | A description of the procedures that members of the public should follow in order to request additional information on the subrecipient’s nondiscrimination obligations. |
|  |  | A description of the procedures that members of the public should follow in order to file a discrimination complaint against the subrecipient. |

1. How has the subrecipient disseminated this notice?

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1. Has the subrecipient translated this notice into languages other than English consistent with the subrecipient’s LEP program?

Yes  No

1. Does the subrecipient have procedures for investigating and tracking Title VI complaints and for making such complaints available to the public?

Yes  No

If “Yes,” does the subrecipient have a specific complaint form?

Yes  No

1. Has the subrecipient integrated into its established public participation and outreach processes procedures that ensure involvement and participation by minority and LEP populations?

Yes  No

If “Yes,” describe these activities.

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1. Are these efforts effective?

Yes  No

Do these effective practices include elements that FTA considers “best practice:”

| **Yes** | **No** | **Required List Elements** |
| --- | --- | --- |
|  |  | Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities |
|  |  | Employing different meeting sizes and formats |
|  |  | Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities. |
|  |  | Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts |
|  |  | Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments. |

**Limited English Proficiency (LEP)**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. DOT recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Subrecipients should apply four (4) factors to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

* The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
* The frequency with which LEP individuals come in contact with the program.
* The nature and importance of the program, activity, or service provided by the recipient to people’s lives.
* The resources available to the recipient and costs.

After completing the above four-factor analysis, subrecipients can determine the appropriate “mix” of LEP services required. Subrecipients have two main ways to provide language services: oral interpretation, either in person or via telephone interpretation service, and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

1. Has the subrecipient assessed and addressed the ability of persons with limited English proficiency (LEP) to use transit services?

Yes  No

1. Describe the subrecipient's efforts to provide access to information and services by LEP persons.

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### Americans with Disabilities Act (ADA)

**Skip this section if the agency only provides transportation services to their own clients (5310 closed door services).**

Compliance responsibilities will vary depending upon the type of entity providing the service. The regulations recognize three types of entities as follows:

**Public entities** include city, town, county, or state governments, or special authorities created under public law such as transit authorities.

**Private, primarily engaged entities** include private companies whose primary business is transportation. This includes private taxi companies, van or bus companies, or private intercity bus companies. This category includes private, non-profit agencies whose main business is transportation.

**Private, not primarily engaged entities** are private companies or organizations, including non-profit organizations, whose primary business is something other than transportation, but who provide transportation as a secondary or support service. This includes human service agencies that operate transportation services as a secondary or support service.

Compliance responsibilities will also vary depending on the type of transportation service provided by the subrecipient. Several types of service that are particularly relevant to these reviews are:

**Fixed route system** means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

**Commuter bus service** means fixed route bus service, 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.

**Demand responsive system** means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

**Route Deviation, Point Deviation, or Flex-Bus systems**, which do not have prescribed routes, or which allow for on-request deviations off of prescribed routes, are considered types of demand responsive systems if the on-request, off-route deviations are available to all riders. If off-route deviations are made only for certain individuals, such as persons with disabilities, these types of services are considered fixed route.

ADA complementary paratransit is a specific type of demand responsive service that is required of public entities that provide non-commuter fixed route service.

To determine compliance responsibilities, the review must determine the type of entity and service modes delivered.

1. Based on the articles of incorporation or enabling legislation, identify the type of subrecipient under review:

Public entity

Private entity, primarily engaged in transportation

Private entity, not primarily engaged in transportation

1. Evaluate the scope of services and determine all modes of service operated by the subrecipient. For each subrecipient, check all the primary and sub-modes that apply:

Fixed route

Non-commuter bus

Commuter bus

Inter-city bus

Route/point deviation with deviations limited to certain riders

Demand Response

ADA complementary paratransit

Route/point deviation with deviations for the general public

Other demand responsive service

1. If the subrecipient offers route deviation service, how does it advertise the deviation request process?  Does the agency schedule deviations for all riders, not just those with disabilities?

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1. If the subrecipient provides fixed route service, does the agency have an ADA Complementary Paratransit Plan?  Does the plan include the agency’s procedures for eligibility determinations, service criteria, service capacity, origin-to-destination service, visitors’ service, and no-show policies?  Is the complaint and/or appeal process readily available?

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1. Following are examples of common policies that discriminate against persons with disabilities. Determine if the subrecipient engages in any of these actions, or has any other policies that discriminate:

| Yes | No | Requirement |
| --- | --- | --- |
|  |  | Does the subrecipient have policies that impose any special charges for individuals with disabilities, including wheelchair users? |
|  |  | Does the subrecipient deny service to any individual because its insurance company conditions coverage or rates? |
|  |  | Does the subrecipient require that wheelchairs have working brakes, be “in good working condition,” or place any other restrictions on mobility devices? (Exception: situation that poses a “direct threat to others.) |
|  |  | Does the subrecipient have policies that suggest a denial of service for rude behavior, swearing, or other behaviors that do not rise to illegal or seriously disruptive? |
|  |  | Does the subrecipient ***require*** individuals with disabilities to use designated priority seats? |
|  |  | Does the subrecipient require persons traveling in securement areas to wear seat belts or shoulder straps when all other passengers do not have the same requirement? |
|  |  | Does the subrecipient require wheelchair users to wear a body belt when traveling up and down on the lift? |
|  |  | Does the subrecipient policy prohibit respirators or portable oxygen supplies (Exception: items that are prohibited under applicable Department of Transportation rules on the transportation of hazardous materials—49 CFR subtitle B, chapter 1, subchapter C.) |
|  |  | Does the subrecipient have any other policy that could discriminate against persons with disabilities? |

1. Does the subrecipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?

Yes  No

If “Yes,” are supervisors, dispatchers, and vehicle operators trained on this policy?

Yes  No

Is there an appropriate appeal policy for any service refusals?

Yes  No

1. Does the subrecipient have an established process for making decisions and providing reasonable modifications under the ADA?

Yes  No

If “Yes,” is information about the process, and how to use it, readily available to the public, including individuals with disabilities? (For example included in printed media and/or available on the agency’s website).

Yes  No

**Attendant Policies**

Individuals with disabilities should be allowed to travel with attendants. Attendants cannot be required, though, except if service could otherwise be refused for illegal, violent or seriously disruptive behavior.

1. Does the subrecipient allow persons with disabilities to travel with attendants?

Yes  No

If “Yes,” does definition of attendant extend beyond assistance during travel to also include assistance at destination?

Yes  No

1. Are any claimed attendants allowed (*i.e*., no registration of only certain persons who can be attendants)?

Yes  No

1. Are persons with disabilities allowed to travel without attendants, even if they indicate they sometimes use attendants (Exception: Caregiver or guardian requests that attendant always be present, or documented past behavior allows refusal and person/caregiver agree to use attendant to mitigate issues)?

Yes  No

If entities operating demand response services plan to purchase vehicles that are not accessible, they must first make a determination that the services they will be providing (after the purchase of the inaccessible vehicle or vehicles) are “equivalent.” Therefore, if entities have inaccessible vehicles as part of their fleet that were purchased since the issuance of the regulations, the services they provide must be “equivalent.” Equivalency is defined by specific criteria (noted below). If inaccessible vehicles are purchased, certification of equivalency must also be provided to FDOT.

**Service Equivalency**

1. **Service Area:** Consider the service area and how accessible and inaccessible vehicles are distributed throughout the area. Are persons with disabilities who need an accessible vehicle able to travel throughout the area on an equivalent basis to all other riders?

Yes  No

1. **Response Time:**  Consider the advance notice requirement to use the service. If accessible vehicles are operated separate from or different from inaccessible vehicles, consider the advance notice required for use of each type of vehicle. Is the same (or lesser) advance notice required of riders with disabilities who need and use accessible vehicles?

Yes  No

1. **Fares:** Consider the fares charged for the service. Note if there are different costs to riders who need and use accessible vehicles versus those who can use inaccessible vehicles. Is the fare the same (or lower) for riders with disabilities who need to use accessible vehicles?

Yes  No

1. **Days and Hours:** Consider the days and hours of operation of the service. Note if there are any differences in days and hours based on the accessibility of the vehicles. Are the days and hours the same (or greater) for persons with disabilities who need and use accessible vehicles?

Yes  No

1. **Trip Purpose:** Consider the types of trips that are provided by the subrecipient. Note if there are any differences in policy about trip purpose for service provided with accessible versus inaccessible vehicles. Are persons with disabilities able to travel for the same purposes (or more) than individuals who do not need accessible vehicles?

Yes  No

1. **Capacity Constraints (Part 1):** Consider if trip requests are sometimes denied for lack of capacity, or if waiting lists or trip caps are employed due to capacity limitations. Examine trip denials records, waiting lists, or other documentation to determine if persons with disabilities who need to use accessible vehicles are denied or wait-listed more frequently than other riders.

Are there any trip denials, or are wait lists or trip caps used?

Yes, Trip Denials

Yes, Wait Lists

Yes, Trip Caps

No

If there are denials, wait lists, or trip caps, are persons with disabilities who need to use accessible vehicles denied/wait-listed, capped at the same (or lower) rate than other riders?

Yes  No

Note what information or data the system develops and uses to compare the level of trip denials, wait lists, or trip caps for persons with disabilities and for other riders to allow for this type of comparison and analysis.

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1. **Capacity Constraints (Part 2):** Examine records of service quality (on-time performance, on-board ride times). Consider if there are differences in service quality for trips provided to riders who need to use accessible vehicles versus other riders. Consider if the number and percentage of accessible vehicles in the system suggests that there could likely be problems responding to late trips in an equivalent way throughout the service area. Do persons with disabilities, including persons who need to use accessible vehicles receive the same (or better) level of service?

Yes  No

Note what information or data the system develops and uses to compare the level of service (on-time performance, on-board ride times) for persons with disabilities and for other riders to allow for this type of comparison and analysis.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Information and Reservations Capacity:** Consider the service information that is provided and the trip reservations capacity (hours of call-taking, accessibility of information and phone services). If information and reservations are different for using accessible versus inaccessible vehicles, note the differences. Is information and communications provided in accessible formats, and are persons with disabilities who need an accessible vehicle able to get information and reservations assistance in an equivalent way?

Yes  No

1. Has the subrecipient acquired vehicles in the last three (3) years?

Yes  No

If "Yes," were the vehicles accessible pursuant to 49 CFR part 38 standards?

Yes  No

If "No," did the subrecipient, before any procurement of an inaccessible vehicle, file with FDOT the required certificate that it provides equivalent service meeting the equivalent service of 49 CFR part 37.77(c)?

Yes  No

1. How does the subrecipient keep lifts and other accessibility features on system vehicles in working order?

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When a vehicle is removed from revenue service, does the subrecipient take reasonable steps to accommodate individuals with disabilities who were scheduled on that vehicle?

Yes  No

1. Are vehicle operators trained to immediately report that a lift is not in working order?

Yes  No

1. Are vehicles removed from revenue service when it is reported that a lift is not in working order?

Yes  No

1. Are vehicles repaired promptly and within the five day period for non-urbanized areas?

Yes  No

1. Does the subrecipient transport all wheelchairs and occupants if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements?

Yes  No

1. Does the subrecipient “do the best it can” to secure mobility devices, but not deny riders because the mobility devices they are using cannot be secured to the satisfaction of the driver or agency?

Yes  No

1. Does the subrecipient permit standees to use the lift?

Yes  No

1. Does the subrecipient require scooter users or wheelchair passengers to transfer to another seat?

Yes  No

1. Do the subrecipient's operators assist individuals with disabilities with the use of securement systems, ramps, and lifts?

Yes  No

1. Does the subrecipient permit service animals on system vehicles?

Yes  No

Is the subrecipient’s service animal policy consistent with regulatory requirements? (The policy should not require certification of training, should not inappropriately limit type of animal—except emotional support or comfort animal, or animal that cannot be trained to assist.)

Yes  No

1. Does the subrecipient make available to individuals with disabilities adequate information concerning transportation services?

Yes  No

1. Does the subrecipient permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers?

Yes  No

1. Does the subrecipient ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities?

Yes  No

### Charter Service

Title 49 U.S.C. 5323(d) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604—Charter Service, amended effective April 30, 2008 (73 FR 2326, Jan.14, 2008). Each recipient must enter into an agreement with FTA that the recipient will not engage in charter service unless permitted by FTA charter service regulations. FTA includes that agreement in its annual publication of certifications and assurances. Charter service is defined based on whether a third party requests the service or whether the transit agency initiates the service. If a third party requests service, FTA will utilize four characteristics of charter service to determine whether the proposed service meets the definition of charter. If a transit agency initiates the service, FTA will look at whether the transit agency also charges a premium fare or accepts a subsidy from a third party.

1. Does the subrecipient provide charter service?

Yes  No

If yes, does the subrecipient provide the quarterly charter report to the Department?

Yes  No

1. Can all of the subrecipient's services be called "program" transportation?

Yes  No

If yes, has the subrecipient documented the process and provision of charter service on the required forms?

Yes  No

### School Bus Service

1. Does the subrecipient provide transportation to/from school for school children?

Yes  No

Is the transport of school children to/from school done on an exclusive basis (*e.g*., in demand response mode is the run built entirely on school children)?

Yes  No

### Drug and Alcohol Testing

Recipients or subrecipients that receive only Section 5310 program assistance are not subject to FTA’s drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver’s licenses (49 CFR part 382). Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

1. Does the subrecipient operate vehicles that require the driver to hold a Commercial Driver’s License?

Yes  No

If “Yes,” has the subrecipient initiated a drug and alcohol testing program that meets the requirements of 49 CFR part 382?

Yes  No

1. Does the subrecipient have a Drug-Free Workplace Policy?

Yes  No

### Contracting and Invoicing related Questions

**This section only applies if the agency is receiving 5310 operating assistance.**

1. List the types of funds agency receives

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1. Fill out the following matrix for each funding program or contract (as applicable)

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|  |  |  |  |
| --- | --- | --- | --- |
| **Funding Program:** | | **Contract/s:** | |
| **Review Item** | **Status** | **Comments** | **Action Item** |
| Missing Documents in files |  |  |  |
| Invoice issues |  |  |  |
| Time extension/SJPA needs |  |  |  |
| Work Program discussion |  |  |  |
| Any other relevant topics  (specify\_\_\_\_\_\_\_\_\_\_) |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Funding Program:** | | **Contract/s:** | |
| **Review Item** | **Status** | **Comments** | **Action Item** |
| Missing Documents in files |  |  |  |
| Invoice issues |  |  |  |
| Time extension/SJPA needs |  |  |  |
| Work Program discussion |  |  |  |
| Any other relevant topics  (specify\_\_\_\_\_\_\_\_\_\_) |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Funding Program:** | | **Contract/s:** | |
| **Review Item** | **Status** | **Comments** | **Action Item** |
| Missing Documents in files |  |  |  |
| Invoice issues |  |  |  |
| Time extension/SJPA needs |  |  |  |
| Work Program discussion |  |  |  |
| Any other relevant topics  (specify\_\_\_\_\_\_\_\_\_\_) |  |  |  |

At the end of the visit, ask the recipient if they have any questions about or problems with DOT policies and procedures that they need to discuss further. If questions arise that you are unable to answer immediately, make the commitment to follow up quickly.

### TOP Operational Review

1. Does the plan include a description of the agency’s procedures for ensuring drivers have valid drivers’ licenses? Does the plan include a description of how they complete background checks on drivers? Is the agency following their adopted plan/procedures?

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1. Does the plan include a description on how the agency provides driver training? Does the plan describe any refresher training provided? How to handle emergency situations?

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1. Does the plan include the agency’s Drug Free Workplace statement? Is the Drug Free Workplace statement posted at the facility?

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1. Does the plan include a description of how the agency monitors drivers’ hours so the hours don’t exceed the maximum work hour periods? Are driver hours being monitored according to the plan?

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1. Does the plan include a description of how the agency tracks vehicle accidents? Does it describe the accident investigative process? Review vehicle accident files to determine there are any trends related to driver training?

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## Section 6. Maintenance review workbook

### **2019 Triennial Maintenance Review Workbook for 5310 Agencies**

*Revised 2/15/2019*

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**1.** **Entrance Interview**

|  |
| --- |
| **Agency Being Reviewed:** |
| **Agency Address:** |
| **Date(s) of Review:** |
| **Reviewer(s):** |

**The following grantee/subrecipient received a Triennial Maintenance Review and was interviewed regarding their preventative maintenance program policies and practices:**

|  |  |  |
| --- | --- | --- |
| **Agency Staff** | **Title/Position** | **Date of Interview** |
|  |  |  |
|  |  |  |
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**2. Review Materials Examined**

The following maintenance documents were reviewed as part of the Triennial Maintenance Review. Whenever possible, these documents were gathered and reviewed prior to the site visit as part of the pre-audit materials provided by the transit agency.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | | **Does the Agency have one?** | | **Has a copy been obtained?** | |
| **Document** | | ***Yes*** | ***No*** | ***Yes*** | ***No*** |
| *Maintenance Plan* | |  |  |  |  |
| *Fleet Roster* | |  |  |  |  |
| *Inspection Form(s)* | |  |  |  |  |
| *Driver’s Pre-Trip Form* | |  |  |  |  |
| *Most Current Maintenance Review* | |  |  |  |  |
| *Outsource Service Agreement (if applicable)* | |  |  |  |  |
| *Additional Forms Used (Specify Below)* | |  |  |  |  |
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**3. Vehicle Inventory**

|  |  |
| --- | --- |
| Number of Vehicles Operated in Agency Fleet: |  |
| Number of CDL-Required Vehicles (16+ passenger vehicles) |  |
| Number of Vehicles Wheelchair Accessible |  |
| # of Type II Vehicles: |  |
| # of Type III Vehicles: |  |

How many locations do the vehicles operate out of? Please identify the locations from which vehicles operate in the table below:

|  |  |
| --- | --- |
| Primary Location |  |
| Location 2 (if applicable) |  |
| Location 3 (if applicable) |  |
| Location 4 (if applicable) |  |

**4. Maintenance Plan**

The agency’s maintenance plan was assessed according to FDOT minimum standards.

|  |  |  |
| --- | --- | --- |
| **TOP/Maintenance Plan Element** | | **Page Number Where Element Is Found** |
| Does the agency maintain a vehicle fleet roster that meets FDOT requirements? |  |  |
| Does the maintenance plan describe pre-trip and post-trip inspection policies and practices as required by FDOT? |  |  |
| Does the maintenance plan describe preventative maintenance inspection policies and practices as required by FDOT? |  |  |
| Does the maintenance plan describe wheelchair lift and/or ramp inspection procedures as required by FDOT? |  |  |
| Does the maintenance plan describe vehicle history file policies? |  |  |
| Does the maintenance plan describe information management procedures and practices? |  |  |
| Does the maintenance plan describe warranty procedures? |  |  |
| Does the maintenance plan provide an adequate description of the agency’s unique and specific maintenance procedures/practices throughout the report? (If the agency used a template, did they provide adequate descriptions of their unique practices?) Please explain. |  | |

**Additional Comments/Notes/Reviewer Observations:**

**5. Vehicle Safety Inspection Defects**

The following vehicles were visually inspected. Defects identified during the inspection are noted below along with details related to their repair (if known).

|  |  |  |
| --- | --- | --- |
| **Unit #** | **Defect** | **Notes** |
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5a. Were any vehicles recommended for removal from service as a result of this inspection? If so, please list the vehicles.

5b. If critical safety items were found during this inspection, were they documented on the Safety Items Identified form and provided to the District Office reps during the exit review?

**6. Fleet Maintenance**

**Preventative Maintenance Inspection On-Time Assessment**

|  |  |
| --- | --- |
| Number of vehicle files reviewed |  |
| Time period of vehicle file review |  |
| Number of PM inspection intervals reviewed |  |
| Number of PM inspection intervals conducted “on time” according to FTA requirements |  |
| Percentage of “on-time” PM inspections (divide # of on-time intervals by total # of PM intervals reviewed) |  |
| Number of oil change intervals reviewed (if different from PM inspections) |  |
| Number of oil change intervals conducted “on time” according to FTA requirements |  |
| Percentage of “on time” oil changes |  |

***Agency Preventative Maintenance Inspection Procedures and Practices***

6a. Are maintenance activities conducted in-house or outsourced?

6b. How does the agency track upcoming preventative maintenance inspections?

6c. What is the target interval used to schedule and conduct PM inspections?

6d. Is the PM inspection program based on a progressive sequence system or a single level system?

6e. Does the PM inspection target intervals used by the agency exceed FDOT minimum standards (6,000 miles)? If so, did the agency provide a justification? And is this justification described in the agency’s maintenance plan?

6f. What is the target interval used to conduct oil changes? Does this interval exceed OEM requirements?

6g. If the oil change target interval exceeds 6,000 miles and/or OEM, does the agency document an oil analysis program?

6h. Does the agency use a checklist form to document preventative maintenance inspections?

6i. Does the form include the minimum information required (date, mileage, list of vehicle components being inspected, and the entity conducting the inspection)?

6j. Does the PM inspection program include the minimum list of vehicle components required by FDOT to be inspected for each vehicle type (Type I, Type II, and Type III vehicles)?

6k. Are the preventative maintenance inspection forms thoroughly completed? If not, please provide comments.

6l. Does the PM inspection program account for long-term OEM maintenance activities such as transmission fluid changes and services, differential fluid changes and services, and engine tuneups?

Are these intervals described in the agency’s maintenance plan or included in the sequence or schedule of PM inspections to ensure manufacturer requirements are met?

6m. When defects are identified during preventative maintenance inspections, are they repaired in a timely manner?

6n. Are wheelchair lifts and/or ramps being properly maintained during preventative maintenance inspections?

6o. What methods does the agency use to routinely track and monitor maintenance activities? How often are these activities conducted?

**Additional Comments/Notes/Reviewer Observations related to PM inspection practices:**

**Based on the file review, the following maintenance trends were observed:**

6p. Does the agency conduct PM inspections using the target interval and/or sequence described in their maintenance plan?

6q. Does the agency show a trend of conducting unscheduled repairs shortly after PM inspections are performed?

6r. Does the agency show a trend of conducting repeat repairs?

6s. Was an abundance of road call instances observed?

6t. Does the agency appear to be conducting warranty repairs where applicable?

**Additional Fleet Maintenance Comments/Notes/Reviewer Observations related to the file review:**

**7. Pre/Post Trip Inspections**

***Agency Pre-trip/post-trip Inspection Procedures and Practices***

7a. Are both pre-trip inspections and post-trip inspections being conducted?

7b. Does the pre-trip/post-trip inspection form include all of the required vehicle components? If not, which components are missing?

7c. What is the agency’s process for reporting defects identified during pre-trip/post-trip inspections to maintenance staff?

7d. What is the agency’s process for handling safety-related defects identified during pre-trip/post-trip inspections?

7e. Did the agency provide pre-trip/post-trip inspections for the required minimum 14-day period?

7f. Were the pre-trip/post-trip forms thoroughly completed by drivers? If not, please provide details.

7g. Were defects identified on the sample of pre-trip/post-trip forms reviewed?

7h. If defects were identified during the vehicle safety inspection conducted on-site, were these defects also identified by drivers in the sample of pre-trip/post-trip inspection forms reviewed? If not, were the defects of a nature that should have been identified by drivers during these inspections? Please explain.

7i.If defects were identified in the sample reviewed, were they repaired in a timely manner?

7j. If defects were identified in the sample reviewed, were the repairs documented according to FDOT minimum standards?

7k. Were drivers observed conducting pre-trip inspections during the on-site review?

7l. If so, did these inspections appear to be thoroughly conducted by the drivers?

**Additional Comments/Notes/Reviewer Observations on Pre-trip/post-trip Inspection Practices:**

**8. Vehicle History Files**

8a. Does the agency maintain manual or electronic vehicle history files?

8b. Were vehicle history files found to be organized and easily accessed by the agency?

8c. Does the agency maintain all of the necessary vehicle history file information according to FDOT minimum standards? (Are all maintenance activities documented in the files?)

**Additional Comments/Notes/Reviewer Observations on Vehicle History File Practices:**

**10. EXIT INTERVIEW**

The following agency staff participated in the exit interview and can be contacted for additional information:

|  |  |  |
| --- | --- | --- |
| **Agency Staff** | **Title/Position** | **Contact email/phone** |
|  |  |  |
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## Section 7. Safety Review Workbook

**Bus Transit System**

**Safety and Security**

**Review Workbook**

**January 7, 2020**

******

**Review Report Tracking**

**Agency Information**

Agency:

Agency Contact:

Email:

Phone Number:

**Review Notification (at least 45 days prior)**

Date:

Sent By:

**Pre-review Materials (must be received 21 days prior to review)**

Date:

Sent By:

**On-site Review**

Review Date(s):

Review Team:

**Report Submittal**

Draft Report to CUTR: (no more than 14 days post visit)

Report Prepared By:

Report Approved By:

Report Approval Date: (within 30 days post visit)

Submit Date to FDOT:

(Attach electronic copy of delivery/read receipt)

**Overall Process Checklist**

**Prior to Review (at least 45 days)**

1. Review schedule date and times from FDOT Central and/or ( )  
   district consultants
2. Are required:
   1. Coordination with district consultant ( )
   2. Coordination with Diana Byrnes (D&A) ( )
   3. Coordination with other team members ( )
3. Notify agency of areas to be addressed: ( )
   1. Organization chart ( )
   2. Operational standards and procedures ( )
   3. Employee handbook ( )
   4. Policies and procedures (including dispatch) ( )
   5. Bus driver selection policies and procedures ( )
   6. Records retention ( )
   7. Personnel files ( )
   8. Time sheets ( )
4. Request a copy of agency SSPP ( )
5. Review previous reports, if available ( )
6. Week before review – send reminder
   1. Proposed times and agenda ( )

**Review**

1. Introductions ( )
2. Sign-in sheet ( )
3. Obtain and review copy of SPP ( )
4. Overall system information
5. Obtain listing of all operators ( )
6. Determine pay periods to be reviewed and obtain copies:
   1. Minimum of two (2) pay periods, approximately ( )  
      6 months apart
7. Complete review and document:
   1. Operator licenses – form as stated in SSPP ( )
   2. Operator Medical Examination Certificate ( )
   3. Training records ( )
   4. Payroll ( )
8. Route check ( )
9. Exit interview ( )

**Post Review**

1. Report to CUTR within 14 days of completion of review ( )

\*As directed by FDOT

**Document Checklist**

**Pre-Review Materials:**

|  |  |  |
| --- | --- | --- |
| **Documents** | **Date Requested** | **Date Received** |
| Approved TOP and associated procedures and policies |  |  |
| Current Driver Roster |  |  |
| Bus driver selection policies and procedures. |  |  |
| Employee/driver “handbook” |  |  |
| Organizational chart with position responsibility |  |  |
| Polices/requirements for contractors |  |  |
| Wireless Communication Policy/Plan |  |  |
| Copy of initial and refresher course syllabuses |  |  |
| Drug and Alcohol Policy |  |  |
| Emergency Procedures |  |  |
| Record Keeping Policies |  |  |
| Routes and Service schedules |  |  |
| Annual Safety and Security Certifications and record of submittals to FDOT District Offices |  |  |

**Reviewed On-site (request during pre-review):**

|  |  |  |
| --- | --- | --- |
| **General Documents** | **Date Requested** | **Date Received** |
| Internal audit reports, findings, and corrective action plans implemented during the last three years |  |  |
| Request a copy of the medical form/standards use by the BTS. |  |  |

| **Agency Policies and Procedures** | **Date Requested** | **Date Received** |
| --- | --- | --- |
| Background check policy/procedures |  |  |
| Copy of accident/event investigation policies and procedures |  |  |
| Dispatch policies/procedures |  |  |
| Driver hours of service policy/procedures |  |  |
| Hazard identification and resolution policy/procedure |  |  |
| License check policy/procedures |  |  |
| Medical examinations policy/procedures |  |  |
| Safety policy documents and any current safety bulletins |  |  |

|  |  |  |
| --- | --- | --- |
| **Accident/Incident Investigation** | **Date Requested** | **Date Received** |
| Include a list of investigations for the last three years |  |  |
| Copy of hazard analyses and/or investigations for the last three years |  |  |
| Any annual and/or periodic safety and hazard reports & analyses of data prepared for management |  |  |

**Additional Documents to be Reviewed Onsite**

|  |  |
| --- | --- |
| **Documents** | **Date Reviewed** |
| Driver timesheet records for two, two week periods in the previous 3 years |  |
| Drivers licenses |  |
| Event investigation files for the previous 3 years |  |
| Facility life safety inspections and records for the previous 3 years |  |
| Hazard identification files including findings and corrective actions in the past 3 years |  |
| Medical certificates |  |

**Introduction   
*(If not done by District Consultant)***

(Introduce CUTR’s team members and have agency introduce each participant, along with title and responsibilities.)

Greetings, thank you for taking the time to meet with us. We understand that your employees have numerous responsibilities and we will do our best to minimize any disruptions.

We are here on behalf of the Florida Department of Transportation. The purpose of our visit today is to review your Safety and Security areas, in accordance with the FDOT Statement Management Plan and associated Triennial Review Process, as well as Chapters 341 and 344, Florida Statutes and FDOT Procedure 725-030-009.

We will assist you in understanding the requirements of any particular circular, rule, regulation or law, provide copies of relevant regulatory citations and technical assistance materials, and render additional assistance to you in order to grantee/subrecipient findings, as necessary.

We will be reviewing operator personnel files and a minimum of two (2) pay periods, approximately six (6) months apart, to ensure that operators driving hours and accident/incident files are in compliance with the FDOT State Management Plan.

Specific records to be reviewed are:

(1) Develop and Adopt Transportation Operating Procedure (TOP)

(2) Qualification and Selection of Drivers

(3) Training of Drivers

(4) Develop and Adopt Wireless Communication Plan

(5) Substance Abuse Management

(6) Investigation of agency vehicle accidents

(7) Emergency Procedures

(8) Medical Examination Certificates (if CDL is required)

(9) Operational and Driving Requirements

We will also be conducting ride along(s) – reviewing operators on-board.

If at any time during the review process you have a question, please feel free to ask.

At the end of this process, we will let you know if there are any open issues, which require additional documentation and the required response date.

Our report will be forwarded to FDOT District Office, who will issue the final report.

**Sign-In Sheet**

| **Name** | **Signature** | **Title** | **Organization** | **Phone** | **Email** |
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**Explanation of Findings**

**Reviewer Guidance: Safety & Security Review Template**

The district office may combine a safety and security compliance review with other state required on-site compliance reviews, but only findings or comments resulting from compliance with ***The FDOT State Management Plan*** and the 5310 agency’s Transportation Operating Procedure (TOP), should be included in the safety and security formal review written report submitted to the bus transit system. Any finding resulting from the review will be categorized as follows:

**Deficiency:** Area(s) found to be deficient or inadequate in complying with the bus transit System’s SSPP or SPP and/or Rule 14-90, F.A.C. Requirements to address deficiency will be indicated. **The bus transit system is required to develop and submit a CAP and implementation schedule for approval for each deficiency arising from a compliance review.** The district office will provide the CAP and implementation schedule for all deficiencies arising from a non-compliance review.

**Areas of Concern:** Weakness in the adoption or implementation of the Bus Transit System’s SSPP or SPP and implementing procedures, and/or weaknesses with regard to conformance with Rule 14-90. F.A.C. Recommendations will be provided to address areas of concern. **The bus transit system is required to develop and submit a CAP and implementation schedule for each area of concern, for approval by the district office.**

**Observation:** An offered suggestion, view, or comment regarding safety and security performance. An observation may address or refer to information obtained during the review. Reviewers are encouraged to provide appropriate observations and recommendations on best practices even when no deficiency or area of concern exists.

**Corrective Action Plan:** Action(s) required to correct deficiency, including individual(s) and departments responsible for completing each action, plan and actual date(s) of completion, and rational for incomplete or postponed action, as necessary.

**Compliance Review Findings**

Described below are the findings derived from the inspection of each of the areas identified in the review. Findings shall consist of information obtained during the review and identified as an “Deficiency” or “Area of Concern” as applicable. A sampling of records may be performed for any individual area. Observations are not intended to reflect a condition of non-compliance.

**System Information**

Total Number of Drivers: \_\_\_\_\_

Full time drivers: \_\_\_\_\_

Part time: \_\_\_\_\_

Volunteers: \_\_\_\_\_\_

Total Number of Buses: \_\_\_\_\_\_

Number of wheelchair accessible buses: \_\_\_\_\_\_

Number of Type I buses (>22’ including bumper): \_\_\_\_\_\_

Number of Type II buses (<22’ including bumper): \_\_\_\_\_\_

Dispatch locations if different from operational location:

Maintenance locations if different from operational location:

# [Operational Standards](#ref_TOC)

The required elements of the TOP include the following:

1. Vehicle maintenance
2. Qualifications for the selection of their agency’s vehicle drivers
3. Driver License requirements and checks
4. Vehicle driver training, this includes training on equipment for transporting wheelchair patrons
5. Wireless communications plan, policy, and training
6. Substance Abuse Management
7. Drug and Alcohol testing for required for CDL drivers
8. Investigations of agency vehicle accidents
9. Emergency procedures

The general findings are summarized below with the following sections also containing findings on specific portions of the TOP.

**FDOT Requirements – Approval and Recertification**

|  |  |  |
| --- | --- | --- |
| **Agency must develop and adopt a Transportation Operations Procedure that complies with or exceeds the requirements in the State Management Plan TOP procedure for 5310 only recipients** | **Yes/No** | **Comments** |
| Must be provided to the FDOT District Office for review and approval prior to receipt of grant award |  |  |
| Must be provided to the FDOT District Office for review and approval biennially, no later than February 15th of the submittal year |  |  |
| Must contain an organizational chart |  |  |
| Management commitment to safe and secure transportation services |  |  |
| Should be site specific and approved (signed and dated) by the person directly responsible for management of the agency |  |  |

### **Maintenance (Pre and Post Operational Vehicle Inspections)**[**Maintenance (Pre- andrational Vehicle Inspections)**](#ref_TOC)

|  |  |  |
| --- | --- | --- |
| **The TOP addresses the following safety elements and requirements at a minimum:** | **Yes/No** | **Comments** |
| Must outline how drivers conduct and document pre-operational and post-operational vehicle inspection report according to the State Management Plan |  |  |

### 

**Driver Qualifications and Operational Requirements**

### Driver Qualifications and Operational Requirements

| **The agency system has established the following criteria for the selection and qualification of all drivers** | **Yes/No** | **Comments** |
| --- | --- | --- |
| Procedure for selection qualification and training of all drivers |  |  |
| Criminal background checks for all new drivers |  |  |
| Driving background check |  |  |
| Must require that drivers who operate vehicles designed to carry 16 or more passengers (including the driver) have a CDL |  |  |
| Agency shall verify and maintain a copy of each driver’s current driver’s license on file |  |  |
| Shall include a policy that prohibits a driver to operate an Agency vehicle when such driver’s license has been suspended, cancelled, or revoked. Shall require a driver who receives a notice that his or her license to operate a motor vehicle has been suspended, cancelled or revoked to notify the agency immediately, no later than the end of the business day following the day he or she received the notice |  |  |
| A requirement that all CDL drivers that drive a CDL required vehicle have a current medical certification |  |  |

### 

### **Driver Training**

### [Driver](#ref_TOC) Training

|  |  |  |
| --- | --- | --- |
| **The TOP addresses the following driver training elements and requirements at a minimum:** | **Yes/No** | **Comments** |
| Bus equipment familiarization |  |  |
| Basic vehicle operations and maneuvering |  |  |
| Boarding and Alighting passengers |  |  |
| Operation of wheelchair lifts and other special equipment |  |  |
| Passenger assistance and securements |  |  |
| Defensive Driving |  |  |
| Distracted Driving |  |  |
| Vehicle Equipment and Inspections |  |  |
| Sensitivity Training (best practice) |  |  |

### 

### **Substance Abuse Management**

### Substance Abuse Management

|  |  |  |
| --- | --- | --- |
| **At a minimum, the agency has established a Substance Abuse policy that includes the following:** | **Yes/No** | **Comments** |
| A statement that compliance with the agency’s substance abuse policy is a condition of employment |  |  |
| A description of the effects and consequences of illicit drug use and alcohol misuse on the employee’s health, safety, and work environment |  |  |
| Prohibits the possession, sale, manufacturing, and consumption of illicit drugs classified in Schedule 1 of the US Controlled Substances Act |  |  |
| Prohibits the consumption of alcohol in any form, including medication containing alcohol, while on agency property and while performing any agency-related duty |  |  |
| Identifies the employer representative for the confidential, voluntary reporting of an employee’s prescription drug abuse, illicit drug use, or alcohol misuse |  |  |
| Available local resources for employee assistance and/or community hotline number, if available |  |  |
| Consequences of violating the policy |  |  |

**FMCSA Drug and Alcohol Testing**

### [MCSA](#ref_TOC) Drug and Alcohol Testing

|  |  |  |
| --- | --- | --- |
| **At a minimum the TOP includes the following if an agency has any CDL drivers** | **Yes/No** | **Comments** |
| Employees operating vehicles that require a CDL to operate are covered by the Federal Motor Carrier Safety Administration’s Controlled Substances and Alcohol Use and Testing regulations, codified as 49 CFR 382 and USDOT procedures for workplace drug and alcohol testing programs codified as 49 CFR part 40. These regulations require employers to develop a substance abuse policy, provide education and training, and implement a testing program. Note: Employees operating vehicles which do not require a CDL to operate are not covered by these regulations and must not be subject to the Federal testing program. |  |  |
| If there are CDL drivers, how does the agency meet these requirements |  |  |

### **Safety**

### [Safety](#ref_TOC)

|  |  |  |
| --- | --- | --- |
| **At a minimum, the TOP addresses the following safety requirements** | **Yes/No** | **Comments** |
| Drivers are not permitted to drive more than 12 hours in a 24 hour period |  |  |
| Divers are not allowed to be on duty more than 72 hours in any period of 7 consecutive days |  |  |
| Drivers are not permitted to operate a vehicle when his/her ability is impaired, or likely to be impaired by fatigue, illness, or other causes |  |  |
| Vehicles are operated in compliance with applicable traffic regulations, ordinances, and the laws of the jurisdiction in which they are being operated |  |  |

**Emergency Situations**

|  |  |  |
| --- | --- | --- |
| **Does the agency’s TOP meet the following requirement?** | **Yes/No** | **Comments** |
| The TOP must document the agency’s procedures for handling emergencies that occur when the vehicle is being used away from the facility. |  |  |
| Describe driver training that addresses handling emergency situations |  |  |
| Agency must adopt a safety policy that contains emergency evacuation procedures which specifically address wheelchair evacuation for vehicles with more three (3) wheelchair positions |  |  |
| Agency must conduct a hazard analysis to assess the level of risk the seating capacity and configuration could pose if a vehicle needed to be evacuated in an emergency situation for vehicles with more three (3) wheelchair positions” |  |  |

**Wireless Communication Policy**

### (8) Wireless Communication Policy

| **At a minimum, the WCP appropriately addresses the following safety elements and requirements** | **Yes/No** | **Comments** |
| --- | --- | --- |
| Prohibits the use of a personal wireless communications device while the transit vehicle is in motion |  |  |
| Plan requires that all personal wireless communications devices be turned off, with any earpieces removed from the driver’s ear while occupying the driver’s seat |  |  |
| Contains a policy on the use of a wireless communications device issued to the driver by the transit system |  |  |
| Has a policy or procedure that, guarantees the use of a wireless communications device will not interfere the driver’s safety related duties |  |  |
| The driver educational program addresses hazards (accidents/incidents) associated with the use of a wireless communications device |  |  |

**[Event](#ref_TOC) Investigations**

|  |  |  |
| --- | --- | --- |
| **The TOP addresses the agency responsibility to investigate events resulting in:** | **Yes/No** | **Comments** |
| Fatalities where an individual is confirmed dead within 30 days of an agency related incident, excluding suicide and death from an illness |  |  |
| Injuries requiring immediate medical attention away from the scene for two or more individuals |  |  |
| Property damage equal to or exceeding $1,000 |  |  |
| **The TOP addresses the following requirements when investigating accidents involving agency vehicles:** |  |  |
| Tracking of accidents |  |  |
| Accident reports are completed within 12 hours of the time of the incident |  |  |
| Accident files documents showing: events are investigated and documented in a final report, description of investigation activities, identified causal factors, and scheduling of implementation of corrective actions |  |  |

**FDOT Requirements – Accident Notification**

### *FDOT Requirements – Accident Notification*

|  |  |  |
| --- | --- | --- |
| **Does the agency comply with the following FDOT requirements?** | **Yes/No** | **Comments** |
| The agency shall notify their FDOT district office within 24 hours of any accident involving an agency vehicle |  |  |

**File Selection**

Randomly select agency driver records based on the following percentage range:

|  |  |  |  |
| --- | --- | --- | --- |
| Range  (agency drivers) | Selection  Sample | Minimum  Selection | Maximum  Selection |
| 0-125 | 30% | 10 | 25 |
| 126-325 | 20% | 26 | 60 |
| 326-525 | 15% | 61 | 75 |
| 526 and above | 10% | 76 | 100 |

**Background Check**

Background check must include levels and types conducted. Randomly select 30% (30 bus driver minimum) of ALL BTS Drivers. If applicable, up to 33% of the driver selection must be new hires (bus operators hired within the last 3 years and not currently in training) Review ALL BTS driver records less than 30. If the reviewer notices a major problem in a specific review area, an additional 30% selection of driver records should be reviewed. If the additional review produces the same troubling results, then all records for the review section must be reviewed. If during their review of an area, the reviewer notices an issue with a specific record, they have the option to expand their review to include that particular record in their review.

**Driver Licenses**

* Visually check license (go back 3 years); picture, CDL class as applicable, endorsement, expiration date, and any restrictions
* Cross check date of hire with date issued
* Make sure license is current: run a free online check at:<https://services.flhsmv.gov/DLCheck/DLCheckResultView.aspx>

**Medical Exam Certificate**

Florida State Form or equivalent.

**Accident Reviews**

For accident reviews include at least 3 years and trend analysis.

* Include a list of Investigations for the last three years (select at least 10%, but no less than 5 complete files, to review onsite). Review investigation files for at least 3 major events. Review of files should include notifications, investigation activities, determination and any findings, corrective actions, and follow up activities (opened and close during the last three years).
* Hazard identification and resolution policy/procedure.
* Copy of hazard analyses and/or investigations for the last three years (select at least 10%, but no less than 5 complete files to review onsite). Review of files should include analysis and/or investigation activities, determination and any findings, corrective actions, and follow up activities (opened and closed during the last three years).

**Operator License and Medical Exam Checklist**

| **Name** | **Medical Exam Date** | **Medical Certification Expiration Date** | **License Date** | **License Expiration Date** | **Background Check/Level** | **Comments** |
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**Operational Driving Requirements**

| **Name** | **Date** | **Hours Driven** | **If ≥ to 12 Hour, Explain** |
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**Training Review**

| **Name** | **Bus Equipment Familiarization** | **Basic Vehicle Operations and Maneuvering** | **Vehicle Equipment and Inspections** | **Handling of Emergencies** | **Wheelchair lifts and other special equipment** | **Passenger assistance and securement** | **Boarding and alighting** | **Distracted Driving** | **Defensive driving** | **Sensitivity Training (Best Practice)** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
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**Remedial and/or Refresher Training**

| **Topic** | **Date** | **Duration** | **Remedial Training** | **Frequency** | **No. of Attendees** |
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**Event Review Worksheet**

| **Type of Investigation** | | | | **Description Included (Y/N)** | **Causal Factors Identified (Y/N)** | **CAP Needed (Y/N)** | **CAP Implemented (Y/N)** | **CAP Monitored (Y/N)** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Fatalities** | **Number Injured** | **Damage $1000+** | **Evacuation** |
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**Route Check**

Date: Time:

Agency:

Operator Name:

Type of Vehicle: □ Fixed Route | □ Paratransit | □ Other

Vehicle Number: Route Number:

|  |  |  |  |
| --- | --- | --- | --- |
| **Did the Driver:** | **Y/N** | **Did the Driver:** | **Y/N** |
| Make sure all viewing areas are clear? |  | Use the 4 second rule? |  |
| Adjust mirrors before starting route? |  | Enter intersections with caution? |  |
| Properly Secure wheelchairs? |  | Obey speed limits? |  |
| Remove tie downs after each use? |  | Make sure passengers are properly positioned before starting? |  |
| Assist the wheelchair customer if needed? |  | Stops behind the plane of the intersection? |  |
| Stop the vehicle 6" or 4' from the curb? |  | Stops between 15 and 50' of a RR track? |  |
| Act courteously assisting passengers? |  | Look both directions at RR crossing? |  |
| Obey wireless policy? |  | Answer the radio properly? |  |
| Uses correct language under ADA guidelines? |  | Monitor passengers and report misbehavior? |  |
| Slouch in the seat? |  | Keeps schedule? |  |
| Keep arms/hands from beyond the window frame? |  | Does not operate bus with passenger door open? |  |
| Wear the seat belt properly? |  | Completely stop before doors are open? |  |
| Keep both hands on the wheel? |  | Use interior lighting during darkness? |  |
| Observant of road conditions? |  | Keep passengers behind the standee line while bus is in motion? |  |
| Use signals at proper distances? |  | Take corners appropriately? |  |
| Stop/start smoothly? |  | Use the parking brake when the bus is left unattended? |  |
| Does not leave bus unattended with passengers for more than 15 minutes? |  | Doors are not locked preventing passengers from exiting when unattended? |  |
| Did the operator greet the passenger? |  |  |  |

Comments:

**Route Check**

Date: Time:

Agency:

Operator Name:

Type of Vehicle: □ Fixed Route | □ Paratransit | □ Other

Vehicle Number: Route Number:

|  |  |  |  |
| --- | --- | --- | --- |
| **Did the Driver:** | **Y/N** | **Did the Driver:** | **Y/N** |
| Make sure all viewing areas are clear? |  | Use the 4 second rule? |  |
| Adjust mirrors before starting route? |  | Enter intersections with caution? |  |
| Properly Secure wheelchairs? |  | Obey speed limits? |  |
| Remove tie downs after each use? |  | Make sure passengers are properly positioned before starting? |  |
| Assist the wheelchair customer if needed? |  | Stops behind the plane of the intersection? |  |
| Stop the vehicle 6" or 4' from the curb? |  | Stops between 15 and 50' of a RR track? |  |
| Act courteously assisting passengers? |  | Look both directions at RR crossing? |  |
| Obey wireless policy? |  | Answer the radio properly? |  |
| Uses correct language under ADA guidelines? |  | Monitor passengers and report misbehavior? |  |
| Slouch in the seat? |  | Keeps schedule? |  |
| Keep arms/hands from beyond the window frame? |  | Does not operator bus with passenger door open? |  |
| Wear the seat belt properly? |  | Completely stop before doors are open? |  |
| Keep both hands on the wheel? |  | Use interior lighting during darkness? |  |
| Observant of road conditions? |  | Keep passengers behind the standee line while bus is in motion? |  |
| Use signals at proper distances? |  | Take corners appropriately? |  |
| Stop/start smoothly? |  | Uses the parking brake when the bus is left unattended? |  |
| Does not leave bus unattended with passengers for more than 15 minutes? |  | Doors are not locked preventing passengers for exiting when unattended? |  |
| Did the operator greet the passenger? |  |  |  |

Comments:

**Summary of Review and Additional Comments**

**Florida Department of Transportation Approval**

Review Date(s):

Agency:

Address:

Report Date:

Approved by:

Name:

Phone:

Email:

**END OF GUIDE**



