



**Washington State  
Department of Transportation**

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# **Managing Your Public Transportation Grant**

M 3111.03

July 2014

**Public Transportation Division**  
Public Transportation Programs

## **Americans with Disabilities Act (ADA) Information**

Materials can be made available in an alternate format by emailing the WSDOT Diversity/ADA Affairs Team at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

## **Title VI Notice to the Public**

It is Washington State Department of Transportation (WSDOT) policy to ensure no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person who believes his/her Title VI protection has been violated may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For Title VI complaint forms and advice, please contact OEO's Title VI Coordinator at 360-705-7082 or 509-324-6018.

To get the latest information on WSDOT publications, sign up for individual email updates at [www.wsdot.wa.gov/publications/manuals](http://www.wsdot.wa.gov/publications/manuals).

Congratulations! Your organization has been awarded a public transportation grant through the Washington State Department of Transportation (WSDOT). WSDOT is committed to both the success of the projects of grant recipients and the effective management of grant funds. This guide provides technical assistance to organizations awarded state and federal public transportation project funding. It also offers direction for maintaining compliance with the laws and regulations associated with Federal Transit Administration (FTA) and Washington State public transportation funding. This guide is a valuable reference tool for your organization throughout the life of your project.

## Guidebook Contents

Although this guide is a valuable resource, it not intended to supersede your grant agreement. In the event that any sections of this guide are inconsistent with the specific terms and conditions of your grant agreement, the agreement is contractually binding and must be followed. In addition, some of the requirements in this guide only apply to organizations receiving federal funds, but should be used as a model for best practices on all projects.

This guide is divided into the following four chapters and supplemental appendices to help you locate the information needed based on the type of project you are managing and the laws and regulations you need to comply with regarding public transportation grants:

[Chapter 1](#) Guidelines for All Projects

[Chapter 2](#) Guidelines for Operating and Program Development Projects

[Chapter 3](#) Guidelines for Capital Vehicle and Equipment Projects

[Chapter 4](#) Guidelines for Capital Construction Projects

[Appendix A](#) Reimbursement Request Instructions and Forms

[Appendix B](#) Progress and Statistical Reporting

[Appendix C](#) Procurement Inspection Forms

[Appendix D](#) Project Site Visit Checklists

[Appendix E](#) Vehicle Disposition Schedule

[Appendix F](#) Acronyms and Definitions

[Appendix G](#) References

## Program Covered in the Guidebook

This guide covers the Consolidated Grant Program. In brief, this grant program provides funding to support public transportation services statewide. It consists of both state and federal funding sources. The following includes funds awarded through the program's competitive process, as well as funds awarded outside the competitive process.

### State Funds

**Rural Mobility Grant Program** – Funding to support rural and small urban areas statewide. There are two separate rural mobility allocations:

- **Competitive** – Priority for competitive funding is given to rural areas.
- **Transit Formula** – This is a formula-based grant program for small urban and rural public transit systems only.

**Paratransit/Special Needs Grant Program** – Funding to sustain and expand services to special needs populations.

- **Non-Profit Competitive** – Priority for competitive funding is given to private non-profit organizations to support special needs transportation services.
- **Transit Formula** – This is a formula-based grant program for public transit agencies to provide special needs transportation.

### Federal Funds

- **5309** – Transit bus and bus-related projects (allocated annually by FTA)
- **5310** – Elderly and Persons with Disabilities Program
- **5311** – Non-urbanized Area Formula Program
- **5313** – Statewide Planning Program
- **5316** – Job Access and Reverse Commute (JARC) Program
- **5317** – New Freedom Program
- **5339** – Bus & Bus Facilities (Provides capital funding to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities)

**Surface Transportation Program (STP) Funds** – STP funds are awarded to rural public transportation providers by the Regional Transportation Planning Organizations (RTPO) and are then transferred to the FTA 5311 Program.

### Guide Revisions

This guide is typically reviewed and updated every two years with the possibility of interim updates. In the event that sections require updating, WSDOT will send these updates to all organizations with current grants and post them on its website at [www.wsdot.wa.gov/transit](http://www.wsdot.wa.gov/transit).

## Other Resources Available

WSDOT provides technical assistance to grantees upon request. Public Transportation Division staff will make every effort to assist grantees in the following areas:

- Vehicle specifications and bid procedures.
- Drug abuse and alcohol misuse testing policies and procedures.
- Archaeological and cultural resources (State of Washington [Executive Order 05-05](#) compliance).
- Project management.
- Financial management.
- Compliance with federal and state regulations, policies, and procedures.
- Project development.

For additional information to assist with managing your project, visit the websites listed below:

Organization	Website
Washington State Department of Transportation	<a href="http://www.wsdot.wa.gov/transit">www.wsdot.wa.gov/transit</a>
Community Transportation Association of America	<a href="http://www.ctaa.org">www.ctaa.org</a>
Community Transportation Association of the Northwest	<a href="http://www.ctanw.org">www.ctanw.org</a>
Federal Transit Administration	<a href="http://www.fta.dot.gov">www.fta.dot.gov</a>
Washington State Transit Association	<a href="http://www.watransit.com">www.watransit.com</a>
Washington State Transit Insurance Pool	<a href="http://www.wstip.org">www.wstip.org</a>
Washington State Transportation Training Coalition	<a href="http://www.wsttc.org">www.wsttc.org</a>

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This chapter outlines requirements related to your grant funding, covering all types of funding awards and projects. It also includes information and guidelines designed to help make your project successful and help you avoid potential problems.

## Grants Contracts

The Washington State Department of Transportation (WSDOT) expects your organization to carry out the project as described in your application for funding and subsequent grant agreement. Occasionally, despite the best efforts to effectively plan and manage a project, changes are necessary.

### ***Project Change Requests***

Your organization's project cannot be modified, adjusted or changed without written approval from WSDOT. Additionally, all aspects of your organization's grant agreement remain in force until WSDOT provides written documentation that a requested project change has been approved. In some cases, project changes require a formal amendment to the existing grant agreement.

### ***Project Change Request Process***

Before your organization develops and submits a formal written (letter or email) project change proposal to WSDOT, your organization's project team must discuss the proposed change(s) with its WSDOT project manager (identified on the Consolidated Grant agreement). Additionally, WSDOT strongly recommends that your team contact, collaborate with and obtain input from organizations/entities which may be affected by the proposed project change. This approach and process will aid your organization in the development of a mutually agreeable project-change proposal, which will ultimately streamline WSDOT's approval process for your project change request.

Your assigned WSDOT project manager will aid you in the process by:

- Outlining any rules or restrictions. Some grant programs significantly restrict changes.
- Assisting with the approval process, which can vary by grant program and situation.
- Describing and discussing the grant program's needs.
- Providing further instructions for drafting and completing a formal written project change request.

Use the following information to guide your organization through the project change request process:

- All changes must be requested in writing to your WSDOT project manager, either through regular mail or email.
- Change requests must include:
  - Specific information about the proposed change (i.e., scope, schedule and budget).
  - Comparison to existing grant commitments.
  - Reasons for the requested change.
  - Expected benefits and costs associated with the proposed change.

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**Note:** Changes must be approved in writing by WSDOT before you can adjust your project. All aspects of the grant agreement remain in force until WSDOT provides written confirmation of the approved change.

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In addition, it may be helpful to include information about other potential solutions that were considered but rejected. For competitive grant programs, it may be helpful to include information explaining how the revised project scope will better meet the needs of your organization and the community you serve.

Examples of project changes include but are not limited to:

- **Scope of Work**
  - Service Modification – Schedule and route changes (e.g., shifting service from midday to morning or weekday to weekend, or altering a route).
  - Change in the type or size of vehicles to be purchased.
  - Number of parking spaces in a park and ride lot.
  - Transit station location.
  - Using grant funds for elements of work not listed in the original scope of work (e.g., paying for a new signal on an adjacent road instead of the park and ride lot construction listed in the scope of work).
  - Change of specifications used to guide the work (e.g., using local design specifications instead of state design specifications, shifting from an environmental impact statement to an environmental assessment, or documented categorical exclusion).
- **Schedule**
  - Change to project begin or end date.
- **Budget – Construction Projects**
  - Overall project budget.
  - Local match percentage.
  - Funding for phase of work (e.g., shifting funds from construction to an earlier phase of work such as design or real estate acquisition).
- **Assignment**
  - Transferring grant responsibilities from one organization to another organization.
  - Shifting grant funds between projects.

Most of the changes listed above will require an amendment to the grant agreement.

## **Approval of Change Requests**

Authority to approve changes varies based upon the grant program, guiding laws and policies and the type or extent of the change(s) requested. Some grant programs allow project managers to approve nominal changes. Other programs may require higher level approval or consultation (e.g., Director of the WSDOT Public Transportation Division).

## **Documentation of Change Requests**

Documentation is a requirement of the change request process, but varies according to the grant program and the type or extent of the change(s) requested. For example, some changes can be submitted for review and may be approved either by email or letter from WSDOT staff. Other program changes require an amendment to the grant agreement, or legislative or federal action.

## **Coordination and Community Outreach**

Working with the community and teaming with other providers are crucial elements of any public transportation project. Both provide valuable opportunities for collaboration and may influence the project to better serve local communities. In addition, good coordination and outreach efforts build community support and a sense of local ownership.

In many cases, community involvement is required as part of the environmental or construction permitting process, or to obtain funding. Engaging a wide variety of people in your project—e.g., people of various age, race, background language and income level—is a worthwhile objective. Community outreach is also vital in developing new services and may be required if your organization receives federal funds.

Regardless of whether your organization receives state or federal funding, in many cases it will be required to document public questions and comments, agency responses and how public opinion influenced the project. Documented public involvement is often required even if your organization receives only state funding. For example, compliance with state Executive Order [05-05](#) or SEPA requires specific community outreach efforts and documentation. For technical assistance in meeting specific requirements, contact a WSDOT Public Transportation Division staff member.

## **Coordinated Human Services Transportation Planning**

Coordination is required by all organizations awarded grants under the Consolidated Grant Program. In 1998, the Washington State Legislature created the Agency Council on Coordinated Transportation (ACCT). In 2007, this legislation was reauthorized. State law ([RCW 47.06B](#)) requires ACCT to assist in the coordination of transportation for people with special transportation needs. The Legislature also requires specific state agencies to develop policies that encourage the coordination of special needs transportation. The Legislature stated “...the public transportation agencies, public transportation programs, private non-profit transportation providers, and other public agencies sponsoring programs that require transportation services to coordinate those transportation services...” A copy of the state law can be found in [Appendix G](#).

All grants received through the Consolidated Grant Program were derived from locally developed Coordinated Human Services Transportation plans. Grantees should keep all those involved with writing the plan informed of their progress toward meeting the goals. Good organizations to contact include but are not limited to senior service centers, community action programs, local Medicaid brokers, local transit systems and WorkFirst local planning areas. For more information about coordinated transportation and the Human Services Transportation plans, see ACCT website at [www.wsdot.wa.gov/acct](http://www.wsdot.wa.gov/acct).

In addition to the state coordination requirements, if your organization receives Federal Transit Administration (FTA) funding, it's required to involve the private sector in the planning process.

### **Marketing Public Transportation Services**

Marketing your service is required by FTA and is highly recommended by WSDOT. It is also an important tool to ensure the success of your project. In this section, you will find minimum requirements and suggestions on how to enhance your marketing strategies.

#### **Minimum Marketing Requirements**

The minimum requirements are fairly simple. The services your organization provides must be marketed to the target population applicable to the grant program governing your project.

#### **Targeted Marketing**

The focus/audience of your organization's marketing will depend on the type of project funding awarded. Listed below are the target populations associated with each program:

- **Paratransit/Special Needs** – Persons with special transportation needs.
- **Rural Mobility** – The general public in rural areas.
- **FTA 5310** – Persons who are elderly or have a disability.
- **FTA 5311** – The general public in rural areas.
- **FTA 5316** – Persons of low income needing access to employment or employment-related services.
- **FTA 5317** – Persons with disabilities.

#### **Signs on Vehicles**

If your organization's project is funded with a general-public service program such as FTA 5311, the vehicle(s) must display prominent signage on its exterior to notify the public that it is for general public use. As a best practice, WSDOT recommends that a cutaway or van used for public transportation by non-transit agencies display a prominent sign to indicate it is for public transportation services.

## Marketing

Services can be marketed in a variety of ways. Below are some low cost suggestions on how to inform the community about the services you provide.

- Publish flyers, schedules and service area maps and distribute them throughout your community. Consider placing the materials at:
  - Medical facilities
  - Community centers
  - Grocery stores
  - Senior centers
  - Group homes
  - Multimodal facilities
  - Post offices
  - Social service offices
  - Schools
  - Shopping centers
- Develop and distribute trip planners that instruct riders how to reach popular destinations.
- Place public service announcements on local radio stations.
- Post schedules on your website.
- Encourage local media to feature your services.
- Place appropriate markings on agency vehicle(s) that state the service is open to the public, with a phone number to call for information.
- Advertise in local media outlets.

## Marketing Help

WSDOT staff can help develop marketing materials. To receive assistance, contact a WSDOT Public Transportation Division staff member.

## ***Marketing Your Organization's Partnership With WSDOT***

Transportation service providers play a crucial role in recognizing grant programs and the benefits grants provide. WSDOT and FTA use your grant project delivery and performance reports to assess and report grant program performance and results. In addition, grantees should consider crediting grant programs as a financial partner in appropriate venues, e.g., Web pages, project signs, media releases and public events. For more information and guidance on how to recognize WSDOT as a partner on your organization's project, contact a WSDOT Public Transportation Division staff member.

## Relationships With Employees and Officers of WSDOT

Under state ethics laws ([RCW 42.52.080](#)), WSDOT staff members are not allowed to accept loans, gratuities or gifts of money in any form from your organization or any of your representatives. In addition, WSDOT employees are not allowed to work for an organization if they have oversight responsibilities or are involved with contract negotiations with that organization. For more information about ethics requirements, refer to the “Ethics” clause in your organization’s agreement with WSDOT and to federal regulations 31 USC 3801 and 49 CFR Part 31.

If your organization was awarded FTA funding, you also must comply with the ethics requirements found in the Guidelines Specific to FTA-Funded Projects section on [page 1-21](#).

## Civil Rights

All grantees are required to comply with federal, state and local laws including but not limited to those concerning equal opportunity employment and nondiscrimination assurances. Grantees should make an effort to reach out to minorities for employment, contracting opportunities and to serve as members of policy or advisory committees. Services should be accessible to all people regardless of race, color, creed, national origin, sex, marital status, family-with-children status, age, disability, veteran/military status or sexual orientation/gender identity. There should be clear policies to prevent harassment in the workplace. Grantees receiving federal grant funds have specific civil rights requirements that can be found starting on [page 1-24](#).

## Employee Conduct and Prevention of Harassment

Harassment in the workplace violates Washington human rights laws. WSDOT recommends that your organization establish a written policy as a best practice to keep the work environment free from harassment, coercion and intimidation in any form. The policy should include the following elements:

- A definition of behavior constituting harassment, intimidation or coercion.
- The process for filing a claim.
- The process used to investigate a claim.
- Disciplinary action and corrective measures to be taken.

### ***Handling Discrimination and Misconduct Complaints***

To help safeguard your organization from complaints, personnel policies must be communicated to all employees. You must ensure they understand those types of behavior which are unacceptable as well as corrective actions that may occur should they be exhibited.

All written complaints must be handled immediately in order to maintain credibility and to ensure the ability to continue as a contractor or grantee of WSDOT. You must have procedures in place that address the course of action to be taken if and when complaints arise. If procedures are not in place, you must develop and incorporate them into your organization’s administrative and personnel policies. The procedures should include:

- A requirement that all complaints be put in writing and include the alleged offense and circumstances.
- How the complaint will be investigated, including confidentiality.
- Corrective action.
- Issuance of findings.
- Notification to the person filing the complaint, informing them of the findings and what corrective measures were taken.
- Retention of the working file for each complaint received (this file must be retained for six years beyond the end of your project).

## Public Accommodation and the Americans with Disabilities Act (ADA)

It is important that the services provided to the public and hiring practices of grantees do not discriminate against persons with disabilities. This section provides an overview of the basic information necessary to ensuring your organization is in compliance with federal and state laws regarding employment and services to persons with disabilities. Copies of the federal and state laws covering this topic can be found in [Appendix G](#).

These laws include:

- 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance
- 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA)
- [RCW 49.60.030](#) – Freedom from discrimination – Declaration of civil rights

Federal requirements state, “no qualified disabled person shall be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives or benefits from federal financial assistance, administered by FTA, solely on the basis of their disability.” This applies to both employment opportunities and the services provided by your organization.

The Washington state freedom from discrimination law provides additional rights to people with disabilities. Those rights include but are not limited to:

- The right to obtain and hold employment without discrimination.
- The right to full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement.

Regardless of the type of grant funds received, grantees are required to comply with all federal and state laws prohibiting discrimination on the basis of disability. Equal access to program services and facilities must be provided to people with disabilities.

## ***Discrimination in Employment***

Title I of the Americans with Disabilities Act (ADA) prohibits discrimination in employment and requires employers to provide reasonable accommodation. The ADA applies to all aspects of the employment process including job advertising, interviews, applications and post-offer medical examinations.

- **Job Advertisements and Applications** – Job applications should be written in a clear and understandable language. Position qualifications should be clearly explained. Include a statement indicating that the organization is an “Equal Opportunity Employer.”
- **Interviews** – Employers may not ask disability-related questions or conduct a medical examination until after a conditional job offer has been extended. Questions must be specific to the applicant’s ability to perform a task or job function.
- **Post-Offer Medical Exam** – Once a conditional job offer has been extended and before work starts, employers may ask any disability related questions as long as the questions are asked of all prospective employees in the particular job class.

## ***Reasonable Accommodations***

A reasonable accommodation is a modification or adjustment to a job, the work environment or the way things are usually done in order to enable a qualified individual with a disability to enjoy an equal employment opportunity. Examples of reasonable accommodations include but are not limited to:

- Purchasing a computer magnification tool for an employee with vision impairments.
- A special chair or an elevated workstation for a person who is disabled due to a back injury.
- Rearranging the office area, workstations and employee rest rooms so a person in a wheelchair can gain access.

## ***Meeting ADA and Public Accommodations Requirements***

The services provided to persons with disabilities must be equal to the services provided to persons without disabilities. All organizations awarded grant projects through WSDOT are required to be in full compliance with the ADA on the first day of the project and remain in compliance for the duration of the project.

Below are some of the things you need to keep in mind when ensuring your service is accessible to people with disabilities.

- **Lifts and Securements** – Lifts and securement devices must be available for people with disabilities. A system of regular and frequent maintenance checks should be in place. If a lift becomes inoperable, alternate transportation must be provided to passengers with disabilities.
- **Facilities** – All facilities accessible to a person without a disability must be accessible to a person with a disability. This includes bus stops and transit centers.

- **Stop Announcements** – Stops must be audibly announced at transfer points, major intersections and destination points.
- **Accessible Communication** – Bus schedules, signage and other communication to the public must be made available in an accessible format when requested.
- **Complementary ADA Paratransit** – All services must be provided in compliance with the ADA. When evaluating paratransit service, the following considerations should be observed:
  - The service must be provided within  $\frac{3}{4}$  (0.75) mile of the fixed route corridor.
  - Fare for the service must not be more than twice the fare of the fixed route.
  - Organizations should have an established eligibility criteria and procedure for determining eligibility.
  - Organizations should have a system to monitor and track service denials.
  - Requests for reservations must be accepted during normal business hours on a next day basis.
  - Days and hours of service must be the same as for fixed route, except for routes designated as commuter/express service or university service, for which no complementary service is required.
- **Deviated Fixed Route** – This service has operating characteristic of both route and demand response modes. Route –deviated service operates as a conventional bus route, but the bus is permitted to deviate from the route and service destinations within a prescribed distance (e.g.  $\frac{3}{4}$  mile. Your organization must clearly communicate (through outreach/marketing materials, bus schedules, websites, etc.) to the public how the service deviates from fixed route and demand response service.

To be considered a route deviation service, the following five criteria must be met:

- Your agency must allow customers to request a route deviation in some way, typically by making a phone call in advance.
- The route must deviate for the general public, not just for people with disabilities.
- Your agency must provide information to the public on how to request a deviation. It should have a written policy and procedure in place for managing requests for deviations (i.e. customer calls in, request is recorded, approved request included on driver's manifest/log, trip is recorded, etc.).
- Your agency cannot limit the number of route deviations on the route or per run
- Following an off route deviation, the vehicle must return to the point on the route it left.

As per Federal requirements to be consider a true “route deviation service” the transportation provider MUST comply as follows:

- Clearly indicate on the bus timetable, marketing materials and websites service is “route deviation” and provide the telephone number and process to be followed to request a route deviation.
- Indicate the distance the bus will deviate for passenger pick-up and drop-off, there is no set requirement.

- There can be no language limiting the number of deviations per run or route.
- Deviations must be open to all passengers' not just people with disabilities. All marketing materials must indicate that deviations are open to the general public.
- All route deviations completed by a transportation provider should be documented (e.g. driver trip log/manifest) and kept on file.

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**Note:** If your agency restricts route deviation to just persons with disabilities it is viewed by the FTA as an effort to satisfy the complementary paratransit service requirements and therefore, your agency must then meet all the requirements of an ADA complementary service.

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## **Service Animals**

A service animal is any guide dog, signal dog or other animal individually trained to work or perform tasks for an individual with a disability. This includes but is not limited to:

- Guiding individuals with vision impairments.
- Alerting individuals with hearing impairments to intruders or sounds.
- Providing minimal protection or rescue work.
- Pulling a wheelchair.
- Fetching dropped items.

Under the ADA, your organization is required to allow service animals to accompany persons with disabilities on passenger service vehicles and in your facilities. It is discriminatory to ask for the certification or registry of a service animal.

### **Difference between a Service Animal and a Pet**

It can be very difficult to tell the difference between the two. Service animals are not required to have certification papers or wear a collar or harness, and it is a violation of the ADA to require such. If you are not certain whether an animal is a service animal or a pet, you may ask the person with the disability if the service animal is trained and used to provide an accommodation.

## **Sensitive Information**

As a public transportation provider and employer, your organization often deals with confidential information about employees and customers. There are certain laws and regulations that restrict the type of information that can be released. In addition, some entities that provide matching funds to your organization may require specific policies regarding sensitive or confidential information.

### **Customer's Right to Confidentiality**

Drivers and dispatchers often know or become familiar with riders. While it is desirable to establish a positive relationship with riders, it is important to safeguard the release of a customer's personal information to avoid violating a person's right to confidentiality. Riders may confide in a trusted employee, and it is tempting to share this information with others. Below is an example of a violation of confidentiality and recommended actions to avoid such violations:

- **Issue** – Information received about a rider's medical condition is repeated to persons other than the supervisor.

- **Recommended Practice**

- Encourage employees to share concerns with their supervisor, not with other co-workers, family or friends. Only information the supervisor needs to know can be communicated. Names of individuals receiving service from a program must not be shared with anyone outside your organization.
- Information about a rider must not be shared, unless it is necessary to obtain needed services and the rider has given written consent. If a rider is not able to give permission to share information for his/her well-being, the employee and the supervisor should use their best judgment to share only information needed to provide services.

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**Note:** Under some circumstances, the transportation employee is required to share information. This applies when it relates to suspected abuse of children or vulnerable adults. If abuse is suspected, this information should be conveyed to the supervisor, but must not be shared with other drivers, family or friends.

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### ***Employee's Right to Confidentiality***

Employees are often required to share confidential information with their supervisor and manager. A manager often receives information regarding an employee's medical condition in the event of a request for personal leave, or the results of a drug and alcohol test. This information must not be shared with anyone that is not authorized under federal or state regulations.

There must be clear procedures in place to address how sensitive information may or may not be shared with others to avoid violating an employee's right to confidentiality.

### **Customer Comment/Complaint Process**

Your organization should have submitted a description of its customer complaint process as part of its Consolidated Grant Program application. WSDOT's application packet included the following guidelines, as adopted by the Agency Council on Coordinated Transportation (ACCT), for organizations receiving state paratransit/special needs grants.

1. A full description of the options available to persons of special needs for making comments or complaints about fixed-route or demand-response services.
2. A complete description of the educational or outreach portion of the complaint process. Specifically, each agency shall provide the following with their application:
  - A description of how the organization will address complaints.
  - Copies of complaint forms, which are to be made available on buses and in public areas.
  - Any formally adopted policies related to the complaint process, if applicable.
  - A list of the options for contacting transportation organizations, which shall include U.S. Mail, email, phone and fax, and shall use accessible formats.

- A description of the process that exists and how persons of special needs can access information about the comment process for either fixed-route or demand-response services. The description shall demonstrate:
  - The complaint process is concise and easy to understand.
  - In no uncertain terms that retribution will not be tolerated.
  - Information about the process is prominently located on the Web page, if available.
- A description of when information is distributed—no less than every third year thereafter for active paratransit riders—including but not limited to:
  - Registration for services.
  - Re-evaluation for service.

### Tracking ADA Complaints

Your organization must track all ADA related complaints received and report that information to WSDOT quarterly. Additionally, complaints that develop into investigations or lawsuits must be tracked and reported to WSDOT.

Information to be collected and reported includes:

- Date of complaint, investigation or lawsuit filed.
- A summary of the allegation(s).
- The status of the complaint, investigation or lawsuit.
- Actions taken by the organization.
- Actions taken by any third-party organization receiving the complaint or notification of investigation or lawsuit.

### Finding Additional ADA Information

Detailed information about the regulations are outlined in 49 CFR Part 27, *Nondiscrimination on the Basis of Disabilities in Programs and Activities Receiving or Benefiting From Federal Financial Assistance*, and 49 CFR Part 37, ADA. For further information about ADA requirements, contact a WSDOT Public Transportation Division staff member.

### Purchasing Policies

Grantees are required to maintain written purchasing procedures, sometimes called a purchasing policy or procurement policy. These procedures, at a minimum, should consist of the following:

- **Delegation of Purchasing Authority (dollar threshold for purchases related to employee positions)** – The following is an example of purchasing delegation. Your policies may differ:
  - Purchase of vehicle supplies such as gasoline may be made by drivers.
  - Purchase of items costing less than \$50 such as office supplies may be made by designated employees or reimbursed through petty cash.
  - Purchase of items or services costing between \$50 and \$3,000 may be made if approved in advance by the chief purchasing officer.

- Purchase of items or services costing between \$500 and \$10,000 may be made if approved in advance by the director.
- Purchase of items or services costing more than \$10,000 may be made if approved by the board.
- **Identification of Dollar Thresholds for Bidding Process** – The following is an example of spending levels that would trigger a formal competitive process:
  - Items or services costing between \$1,000 and \$3,000 require telephone quotes from two or more vendors.
  - Items or services costing more than \$3,000 require written quotes from two or more qualified vendors.
  - Items or services in excess of \$25,000 require an advertised, sealed bid process.

See Chapters 3 and 4 for more information on the competitive procurement process for major capital purchases that may affect your purchasing policy.

- **Written Standards of Conduct** – Grantees should have policies to prevent conflicts of interest regarding purchasing (described later in this chapter), to both protect the best interests of the organization and prevent the unjust enrichment of its employees.
- **Protest and Appeal Process** – Purchasing guidelines must include a procedure by which aggrieved bidders may protest and appeal the award of a bid contract. At a minimum, these should include both pre-award and post-award protests, a prescribed timeline for the bidder to file with the grantee during the procurement process, and the types of information that must be contained in the protest and appeal actions.

The following are best practices for consideration in your organization's formal purchasing policy:

- A review of proposed purchases to avoid unnecessary or duplicated purchases.
- Consideration of consolidating procurements to obtain a more economical price or separating procurements to encourage DBE participation.

## Subcontracting

If your organization contracts out any portion of its grant-funded services, the third-party contract must contain specific sections from its agreement with WSDOT, including but not limited to general compliance assurance, accounting and inspection requirements, and labor provisions. For complete requirements, refer to the Assignment and Subcontracts section of your agreement.

Purchase of Service contracts paid with federal funds must also comply with all federal procurement rules identified in Chapter 3. Depending on the contract value, WSDOT must review and pre-approve any bid solicitations and subsequent subcontracts.

## Labor Compliance Issues

The basic requirements for complying with federal labor regulations include but are not limited to:

- 29 USC Chapter 8 – Fair Labor Standards Act (FLSA)
- 40 USC Chapter 37 – Contract Work Hours and Safety Standards Act
- 49 USC Section 5333(b) – Labor Standards

### ***Fair Labor Standards Act and Contract Work Hours and Safety Standards Act***

The Fair Labor Standards Act and the Contract Work Hours and Safety Standards Act provisions established basic wage standards to be used for employees. The three main areas that apply to your organization are:

- **Minimum Wage** – All employees at a minimum must be paid at the current federal minimum wage or state minimum wage, whichever is higher.
- **Overtime** – Non-professional employees must be paid at a rate of one and one-half (1.5) times their normal pay for all hours worked beyond 40 hours per week.
- **Health and Safety** – No employee shall be placed in a work environment that is unsanitary, hazardous or dangerous to his/her health or safety.

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**Note:** Some types of employees are exempt from overtime payment requirements. However, it is very important not to assume that the exemptions apply to your employees. It is always best to refer directly to the appropriate regulations to determine what course of action you may take. Web links directing you to 40 USC Chapter 37 (Contract Work Hours and Safety Standards Act) and 29 USC Chapter 8 (Fair Labor Standards Act) can be found in [Appendix G](#). Current state minimum wage information is available at [www.lni.wa.gov/workplacerrights/wages/minimum/default.asp](http://www.lni.wa.gov/workplacerrights/wages/minimum/default.asp).

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### ***U.S. Code Section 5333(b) Labor Standards***

This provision of the Federal Transit Act requires that fair and equitable arrangements must be made to protect the rights of affected public transportation employees when federal funds are used to acquire, improve or operate a general public transportation service.

### ***Complying With Section 5333(b) Labor Standards***

At the time of printing, Section 5333(b) Labor Standards applies only to organizations awarded projects under Sections 5309, 5311, 5311(f) and 5316 and to transit agencies awarded Section 5310 funding. The 5333(b) Labor Standards is also known by its former name, Section 13(c) Special Warranty. The *Rural Transportation Employee Protection Guidebook*, published by the U.S. Department of Labor is included in [Appendix G](#). The publication provides detailed information about the requirements. The specific federal laws and regulations can be found in 49 USC 5333(b) and 29 CFR Part 215.

### **Coverage under the Labor Protections**

Section 5333(b) was put in place to ensure that no transportation worker's employment is terminated or position is worsened as a result of an FTA-funded project. The labor protections under Section 5333(b) apply primarily to your employees. However, they also cover the employees of any other transportation provider operating in your service area.

## Claims Filed Against Organizations

If a transportation employee feels he/she was terminated or his/her position was worsened as a result of your organization being awarded an FTA project, the employee (or a union representing the employee) has the right to file a claim with the U.S. Department of Labor. If the claim is found in their favor, it will be your organization's responsibility to make any necessary financial and employment accommodations for the individual. The U.S. Department of Labor may also impose a fine. Listed below are examples of circumstances that may cause a claim to be filed:

- **Organization Employees**

- Your organization is awarded a project to purchase a new dispatch system. As a result of the purchase, you only need two dispatchers instead of three and one dispatcher is laid off.
- Your organization is awarded a project to purchase a minibus to replace a large bus. However, your organization pays minibus drivers less than it pays drivers of large buses. As a result, one driver's pay is reduced.

- **Employees of Other Transportation Providers**

- Your organization is awarded a project to provide transportation service in a new area. As a result, there is a decline in another provider's service and the other provider terminates an employee.

## Basic Compliance Requirements

There are three basic steps to ensure your organization's compliance with Section 5333(b) Labor Standards.

- **Step 1** – Review the *Rural Transportation Employee Protection Guidebook* located in [Appendix G](#) to ensure full compliance with the Department of Labor regulations associated with rural transportation programs.
- **Step 2** – Post an employee notice. This notice advises passenger transportation employees of their rights and the process to follow if they believe their position has been worsened. A sample of the notice can be found in [Appendix F](#) of the *Rural Transportation Employee Protection Guidebook*. To comply with the posting requirement, the following actions must be taken:
  - You must prepare the notice on your organization's letterhead. This includes inserting your organization's name in the appropriate areas.
  - Attach copies of Appendices A and C of the *Rural Transportation Employee Protection Guidebook* behind your notice.
  - Attach the procedure for filing a claim. If you did not receive a copy of the claims procedure, WSDOT will provide you a copy upon request.
  - If your organization's employees are covered by a union bargaining agreement, attach a copy of the union's arbitration procedures.
  - Post this information in an employee gathering area for the entire period of your grant award.
- **Step 3** – If your organization has a union contract, the local union must be notified. In addition, incorporate the arbitration procedures described in the *Rural Transportation Employee Protection Guidebook* into any current and future union contracts.

## Labor Posters in the Workplace

Workplace labor posters are important because they inform workers and employers of their rights and responsibilities. Labor posters compliance will be verified by WSDOT staff during site visits. Most posters can be ordered at no charge from the issuing agency (Washington Department of Labor and Industries, U.S. Equal Employment Opportunity Commission, U.S. Department of Labor). At the time this guide was updated, the following posters were required of employers in Washington state:

- Employee Polygraph Protection Act
- Equal Opportunity Employment is the Law
- Fair Labor Standards Act (minimum wage)
- Job Safety and Health Protection
- Family Medical Leave Act of 1993
- Notice to Employees (if a job injury occurs)
- Your Rights as a Worker
- Unemployment Benefits
- Your Rights Under USERRA – Uniformed Services Employment and Reemployment Rights Act

## Transit Asset Management Plan

As a condition of receiving state funding, all public transit systems (as defined in RCW [35.84.060](#), [36.56](#), [36.57A](#) and [81.112](#)) are required to have an asset management plan (AMP) certified by WSDOT every two years. At a minimum, the plan must include an inventory of the transit system's assets, and a preventative maintenance program based on lowest-life-cycle cost methodologies. Guidance for the development of a transit AMP is published in a separate document. For more information, contact a WSDOT Public Transportation Division Capital Programs staff member.

## Vehicle Maintenance Plan

Nonprofits that receive state or federal funds are required to have a vehicle maintenance plan (VMP). At a minimum, the plan must include an inventory of the organization's assets, and a preventative maintenance program based on lowest-life-cycle cost methodologies. Guidance for the development of a transit VMP is published in a separate document. For more information, contact a WSDOT Public Transportation Division Capital Programs staff member.

## Safety, Security and Emergency Management

In any public transportation system, safety and security are primary concerns. Organizations are trusted to provide safe and reliable transportation to the general public and persons with special needs.

This section is designed to provide guidance on meeting federal requirements as well as recommendations for enhancing the safety and security of transportation services. The following pages contain information on these topics:

- Drug and alcohol testing
- Bus system safety and security
- Emergency management

## **Drug and Alcohol Reporting to Department of Licensing**

This section applies to your organization if your drivers are required to have a Commercial Driver License (CDL) to operate service vehicles. Employers subject to drug and alcohol testing under 49 CFR Part 655 must report positive test results for employees and applicants who hold CDL licenses to the Department of Licensing (DOL). The reports must be submitted on the form provided by DOL. The positive test results must be reported under the following circumstances only:

- The positive result is from a pre-employment test.
- The driver is terminated or has resigned.
- Any grievance processes are completed, up to but not including arbitration.
- At the time of termination or resignation, the driver had not been cleared to return to safety-sensitive functions.

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**Note:** The test must be submitted to DOL within three days of the above conditions being met. For the purposes of [RCW 46.25](#), test refusals are considered to be positive test results.

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In addition to the reporting requirement, the state law requires organizations to use specific language in their policy and in the contract with their Medical Review Officer.

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**Note:** For sample policy and contract language, contact a WSDOT Public Transportation Division staff member. Also, if you receive FTA 5309 or FTA 5311 funding for your services, your organization must have a drug and alcohol testing program that complies with FTA requirements. See the Guidelines Specific to FTA-Funded Projects section on [page 1-21](#) for detailed information about this requirement.

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## **Bus System Safety**

Passenger safety is a primary concern to WSDOT. The public expects transportation providers to supply safe and reliable transportation. Having a system safety plan may also reduce insurance rates for your organization. Neither WSDOT nor FTA currently mandates a formal system safety program. Developing a plan, however, is strongly encouraged.

### **System Safety Plan**

A system safety plan may take a variety of forms. For a program to be effective, it is recommended that the plan contain the following elements:

- |  |                                     |
|--|-------------------------------------|
| • Leadership support                   | • Dispatch issues                   |
| • Accident prevention program          | • Accident investigation and review |
| • Worker's compensation                | • Vehicle inspections               |
| • Employment practices                 | • Preventative maintenance          |
| • Violence in the workplace prevention | • Emergency management              |
| • Training                             | • Vulnerability assessment          |

The Washington State Transit Insurance Pool (WSTIP) has developed best practice guides for bus operations and vanpool safety. Contact WSTIP at 1-888-515-7665 for copies of these best practice guides.

## Bus System Security

Even though a formal system security plan is not required, security is important to the public transportation industry. It is important for public transportation providers to protect themselves and the passengers they serve. Each organization is encouraged to develop a security plan.

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**Note:** The contents of your vulnerability assessment safety and security plans discussed in the next section are not subject to public disclosure laws under state law ([RCW 42.56](#)).

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### **Crime Prevention**

Public transportation providers must regularly address various types of crime (e.g., theft, vandalism, assault or other illegal activities) that can occur on or around your premises or vehicles. When they occur, these activities present unique challenges to your organization. Taking a few simple precautionary steps can dramatically reduce the risk of occurrence.

Develop and implement policies and procedures covering:

- Violence in the workplace.
- Vehicle and facility security.
- Reporting crime to the proper authorities.
- Providing training to employees on your policies and procedures.
- Restricting access to your organization's facility.
- Parking vehicles in locked areas.

### **Protecting Your Organization from Acts of Terrorism**

Public transportation providers must be concerned about the threat of terrorism. Public transportation is not seen as a primary terrorist target on a national level, but is seen as a method of delivery. The services provided by public transportation organizations are typically open to the general public and provide access to highly populated areas, such as shopping malls. Unlike the airline industry, your organization cannot send passengers and baggage through a screening system. The information below will help you protect your organization and the public.

### **Vulnerability Assessments**

The first step in protecting your organization from acts of terrorism is identifying your organization's critical assets by conducting a vulnerability assessment. Critical assets are defined as facilities necessary for the safe and efficient operation of your services, without which your organization either could not operate or operations would be significantly hampered. Typically, vulnerability assessments consist of a rating with points assigned to each of the following elements:

- Critical asset factor (determining the extent to which a particular asset is critical to your operations).
- Deter and defend factors.
- Loss and damage consequences.
- Consequences to public service.
- Consequences to the general public.

Training on conducting vulnerability assessments and developing a safety and security plan is available through the National Transportation Safety Institute. Information about the training is available at [www.tsi.dot.gov](http://www.tsi.dot.gov).

For additional information and technical assistance with conducting vulnerability assessments, contact WSDOT Public Transportation Division staff.

### **Measures to Enhance Security**

Once your organization has completed a vulnerability assessment, you will want to develop and implement a plan to reduce your risk. The method your organization uses will depend on the types of assets you have. Common measures taken by public transportation providers include:

- Restricting access to non-public areas of facilities (i.e., operations center, maintenance).
- Periodic vehicle and/or facility inspections throughout the day/route to identify anything suspicious.
- Awareness training for employees and supervisors.

### **Passenger Code of Conduct**

It is highly advisable for your organization and employee protection to develop and implement a written passenger code of conduct and to distribute it to all passengers. The passenger code of conduct at a minimum should include items identified as illegal bus conduct under [RCW 9.91.025](#).

When developing your organization's passenger code of conduct, it is important that it include reasonable expectations that are not discriminatory. For additional information, refer to [Appendix G](#).

### **Emergency Management**

Managing and responding to emergencies is a multi-faceted issue. Employee roles depend on the type of emergency and whether it is internal or external to your organization.

#### ***Internal Emergencies***

No matter how many safety precautions are taken, inevitably your organization may be involved in an emergency situation such as a traffic collision. For this reason, it is advisable to have an emergency procedure plan in place and to train your employees on necessary actions to take.

#### ***State and Regional Emergencies***

Public transportation providers can play an integral role in responding to emergencies. This is particularly true during an emergency involving evacuating people from an area or transporting emergency response workers. The role of a public transportation provider will differ based on the type of emergency.

All organizations are encouraged to become involved with local emergency response agencies. In rural areas, emergency response agencies are typically part of county government, while in urban areas they are often part of municipal government. Often,

emergency response managers are unaware of the services, resources and/or assistance you can provide.

Many public transit systems are part of the WSDOT Emergency Response Mutual Aid Agreement. The agreement facilitates aid provided between transit agencies that are a party to the agreement and between those transit agencies and WSDOT.

### **Training Assistance**

WSDOT staff is available to assist your organization in developing your organization's policies and procedures related to system safety, security and emergency response. Other public transportation providers may be able to provide assistance as well. If your organization needs training, there are a variety of resources available:

- **National Transit Institute ([www.ntionline.com](http://www.ntionline.com))** – Provides a wide range of training including but not limited to:
  - System Security Program Overview
  - System Security Awareness for Transit Employees (training available on CD Rom)
  - Security Incident Management for Transit Supervisors
- **Transportation Safety Institute ([www.tsi.dot.gov](http://www.tsi.dot.gov))** – Provides a wide range of public transportation safety and security training including but not limited to:
  - Transit System Safety
  - Transit System Security
  - Effectively Managing Transit Emergencies
  - Fundamentals of Bus Collision Investigation
  - Substance Abuse Management and Program Compliance
- **National Rural Training Assistance Program (RTAP) ([www.nationalrtap.org](http://www.nationalrtap.org))**  
– Provides technical resources including a newly published Threat, Vulnerability and Emergency Preparedness Toolbox.
- **United We Ride (UWR) ([www.unitedweride.gov](http://www.unitedweride.gov))** – Provides a large amount of information regarding special needs transportation and contacts for further consultation.
- **Easter Seals Project Action ([www.projectaction.easterseals.com](http://www.projectaction.easterseals.com))** – Provides a vast number of publications and policies for providing transportation to people with special needs.
- **Community Transportation Association of the Northwest (CTA NW) ([www.ctanw.org](http://www.ctanw.org))** – Provides a resource for CTA-NW Members and the transportation community at large. CTA-NW provides peer-to-peer support through trainings and technical assistance.
- **Washington State Transportation Training Coalition (WSTTC) ([www.wsttc.org](http://www.wsttc.org))** – Sponsors a variety of training courses in the safety and security arena. The specific courses scheduled are dependent on the needs expressed by public transportation providers in the state of Washington.
- **Washington State Transit Association's Transit Security Council ([www.watransit.com](http://www.watransit.com))** – Provides a forum for transit agencies to share information regarding current transit security issues.

## Guidelines Specific to FTA-Funded Projects

There are specific requirements associated with FTA-funded projects. The information in this section applies only to projects awarded federal funds.

### Required Single Audits

Grantees spending federal funds totaling \$500,000 or more in a federal fiscal year (October 1 through September 30) are required to submit a single audit report for the duration of the project to:

Washington State Department of Transportation  
Public Transportation Division  
Attention: Audit Review  
PO Box 47387  
Olympia, WA 98504-7387

A grantee's organizational classification determines which type of entity will perform the audit:

- Public agencies are audited by the State Auditor's Office.
- Private for profit or non-profit organizations and tribal governments must be audited by a certified public accountant (CPA).

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**Note:** All audits performed must meet the requirements of Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

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The audit must be performed by an independent audit firm and cannot be performed by the same CPA or firm that provides general accounting services for the grantee.

### Other Audits

In addition, WSDOT, the Washington State Auditor's Office or FTA (whichever is applicable) may perform an audit of your organization's project(s). These audits can be based on but are not limited to the following:

- The scope of work for your project.
- The organization's financial records.
- The federal and state laws and regulations referenced in your agreement with WSDOT.

The federal audits may take place during the course of your project and up to three years beyond the end of your agreement or contract with WSDOT. If you subcontract for services using grant funds, that third-party contractor may also be subject to an audit or inspection.

### Grant Records Retention

State requirements specify that grantees are required to retain:

- Operating or planning grant records for six years beyond the end of the grant period.
- Capital vehicle and equipment grant records for six years after WSDOT releases interest in the vehicle(s) or equipment.

It is recommended that a record retention policy be established that conforms to the audit review requirements.

As a condition of receiving state and/or federal funds through WSDOT, grantees may be required to participate in an audit conducted by the State Auditor's Office or FTA. These audits are typically conducted when WSDOT is being reviewed. However, in cases where a grantee has lost its In Good Standing status, WSDOT may conduct a specific audit of all (present and past) grant-funded projects with that grantee. For more information, see the In Good Standing Policy section on [page 1-35](#).

## Ethics Policies

This section applies to organizations receiving FTA funds. However, WSDOT considers the policies outlined in this section as best practices for all grantees. Grantees are required to develop and implement policies and procedures specific to the ethical conduct of its employees, officers, board members or agents. The policies must include:

- Written code of ethics.
- Debarment and suspension.
- Bonus or commission.
- Restrictions on lobbying.
- Employee political activity.
- False or fraudulent statements and claims.

### *Written Code of Ethics*

The code of ethics establishes standards of conduct for your organization's employees, officers, board members or agents involved with your FTA project. The required code of ethics must cover the following:

- **Gifts and Gratuities** – Employees, officers, board members or agents of your organization may not accept or solicit gifts, gratuities, favors or anything having monetary value from current or potential subcontractors. However, minimum rules may be set where a gift is unsolicited and of nominal value.
- **Personal Conflict of Interest** – The personal conflict of interest policy prohibits your organization's employees, officers, board members or agents from participating in the selection, award or administration of a contract if there is a perceived or real conflict of interest. A conflict of interest would arise when your organization's employee, officer, board member or agent has a financial or other interest in the entity submitting a bid or quote, is selected for an award or if the entity is owned or operated by:
  - The employee, officer, board member or agent.
    - \* Any member of their immediate family.
    - \* Their partner(s).
    - \* An organization that employs or will soon employ any of the above.

- **Organizational Conflict of Interest** – In addition, policies must be established to avoid any organizational conflicts of interest. These conflicts exist when the nature of work to be performed under a proposed contract—without some restrictions on future activities—may result in an unfair advantage to a specific contractor or impair their objectivity in managing the subcontract. Examples of organizational conflicts of interest include but are not limited to:
  - Disclosure of information related to an upcoming call for projects that is not provided to all potential bidders at the same time.
  - Obtaining assistance from a potential subcontractor in developing specifications or a request for proposals.
- **Identification and Prevention of Conflicts of Interest** – All employees, officers, board members or agents must take steps to avoid the appearance of a real or apparent conflict of interest and report any potential conflict immediately.
- **Penalties for Violations of the Code of Ethics** – The code of ethics shall include penalties, sanctions or other disciplinary actions for violations of its code or standards by its employers, officers, board members or agents.

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**Note:** Your organization’s ethics policy must include all four classes: employee, officer, board member and agent.

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### **Debarment**

Grant recipients using FTA funds for a third-party contract must award those contracts to “responsible” contractors only. One of the ways a recipient can check the integrity of a prospective contractor is to determine if the contractor has been excluded by the federal government from receiving contracts by checking the Excluded Parties Listing System (EPLS) at [www.epls.gov](http://www.epls.gov).

Debarred or suspended contractors or subcontractors cannot be awarded or participate in a contract involving federal funds. Grantees must retain documentation and verification of the selected contractor’s eligibility to participate.

### **Bonus or Commission**

In addition to the code of ethics, procedures must be implemented to ensure a bonus or commission is not paid to anyone for the purpose of obtaining the award of a grant project.

### **Restrictions on Lobbying and Employee Political Activity**

Policies must be in place to ensure no one in your organization uses federal funds for the purpose of lobbying in connection with the award of an FTA project. In addition, if your organization uses any of its own funds for lobbying purposes, it is required to report its lobbying activities to FTA on form LLL. The form is available at [www.whitehouse.gov/omb/grants/sfillin.pdf](http://www.whitehouse.gov/omb/grants/sfillin.pdf).

A grantee’s employees and representatives are not allowed to use resources paid for with grant funds for political purposes. This includes but is not limited to:

- Personal campaign posters posted on grant-funded equipment and facilities.
- Charging copying costs of political materials to a grant project.
- Using grant-funded resources to support or oppose a current ballot measure.

## ***False or Fraudulent Statements and Claims***

All information provided to WSDOT must be accurate and complete. There are severe penalties for falsifying information concerning a grant funded project.

## **Non-Discrimination**

This section provides an overview of what your organization must do in order to ensure compliance with federal regulations associated with nondiscrimination in your employment practices and service to the public. There are two primary areas of compliance:

- Equal Employment Opportunity
- Title VI of the 1964 Civil Rights Act

### ***Equal Employment Opportunity (EEO) Requirements***

Organizations must ensure that none of their employees, applicants for employment or sub-contractors will be discriminated against because of race, color, creed, national origin, sex, marital status, family-with-children status, age, disability, veteran/military status or sexual orientation/gender identity. Additionally, organizations must post notices of their EEO policy and notify employees and applicants of complaint procedures.

Organizations meeting one or more of the following criteria must have a written EEO policy compliant with Urban Mass Transit Association (UMTA) FTA C 4704.1 Chapter III:

- Employ 50 or more transit-related employees and receive \$1,000,000 or more in capital or operating assistance in the previous federal fiscal year.
- Employ 50 or more transit-related employees and receive \$250,000 or more in planning assistance in the previous federal fiscal year.

If a policy is required according to the above criteria, you must submit a copy of that policy to WSDOT.

It is required that organizations report all complaints, investigations or lawsuits to WSDOT and continue to track them accordingly. For more information on EEO, refer to the reference manual, UMTA FTA C 4704.1.

### ***Title VI of the 1964 Civil Rights Act***

Title VI of the Civil Rights Act of 1964 requires organizations receiving federal funds must take measures to ensure there is no discrimination against persons on the grounds of race, color or national origin in the provision of their services (see 42 USC 2000d).

To comply with FTA requirements, grantees must have policies and practices in place to ensure:

- The level and quality of transportation service is provided without regard to race, color or national origin.
- Programs and activities do not have a highly disproportionate effect on minority and low-income populations. Affected factors include human health, environmental, social or economic.
- All affected populations provide full and fair participation in decision making.

- Prevention of denial, reduction or delay of benefits related to programs and activities benefiting minority or low-income populations.
- Meaningful access to programs and activities is provided to persons with limited English proficiency.
- Outreach is conducted to minority and Limited English Proficiency populations on a quarterly basis, at a minimum.

In addition, organizations will be required to submit quarterly reports tracking complaints, investigations or lawsuits related to Title VI protections. For more information, read FTA Circular 4702.1B or 49 CFR Part 21.

### **Conducting Outreach to Limited English Proficiency Populations**

Federal guidance requires grantees to record their outreach activities to limited English proficiency (LEP) populations. WSDOT will collect this information on the quarterly progress report. Examples of locations or groups to solicit input from LEP populations include ethnic meal sites, community centers, immigrant and refugee community groups, churches and stores or markets that cater to international/non-English speaking populations.

For specific verbiage and guidance about conducting outreach, please review the Title VI guidance template found in the Public Transportation Library at [www.wsdot.wa.gov/transit](http://www.wsdot.wa.gov/transit) or [www.lep.gov](http://www.lep.gov). Instructions for gathering demographic data can be found in the U.S. Census at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

### **Tracking Discrimination Complaints**

All complaints received by your organization must be tracked. Complaints made regarding Title VI or EEO protections must be tracked and reported to WSDOT quarterly. Any complaints that develop into investigations or lawsuits must also be tracked and reported to WSDOT. Information to be collected and reported includes:

- Date of complaint, investigation or lawsuit filed.
- A summary of the allegation(s).
- The status of the complaint, investigation or lawsuit.
- Actions taken by the organization.
- Actions taken by the organization that the complaint, investigation or lawsuit was forwarded to in response to the complaint, investigation or lawsuit.

### **Disadvantaged Business Enterprises Requirements**

FTA requires that organizations receiving federal funds must make efforts to purchase from or use Disadvantaged Business Enterprises (DBE). A DBE is a for-profit small business that is:

- At least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals.
- Controlled (management and daily business operations) by one or more of the socially and economically disadvantaged individuals who own it.

This program differs from Washington's certification for Minority or Woman Owned Business Enterprise (MWBE). The thresholds for the DBE program are typically more stringent than the state program. An organization can be an MWBE and not a DBE.

As a recipient of federal funds, WSDOT is required to establish a three-year goal based on its own contracting opportunities and those of its grantees. This goal is developed by WSDOT, in part, by using the information provided in the quarterly DBE report submitted by grantees.

Effective Oct. 1, 2014, WSDOT's three-year DBE goal is 3.26 percent. Each grantee is required to make good faith efforts to use DBEs whenever purchasing or contracting with grant funds.

WSDOT staff work with grantees to ensure they are taking the proper measures needed to meet their obligations under the DBE regulations. For more information on the DBE regulations, see 49 CFR 26.

### **Plan Required**

If your organization expects to award contracts with a combined total of \$250,000 or more in a calendar year using FTA funding, you are required to establish a DBE plan. Your organization may either adopt WSDOT's plan or establish its own plan. See the Plan Requirements section on the following page for more information.

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**Note:** The \$250,000 threshold does not include rolling stock (vehicle) purchases. For a list of activities that are considered contracting opportunities, see [Appendix B](#).

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### **No Plan Required**

If your organization is not required to have a plan, you will still need to make good faith efforts and report those efforts to WSDOT. See the DBE Reporting section on the following page for more information on reporting requirements. Examples of good faith efforts include but are not limited to:

- Encouraging DBE vendors to submit a bid or quote when advertising for contracted goods or services.
- Placing ads in any local minority newspapers.
- Actively seeking DBE vendors by obtaining a directory from the Office of Minority and Women Owned Business Enterprises (OMWBE) or contacting equivalent agencies in neighboring states. The OMWBE directory is available at [www.omwbe.wa.gov/certification/certification\\_directory.shtml](http://www.omwbe.wa.gov/certification/certification_directory.shtml).
- Encouraging eligible businesses to become certified.
- Documenting all efforts.
- Submitting quarterly reports detailing your organization's total amount of purchases, identifying any purchases from DBE vendors and good faith efforts made. Submit the report to [consolidated@wsdot.wa.gov](mailto:consolidated@wsdot.wa.gov).

The following will not be considered purchasing from a DBE:

- Purchasing from a vendor who purchased the product from a DBE and then sold it to your organization.
- Purchasing from a MWBE.

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**Note:** Grantees are not required to purchase from the DBE vendor if the price is significantly higher than that of other vendors.

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### **Plan Requirements**

If your organization is required to have a DBE plan, you must either develop and implement a DBE plan or adopt WSDOT's plan.

If your organization establishes its own plan you must also:

- Establish DBE purchasing goals.
- Obtain approval of the plan from FTA.
- Submit semi-annual reports to FTA on DBE purchases and good faith efforts.

If your organization chooses to adopt WSDOT's plan, you will need to take the following steps:

- Notify WSDOT of your intentions and discuss potential contracting opportunities.
- Send a copy of the board's acceptance of WSDOT's plan annually.
- Work with the appropriate WSDOT staff member to ensure the projects are included in WSDOT's goal.
- Submit quarterly reports to WSDOT regarding DBE purchases and good faith efforts.

### **Another Option for DBE Plan**

Grantees meeting the contracting threshold because of a specific project, such as a facility project, may petition FTA to establish a project-specific goal. If this option is chosen, contact the FTA Region X Civil Rights Officer at 206-220-4462. If approved, send WSDOT a copy of FTA's approval letter.

### **DBE Reporting**

Regardless of whether a plan is required, grantees must report on all federally funded purchases, list DBEs used and explain good faith efforts. However, the type of report and how the information is reported will depend on whether a grantee has its own plan, adopted WSDOT's plan or is only required to make good faith efforts.

- If your organization adopted its own plan and goal:
  - Submit reports directly to FTA using the Transportation Electronic Award Management System (TEAM).
  - Send a copy of the report to WSDOT.
  - Contact the appropriate WDOT staff member for reporting instructions only if your organization does not receive funding directly from FTA.

- If your organization adopted WSDOT’s plan or is required to only make a good faith effort:
  - Submit reports directly to WSDOT quarterly using the form provided in [Appendix B](#).

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**Note:** If a grantee reports directly to FTA and intends to include funds received through WSDOT in its report, it must notify both WSDOT and FTA of its intentions.

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## Charter Requirements

FTA’s Charter Bus Service Rule, which implements 49 U.S.C. 5323(d), protects private-charter operators from unauthorized competition from FTA grant recipients. Charter service is typically provided to a group for hire to a specific event—contracted for hire at an agreed upon price—that is not available to the general public. Any organization receiving federal funds for any projects should review 49 CFR 604 before agreeing to proceed with any charter operations. This information is located in the electronic reference manual that accompanies this guide.

### ***New Exemptions***

With the adoption of MAP-21, there are new exemptions for organizations receiving FTA 5310 and FTA 5311 funds. According to 49 C.F.R. Section 604(e) of the Charter Rule, *“The requirements of this part shall not apply to a recipient that uses Federal financial assistance from FTA, for program purposes only, under 49 U.S.C. Section 5310, 49 U.S.C. Section 5311, 49 U.S.C. Section 5316, or 49 U.S.C. Section 5317.”* These exemptions apply to circumstances that could fall under the category of “program purposes” and “demand response services.”

### ***Program Purposes***

According to 49 C.F.R. Section 604.3(o), “program purposes” is defined as transportation that serves the needs of either human-service agencies or targeted populations (the elderly, individuals with disabilities and/or low income individuals). This does not include exclusive service requested by groups for purposes unrelated to the special needs of the targeted populations. Service must be funded from FTA 5310 or 5311 **and** those funds must be used for program purposes (i.e., transportation that serves the needs of either human-service agencies or targeted populations).

### ***Demand Response Services***

Another new exemption to the charter regulations pertains to demand response services. If a transit agency solely provides demand response service, certain conditions of the 49 CFR Section 604.3 (u) exemption apply as follows:

1. ***Charter service is exclusive, whereas demand response service is shared-ride.*** If the transit provider allows passengers from a trip sponsor with other demand response passengers on the same trip, then the trip is shared-ride service.
2. ***Charter service is service to a group, whereas demand response service is service to individuals.*** Service to individuals can be identified by a vehicle trip that includes multiple origins, multiple destinations or both, even when the client has exclusive access to the vehicle. Some demand response sponsored trips carried out

as part of a Coordinated Human Services Transportation Plan—such as trips for Head Start, assisted living centers or sheltered workshops—may be provided on an exclusive basis to serve multiple origins to a single destination, a single origin to multiple destinations, or multiple origins to multiple destinations.

3. ***Charter service is for a specific event, whereas demand response service is ongoing.*** Some demand response sponsored trips carried out as part of a Coordinated Human Services Transportation Plan may be exclusive and may be from a single origin to a single destination, but may occur on a reoccurring basis (e.g., daily, weekly, biweekly or monthly).
4. ***Demand response service may also include certain trips that are exclusive for a group from a single origin to a single destination—and that reoccur on a less-frequent basis than once per month—so long as these trips are arranged and operated under the same terms and conditions as the demand response system for individuals.*** These terms and conditions include advance-notice requirements, service windows for pick-up and drop-off, and cost. Transit providers that operate demand response services performed by that are exclusive, for a group, from a single origin to a single destination, for a single event, and not under the usual terms and conditions of the demand response system for individuals should be considered charter services. Transit providers should report these services to the charter registration website.

Organizations awarded FTA 5309, 5311, 5316 (JARC) and 5317 (New Freedom) funding are not allowed to use these funds—or equipment and facilities purchased or supported with these funds—for services that may be considered charter services. Pursuant to MAP-21, FTA 5316 (JARC) and 5317 (New Freedom) were repealed. However, FTA has not yet updated the charter regulations (under Map 21) to reflect the changes to those programs.

### ***Charter Service Standard Exceptions***

As noted above, organizations receiving FTA funds for equipment and facilities purchased with federal funds are not permitted to provide services that may be considered charter service. However, there are standard exceptions, as follows:

- **Exception 1: Government Officials** – Organizations are allowed to provide service to government officials (federal, state and local) for official government business, which can include non-transit related purposes. The service must take place within the geographic service area, must not generate revenue from the charter service (except as required by law) and must take place no more than 80 hours annually.
- **Exception 2: Qualified Human Service Organizations** – An organization may provide charter service to a qualified human service organization for the purpose of providing service to persons with mobility limitations related to advanced age, disabilities or low income.

- **Exception 3: Leasing FTA-Funded Equipment and Drivers** – Equipment and drivers may be leased, even though they are FTA funded, if the following conditions are true:
  - The private charter operator is registered on the FTA charter website.
  - The private charter provider owns and operates buses or vans in a charter service business.
  - A request was received for charter service that exceeds the available capacity of either the number of vehicles operated by the private charter operator or the number of accessible vehicles operated by the charter provider.
  - The private charter provider has exhausted all of the available vehicles of all registered charter providers in the organizations geographic service area.
  - The private charter provider has filed a complaint against another registered charter provider requesting they be removed and does not have to exhaust vehicles from that registered charter provider.
- **Exception 4: No Registered Charter Provider Responds to a Notice From the Organization** – An organization may provide charter service of its own initiative or at the request of a third party if no registered charter provider responds to the notice issued within 72 hours requesting charter service in less than 30 days; or within 14 calendar days requesting charter service in 30 days or more.
- **Exception 5: Agreement With Registered Charter Providers** – An organization may provide charter service directly to a customer if it is consistent with an agreement entered into by all registered charter providers within the organization’s geographic service area.

For questions regarding charter regulations and how they may apply to your organization’s services, please contact Steve Abernathy at 360-705-7929 or [abernas@wsdot.wa.gov](mailto:abernas@wsdot.wa.gov), or visit the FTA charter website at [www.fta.dot.gov](http://www.fta.dot.gov).

Private charter operators and qualified human service organizations are required to register through the FTA charter registration page at [www.fta.dot.gov](http://www.fta.dot.gov), but all private transportation providers should register as a best practice. In addition, any exempted charter service as identified above must be tracked and submitted quarterly to WSDOT in a charter service exemption report as detailed in [Appendix B](#). Qualified human service organizations are exempt from reporting a charter, but are required to track and retain records of the time, number of passengers, origin/destination of the trip and any revenue generated by the service.

### **Complaints Alleging Unfair Competition**

If a grantee’s expanded services result in a decline in business for a private-sector charter provider, the grantee may receive a complaint alleging unfair competition. Organizations are required to have procedures in place to track, investigate and respond to any complaints received. The procedures must include the following elements:

- Person(s) assigned the responsibility of receiving, investigating and responding to these complaints.
- An appeal process if the individual or organization filing the complaint is unsatisfied with the response.
- An identified mediator or mediation panel in the appeal process that does not include your organization’s employees or board members.

Either party may appeal the decision to WSDOT if unsatisfied with the mediator's decision. Appeals must be filed with the WSDOT Director of Public Transportation or designee within 30 days of the mediator's decision and include the following:

- An original signature of the chief executive officer of the entity filing the appeal.
- The grounds under which the appeal is being filed.
- A copy of the mediator's decision.

A copy of the appeal must be sent by the entity filing the appeal to the other party involved. Once WSDOT receives the appeal, they will review the decision and the procedures followed from the time your organization received the initial complaint. Following review, WSDOT will issue an appeal determination.

### ***Public Agency - Private Sector Transportation Provider Participation***

This section applies only to public agencies.

All public agencies receiving FTA funds must allow private mass transportation providers to participate in the project to the maximum extent feasible. Further, public agencies are prohibited from using FTA funds to operate in direct competition with existing private mass transportation providers.

FTA does not prescribe a specific private sector participation process. However, public agencies are required to have an established process to ensure private providers in the area are aware of the agency's intentions. This can be accomplished through coordination of efforts or by holding a public hearing prior to submitting a grant application for the project.

If your organization is planning a new service, it is important to contact any private providers that may be operating in that area. This may take the form of a legal ad or written notice sent directly to and requesting a response from private providers. Failure to involve private sector transportation providers in the process may result in complaints alleging unfair competition to be filed with WSDOT and FTA.

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**Note:** For information on how complaints should be handled, see the Complaints Alleging Unfair Competition section found on [page 1-30](#).

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## **School Bus Provisions**

Organizations awarded FTA funds are prohibited from providing school bus transportation services in areas where privately owned operators provide such service. School bus transportation is defined as "transportation by bus exclusively for school students, personnel and equipment." Specific details about this regulation can be found in 49 CFR Part 605 located in the electronic reference manual that accompanies this guide. This does not preclude organizations from providing service to students. Contact your WSDOT project manager to determine how to provide this service without violating school bus provisions.

## Drug and Alcohol Program Information

FTA drug and alcohol testing requirements and regulations are rigorous. Should it be necessary, WSDOT staff will provide technical assistance upon request. The information below provides an overview of the requirements and expectations. For detailed compliance information, FTA published comprehensive guidelines and a best practices guide including sample policies and forms. These documents are:

- *Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit* (revised August 2002)
- *Best Practices Manual: FTA Drug and Alcohol Testing Program* (published March 2002)

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**Note:** WSDOT provides the grantee's drug and alcohol program manager with the applicable guideline(s) for those required to have a drug and alcohol testing program. These documents are also available at [www.transit-safety.volpe.dot.gov/publications](http://www.transit-safety.volpe.dot.gov/publications).

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### **Drug and Alcohol Testing**

Grantees receiving FTA 5309 or 5311 funding through WSDOT are required to have a drug and alcohol testing program that complies with 49 CFR Part 40 and 49 CFR Part 655. If your organization does not receive FTA funding but operates vehicles requiring a commercial driver license, testing must be conducted in accordance with the USDOT Federal Motor Carrier Services Administration (FMCSA) under 49 CFR Part 40 and 49 CFR Part 382.

For more information about FMCSA requirements, refer to the USDOT website at [www.fta.dot.gov](http://www.fta.dot.gov).

### **Complying With FTA Requirements**

Grantees required to have a drug and alcohol testing program must develop and implement a drug and alcohol testing policy that applies to all safety-sensitive employees and immediate supervisors. Your organization's board must adopt this policy (in the case of a private for profit organization, the policy must be signed by the organization's chief executive officer). The policy must then be submitted to WSDOT for approval. In addition, grantees are required to submit annual reports on their testing programs.

### **Policies That Must Be Included**

FTA regulations are very specific about the minimum contents of the drug and alcohol testing policy. Those elements are detailed in 49 CFR Part 655. Your organization's policy must identify those portions of the policy which are covered under FTA and USDOT regulations and which elements are included under your organization's authority.

FTA allows organizations to refer to the regulations instead of providing detailed information about each element of the policy. However, if your organization chooses not to provide the detailed information, a copy of the regulations must be readily available to employees. While this practice is allowable, it is not necessarily advisable. Your organization should take care when writing the policy to ensure that employees clearly understand what it contains and how they may be affected. Sample policies from FTA's *Best Practices Manual* and a policy checklist are available in [Appendix G](#).

## **Employees Subject to Testing**

Grantees must test all employees performing safety-sensitive duties. FTA defines safety-sensitive duties as:

- Operating a passenger service vehicle, whether or not the vehicle is currently in service.
- Operating a vehicle that requires a commercial driver's license.
- Controlling dispatch or movement of a vehicle.
- Performing maintenance on a passenger service vehicle.
- Carrying a firearm for security purposes.

## **Prohibited Substances Covered by the Test**

A grantee's testing program must test for the following drugs:

- Marijuana
- Cocaine
- Opiates (including 6-Acetylmorphine testing for heroin use)
- Amphetamines (including MDMA or Ecstasy)
- Phencyclidine
- Alcohol

## **Required Training**

All safety-sensitive employees must receive 60 minutes of training on the effects of drug use in the workplace. This training must also include information about your organization's drug and alcohol testing program and policy. In addition, the person(s) designated to make reasonable suspicion determinations must receive 60 minutes of training on the physical, behavioral and performance indicators of probable drug use; and 60 minutes of training on the physical, behavioral and performance indicators of probable alcohol misuse.

Drug and alcohol program managers should also receive training on FTA requirements. This training is available through the Transportation Safety Institute (TSI) website at [www.tsi.dot.gov](http://www.tsi.dot.gov).

Additional training may be available through the Washington State Transportation Training Coalition (WSTTC) website at [www.wsttc.org](http://www.wsttc.org) or by phone at 360-586-1800.

## **Conducting Drug and Alcohol Tests**

FTA requires testing for the six situations listed below. For detailed information about each situation, refer to FTA's implementation guidelines and 49 CFR Part 655.

- |                        |                  |
|------------------------|------------------|
| • Pre-employment       | • Random         |
| • Reasonable suspicion | • Return-to-duty |
| • Post-accident        | • Follow-up      |

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**Note:** If your organization has a zero-tolerance policy, you are not required to conduct return-to-duty or follow-up testing. However, if you hire someone who violated FTA and USDOT regulations while working for a previous employer, you must ensure that the person has completed a treatment program recommended by the employer's substance abuse professional and make arrangements for required follow-up testing.

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## **Employee Tests Positive**

If an employee receives a confirmed positive drug test or tests positive for alcohol with a concentration of .04 or greater, the employee must be immediately removed from safety-sensitive duty and referred to the appropriate substance abuse professional. The employee is not allowed to return to a safety-sensitive duty until the return-to-duty process is complete. For detailed information on the return-to-duty process, refer to FTA's implementation guidelines and 49 CFR Part 40, Subpart O.

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**Note:** If an employee tests positive for alcohol with a concentration of between .02 and .039, you must remove him/her from duty until he/she tests with a concentration below .02 or his/her next duty shift, but not less than eight hours following the test.

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## **Pre-Employment Requirements**

There are three steps related to the drug and alcohol program that must be completed during the hiring process. Basic information about those steps is listed below. For detailed information about each requirement, refer to FTA's implementation guidelines or 49 CFR Part 40.25.

- **Step 1** – Ask the prospective employee if they have ever tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer covered by USDOT regulations. If the answer is yes, you must ensure that the prospective employee has completed the return-to-duty requirements found in 49 CFR Part 40 Subpart O.
- **Step 2** – If the prospective employee has worked for an organization covered by USDOT regulations in the past two years, all drug and alcohol testing information must be obtained from the organization.
- **Step 3** – The prospective employee must submit to a pre-employment drug test at your direction. A negative test result must be obtained prior to placing the person in safety-sensitive duty.

## **Prescriptions and Over-the-Counter Medications**

FTA does not currently require organizations to include over-the-counter drugs and prescriptions in their drug and alcohol program. However, some medications cause side effects that can create safety issues. For this reason, FTA strongly recommends that organizations include information about the use of prescriptions and over-the-counter medicines in their drug and alcohol testing policy.

FTA has a tool kit to assist organizations in developing policies and practices as well as educating employees about the use of prescription and over-the-counter medicines. A copy of the tool kit is available at <http://transit-safety.volpe.dot.gov/publications/order/default.asp>.

## **Finding Help**

Technical assistance in compliance with the FTA Drug and Alcohol Testing Program is available by contacting the appropriate WSDOT staff. In addition, many local transportation providers are willing to provide technical assistance by allowing other organizations to send employees to training courses they sponsor. Should you choose to send employees to another organization for the required training, you still need to provide training on issues specific to your organization's policy.

## **Review of Service Agents**

Your agency will undoubtedly work with a variety of service agents to comply with the federal drug and alcohol regulations, including a medical review officer, substance abuse professional and collection sites. Your agency should periodically review the practices of your service agents to ensure compliance with 49 CFR Part 40. Some sample review questionnaires can be found in [Appendix G](#).

## **Program Compliance and Project Reporting**

As a steward of public funds, WSDOT is responsible for ensuring that grant funds are used properly and organizations comply with all of the requirements associated with receiving state and/or federal grant funds. WSDOT is dedicated to working together with grantees to provide technical assistance and guidance in meeting those requirements. This section discusses the tools WSDOT uses in assessing and measuring program compliance, and provides an overview of the reporting requirements associated with the funds being managed. To help ensure compliance with state and federal laws as well as program requirements, WSDOT uses:

- In Good Standing Policy
- Risk Assessments
- Reimbursement Requests
- Progress and Statistical Reporting
- Site Visits

### ***In Good Standing Policy***

WSDOT is responsible for administering grant funds in accordance with the state and federal laws and regulations. In addition, grant recipients and WSDOT are responsible for oversight and accountability that foster transparency and assist in maintaining public confidence.

All grant recipients will be required to maintain In Good Standing status to receive grant funds.

### **Performance Requirements for Determining In Good Standing Status**

During the course of the project, WSDOT staff will evaluate the following performance requirements:

- Compliance with all contractual obligations and satisfactory progress toward project completion. For the purposes of the grants covered in this guide, satisfactory progress is defined as staying on schedule without unexplained delays or unapproved changes to the project's scope, budget or service operations.
- Adequacy of financial records that document and support all grant expenses.
- Submittal of accurate and timely progress and statistical reports and reimbursement requests.
- Full participation during site visits and project reviews with timely responses to any deficiencies noted during and after the site visit.
- Timely compliance with recommended measures for identified deficiencies.

- Timely and complete responses to any WSDOT communication and requests for information.
- Receipt of a passing score on WSDOT's organization risk assessment.

### **Consequences for Not Complying With Grant Requirements**

Grantees that do not meet performance requirements will not maintain In Good Standing status and can expect one or more consequences from WSDOT, including but not limited to:

- Suspended payment of grant funds.
- Written warning to the organization grant project manager, organization executives and board of directors that identifies deficiencies, the necessary remedies and a timeline for those corrections.
- Ineligibility for any additional grant funds either within the current biennium or in future biennia.
- Audit of the organization to determine the extent of compliance with contractual obligations.
- Suspension or termination of the grant contract(s) and loss of grant funds.
- Negotiated return or buyout of any grant-funded capital vehicle or equipment purchase or capital construction project.
- Appropriate legal action.

Non-profit agencies must hold IRS non-profit status and register with the Washington Office of the Secretary of State. Private non-profit applicants that had not applied for WSDOT grant funding prior to 2013–15 should have provided a copy of the IRS Letter of Determination for 501(c) not profit status with their application for 2013–15 funds.

### **Risk Assessments**

WSDOT staff evaluates organizations to determine how much technical assistance and oversight may be necessary to help them comply with grant requirements. Risk assessments also help WSDOT staff communicate expectations and identify whether an organization is at risk of losing its In Good Standing status. For example, organizations that are new to WSDOT public transportation grant management or organizations that have experienced difficulty complying with grant requirements may be designated high risk. Organizations that have a strong track record of grant compliance and project delivery may be designated low risk.

When completing the risk assessment, WSDOT staff will review the grant recipient's compliance with the performance requirements to determine the risk. Risk assessments will be updated annually or more frequently if significant issues arise during the course of a project. For the purposes of the Consolidated Grant Program, a risk assessment will be performed prior to the beginning of each project and updated annually.

Benefits of low-risk status include less frequent site visits or a desk review in lieu of a site visit. High-risk status will result in more engaged WSDOT supervision of projects and may include more frequent site visits.

Risk assessments will be maintained by the WSDOT project manager and discussed openly with the grantee throughout the biennium. Ultimately, WSDOT uses risk assessments to assist with the ranking and award of consolidated grant funds.

## **Reimbursement Requests**

To receive payment for eligible expenses related to the grant agreement, a reimbursement request form must be completed, signed by an authorized representative and submitted to the WSDOT Public Transportation Division. Payments will be withheld if the reimbursement request form is incomplete or inaccurate.

For detailed information on how to request reimbursement, refer to [Appendix A](#).

## **Progress and Statistical Reporting**

In addition to submitting reimbursement request forms all grantees are required to submit progress and statistical reports to WSDOT, and potentially submit reports on behalf of WSDOT to the Federal Transit Administration. Information received from the reports is used to inform the public as well as federal, state and local officials about the project's progress. In addition, WSDOT project managers use the information to evaluate program compliance, project delivery and performance, and the need for technical assistance. The report forms have been automated for ease of use and grantees are provided these forms to fill out and return to WSDOT. Unless otherwise noted, a separate report must be completed for each project. [Appendix B](#) provides detailed instructions on how to complete each of the report forms.

Most of the information collected is required for all organizations, regardless of the type of funding awarded. However, some information is specific to the grant program and/or funding source used for the projects.

## **Consolidated Grant Program Reporting**

Progress reports and financial and statistical reports are due quarterly no later than 30 days after the end of each calendar quarter. Quarterly reporting is required on operating projects even if all of the grantee's awarded grant funds are exhausted. WSDOT only collects the information necessary to administer the grant projects and measure performance.

**Quarterly Progress Reports** – The quarterly progress report (QPR) form has four versions depending on project type: Operating, Program Development, Capital Equipment/Vehicle and Capital Construction.

## **Financial and Statistical Reports**

- **Detail of Match** – Operating and Program Development projects only. This form collects information on the matching sources used for each project and total expenditures from the beginning of the project to the end of the quarter to date. The report is designed to include all projects under the operating grant.
- **Operating Expenses** – This form collects information on the incremental funds spent for each operating project – for the quarter reported.
- **Statistical Summary by Service Type** – Operating projects only. This form collects information on the service levels for each project funded under the grant.
- **Program Income** – This form collects information on non-farebox revenue generated by grant-supported activity.
- **Disadvantaged Business Enterprise (DBE) Log** – Federally funded projects only (except vehicle purchases). This form collects information on the purchase activity and good faith efforts made with DBE vendors.

- **Complaints Log** – This form collects information regarding complaints received by grantees regarding ADA, Equal Employment Opportunity and Title VI.

**Charter Service Exception Report** – FTA grant recipients only. This report collects information on any charter services provided. FTA Charter Exceptions reports are due quarterly to WSDOT. These quarterly reports must be sent within 30 days of the end of each calendar quarter. FTA Charter Exceptions Quarterly Reporting Forms are available at [www.fta.dot.gov/laws/leg\\_reg\\_8429.html](http://www.fta.dot.gov/laws/leg_reg_8429.html).

**Physical Equipment and Facility Inventory Report** – This annual report collects information on the condition and mileage of grant-funded vehicles, and the condition of grant-funded equipment and facilities. The grantee also certifies that the vehicles, equipment and/or facilities are being used as specified in the grant agreement. It must be submitted throughout the useful life of grant-funded equipment, is due every February 15 for the prior calendar year and requires an original signature.

### **Submitting Reports**

Submit Consolidated Grant Program reports to: [consolidated@wsdot.wa.gov](mailto:consolidated@wsdot.wa.gov)

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**Note:** Reports will only be accepted at the email address above. Your organization is encouraged to send a courtesy copy to your assigned WSDOT project manager.

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### **Failure to Submit Complete and Accurate Reports**

If a report is not received by the due date, is incomplete or includes inaccurate information, any reimbursement requests submitted by the grantee will not be processed for payment until an acceptable report is received.

A grantee that fails to submit required reports in full and in the timeframe identified by WSDOT may lose its In Good Standing status, which may jeopardize the funding for the current project(s) as well as risk the ability to secure future WSDOT grant funds.

### **Assistance with Reports**

Contact your WSDOT project manager for reporting assistance. Examples can be found in [Appendix B](#).

## **Site Visits**

WSDOT conducts reviews of all agencies that receive grant funding covered by this guide.

### **Consolidated Grant Program**

Site visits may take place to ensure compliance with both state and federally funded grant programs. The duration of the visit can last up to four hours depending on the type of grants and projects awarded and the issues, if any, found during the visit.

The purpose of a site visit is to:

- Provide organizations the opportunity to consult with WSDOT staff.
- Provide technical assistance.
- Review financial records and processes.
- Review other project records.

- Review required written policies.
- Verify compliance with the regulations associated with the receipt of state and federal funds.
- Review preventative maintenance records and inspect vehicles, equipment and facilities purchased with state and federal funds.
- Confirm the status of capital construction projects.

### Frequency of Site Visits

The frequency of site visits depends on the type of project, the funding source and the grantee's existing risk assessment status. First time and medium- to high-risk grantees can expect at least an annual visit. Low risk grantees can expect a full site visit once every two years, with a desk review conducted during the off year. Below is general information regarding site visit frequency:

- **Operating Projects** – Minimum of one visit during the course of the project.
- **Planning Projects** – Minimum of one visit during the course of the project.
- **Capital Vehicle and Equipment Projects** – Minimum of one visit every two years for the useful life of the vehicle or equipment.
- **Capital Construction Projects** – Minimum of one visit every two years throughout the life of the facility.
- **Drug and Alcohol Program Reviews** – Minimum of one visit every three years. This applies only to grantees awarded FTA 5309 and 5311 projects. This review may be scheduled separately or in conjunction with a regular site visit.

### Expectations during Site Visits

WSDOT staff members conducting the site visit use a checklist to ensure each grantee is treated equally and all of the requirements are reviewed. A copy of the checklists as well as the Drug and Alcohol program reviews can be found in [Appendix D](#) and at [www.wsdot.wa.gov/transit](http://www.wsdot.wa.gov/transit). It is expected that grantees will provide similar oversight of any subcontractor relationships connected with grant funding.

WSDOT will contact your organization to schedule a site visit. Whenever possible, WSDOT will provide at least 30 days' notice. WSDOT will send an email confirming the date of the site visit and to request any updated policies and other required documents. All documents received by WSDOT will be reviewed prior to the visit. For capital project reviews, WSDOT will ask grantees to hold one or more vehicles from service the day of the site visit for inspection. The applicable checklist(s) will also be sent in advance for your review.

The onsite portion of the review may consist of three separate components:

- General session covering overall administrative compliance.
- Financial review covering financial records for operating projects.
- Capital review covering:
  - Vehicle inspections
  - Equipment inspections
  - Facility inspections (for construction projects only)
  - Maintenance records of grant-funded assets

## Site Visit Deficiencies

Any deficiencies found during the desk or onsite review will be noted on an automated form and discussed both during the review process and at the conclusion of the site visit. WSDOT will summarize its findings in a post-site visit letter sent within a few weeks of the visit, which will also include suggestions on how the grantee may remedy any identified deficiencies.

All deficiencies, areas of non-compliance and requirements must be resolved within the timeline specified in WSDOT's letter. Follow-up activity (such as submission of missing or updated policies to WSDOT) is usually requested within 60 days after the letter is sent, but can be negotiated to a timeframe suitable to both the grantee and WSDOT.

Once all deficiencies are corrected, send the required documentation to WSDOT. Once WSDOT receives, reviews and approves your documentation, WSDOT will send a letter confirming resolution of any issues identified during the site visit, and that the grantee is found to be In Good Standing with all Consolidated Grant requirements.

For more information regarding the consequences of non-compliance, refer to your grant agreement or the In Good Standing Policy section on [page 1-35](#).

## Preparing for a Site Visit

Prior to a site visit, WSDOT recommends that grantees review the list of questions on the checklists and submit all requested documents and information to WSDOT. The checklists are used to assist with the site visit discussion. They ensure that the grantee is complying with the requirements associated with its grant funds and that potential areas of concern are addressed.

A negative response to any checklist question does not necessarily mean a grantee is not in compliance. WSDOT will make every effort to give advance, adequate notice of the visit. It is important that the appropriate grantee staff be available during the entire site visit. Appropriate staff typically includes:

- General Manager
- Operations Manager
- Finance Director (for operating project reviews)
- Drug and Alcohol Program Manager (for drug and alcohol program reviews)
- Maintenance Director (for capital project reviews)

A copy of each checklist can be found in [Appendix D](#).

The information in this chapter applies only to organizations awarded assistance for operating or program development projects. It is designed to help grantees understand the steps necessary to comply with the state and federal requirements associated with receiving operating and program development grants. Regardless of the funding sources assigned to a project, the Washington State Department of Transportation (WSDOT) requires all organizations to follow the cost principles standards and administrative requirements outlined in the following federal regulations:

- Administrative requirements in the Code of Federal Regulations (CFR) 49 CFR Part 18 (State, local or Indian tribal governments) or 49 CFR Part 19 (non-profits, hospitals, and institutions of higher education), whichever is applicable.
- Accounting requirements in the Office of Management and Budget (OMB) Circulars A-87 (State, local or Indian tribal governments) or A-122 (non-profits) or 48 CFR Part 31(private for profit), whichever is applicable.

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**Note:** Internet links to these documents can be found in [Appendix G](#).

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The most important concepts to remember while managing an operating project are to:

- Implement policies and procedures that ensure compliance with state and federal laws and regulations.
- Ensure all accounting and administrative procedures comply with OMB circulars, Federal Transit Administration (FTA) regulations, and state regulations.
- Carry out the project as it is prescribed in the grant agreement.

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**Note:** Grantees must also follow the guidelines found in [Chapter 1](#).

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## Operating Projects

Organizations are awarded operating grant funds to support passenger transportation service projects. Grantees are reimbursed for actual eligible expenses, less passenger fares and/or, donations and revenue provided by participating organizations to support the projectlocal match. Expenses may include both direct and indirect costs (if approved by WSDOT). There must be an operating deficit to qualify for a reimbursement. For more information, refer to the Operating Deficit section on [page 2-8](#).

### Volunteer Drivers

Many organizations rely heavily on the use of volunteers to provide services to the general public and persons with special transportation needs. Operating a volunteer driver program can be challenging. To better assist organizations with establishing and managing a volunteer driver program, the Agency Council on Coordination (ACCT) updated and re-published *Volunteer Drivers – A Guide to Best Practices* in 2013. It also outlines various requirements and provides information on best practices found throughout the United States. To receive a copy of the guide, contact a WSDOT Public Transportation Division staff member. The guide is also available at [www.wsdot.wa.gov/transit/training/vdg/default.htm](http://www.wsdot.wa.gov/transit/training/vdg/default.htm).

If your project uses volunteer drivers, your agency is required to have a volunteer driver policy.

### **Using Personal Automobiles for Passenger Transportation**

The ACCT *Volunteer Drivers Guide* outlines the minimum requirements for the approved use of personal automobiles for passenger transportation services. The requirements state that these vehicles shall have:

- A valid state license and registration.
- Fully functioning heating and ventilation systems.
- Fully functioning, clean, and accessible seat belts that meet state and federal guidelines.
- Functioning doors and handles on all doors.
- An accurate speedometer and odometer.
- Windows free from cracks. Any windshield chips must be properly sealed and must not hinder vision.
- Functioning interior lighting within the passenger compartment.
- Adequate sidewall padding and ceiling covering.
- Two exterior rear view mirrors, one on each side of the vehicle.
- Seats that are not damaged or broken and are in good working order. Seats must be free from protruding sharp edges, etc.
- Functioning lights, turn signals, and windshield wipers.
- Tires with tread depth that exceeds state minimum requirements.

## **Program Development Projects**

Organizations are awarded program development grant funds for a variety of planning purposes associated with meeting the public transportation needs of a community. As with operating projects, grantees are reimbursed for actual eligible expenses, less revenue provided by the organization or another entity to support the project.

## **Eligible Services**

The grant agreement with WSDOT outlines the eligible services under each project. It also identifies the funding sources used for the project(s) and the eligible service modes (fixed route, demand response, etc.). Only services identified in the grant agreement are eligible for reimbursement.

At a minimum, the services must be eligible for the type of funding awarded for the project. Below is a list of funding sources that provide funding to support public transportation operations and, in some cases, program development.

- State Funding
  - Rural mobility – competitive
  - Rural mobility – transit formula
  - Paratransit special needs – non-profit competitive
  - Paratransit special needs – transit formula

- Federal Funding
  - 5310 – Enhanced Mobility for Seniors and Individuals with Disabilities
  - 5311 – Formula grants for Rural Areas
  - 5316 – Job Access and Reverse Commute (JARC)
  - 5317 – New Freedom

## Eligible Direct Expenses

An eligible direct expense must be directly related and attributable to the project and the expense must be necessary and reasonable in amount to be eligible for grant reimbursement. Examples of direct expenses include, but are not limited to:

- Driver's and/or dispatcher's wages and benefits
- Vehicle fuel
- Vehicle maintenance costs
- Purchased transportation services (Purchase of Service contracts)

Purchase of Service (POS) contracts are subject to procurement requirements identified in both Chapters 1 and 3 and should be competitively awarded and pre-approved by WSDOT for compliance and eligibility. WSDOT staff is available to help determine which requirements apply.

There are conditions on certain types of expenses. The following information will assist with determining what expenses are eligible.

### ***Personal Vehicle Mileage for Volunteers***

Occasionally, organizations use volunteers to transport the general public and persons with special needs. This is an eligible activity if all of the following conditions exist:

- A written policy must be in place regarding the use and reimbursement of volunteer drivers using their own vehicles.
- Volunteers must be under a contract with your organization.
- Trips provided must not conflict with local taxi operations.
- Shared rides must be encouraged.
- Rides are approved and dispatched in advance of the trip.
- The mileage rate reimbursed to volunteers must not exceed the current state mileage rate. The applicable rate is available at [www.wsdot.wa.gov/business/travel](http://www.wsdot.wa.gov/business/travel).

### ***Travel Expenses***

Some employee travel expenses are eligible. Use the following information to determine what expenses are eligible for reimbursement.

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**Note:** The following information applies only to your employees. Travel expenses incurred by board members are not eligible unless authorized by WSDOT. If an employee is awarded a Rural Transit Assistance Program (RTAP) scholarship to attend training, the local portion (if any) is not an eligible expense for an FTA-funded project.

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## In-State Travel Expenses

Travel expenses incurred by employees are eligible for reimbursement if the trip is directly related to the project. The reimbursement rate is based on the current per diem and lodging rates for state employees. Rates specific to areas of the state are available at [www.wsdot.wa.gov/business/travel](http://www.wsdot.wa.gov/business/travel).

## Out-of-State Travel

As a rule, out-of-state travel is not eligible for reimbursement. However, the trip expenses may be eligible if an out-of-state trip is directly related to the project. A written request must be submitted to and approved by the WSDOT project manager prior to departure. This request must describe the purpose of the trip and how it will benefit the project. A letter of approval or denial will be sent to your organization and should be kept on file.

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**Note:** WSDOT reserves the right to deny the eligibility of some or all of the related expenses for an out-of-state trip. For more travel information and per diem rates, visit the United States General Services Administration's website at [www.gsa.gov/portal/category/21287](http://www.gsa.gov/portal/category/21287).

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## Administrative (Indirect) Expenses

Indirect costs are expenses that benefit more than one cost objective or project. Administrative expenses include items such as administrative salaries and benefits (i.e. management, human resources and accounting personnel, etc.), office supplies, utilities, phone services and rent/depreciation. These costs are eligible only if allocated between programs and modes of transportation, based on a documented cost allocation plan or indirect cost rate consistently applied to all programs. The cost allocation plan or indirect cost rate must be approved by your cognizant agency (the agency you receive the most grant funding from) prior to receiving any reimbursements under the grant agreement.

## Audit Expenses

Audit expenses are typically eligible for reimbursement. However, the costs must be reasonably distributed across all the programs your organization operates. If you receive federal funds, either through WSDOT or another funding organization, additional audit requirements may apply. For additional information on the federal audit requirements, refer to [Chapter 1](#).

## Employee Leave

An employee's paid leave is an eligible expense. However, there are eligibility conditions depending on how your organization accounts for leave.

- Organizations that charge leave to the grant as it is earned must:
  - Have a cash-out policy regarding earned and unused leave. The employee must be able to receive a cash payment in the event they leave your organization while still having a paid leave balance.
  - Establish a cash reserve (funded leave pool) or funded accrual covering the dollar value of paid leave earned by employees.

- Organizations that charge employee leave to the project as the leave is taken cannot charge more leave to the project than what the employee would earn during the period covered by grant funding.
- Organizations that include paid leave in their approved cost allocation plan may consider the grant allocated proportion of leave as an eligible grant expense.

### **Lease of Passenger Service Vehicles or Facilities**

Expenses associated with leasing passenger service vehicles or other related facilities are only eligible if the expenses are identified in the grant application budget or otherwise approved in advance by WSDOT.

### **Depreciation**

Depreciation spreads the actual cost of a capital asset over its predetermined useful life. For the purposes of grant projects, FTA requires straight-line depreciation of capital assets.

Capital assets are any tangible items that are:

- Identified as having a useful life expectancy of more than one year.
- Purchased for a unit price of at least \$5,000. Organizations may approve a dollar threshold less than \$5,000. For the grant, organizations must use \$5,000 or its own policy, whichever amount is less.
- Maintained in physical inventory records.

In general, depreciation is an eligible operating grant expense. However, certain conditions apply:

- Depreciation on equipment purchased or partially purchased with state or federal grant funds are ineligible.
- The applicable revenue received for the depreciation expense must be placed into a capital reserve account.

### **Ineligible Expenses**

Some expenses are ineligible for reimbursement under your grant agreement even if they were incurred during the normal course of business. Selected items of allowable and unallowable costs can be located in OMB Circular A-87 and A-122 and include, but not limited to:

- Fines
- Bad debt
- Alcoholic beverages
- Most advertising and public relations costs
- Costs of fundraising

## Grant Agreement Funds

“Grant Agreement Funds” represents the mix of funding planned to be used to complete the grant project(s). “Contractor’s Funds” represent the grantee’s local share of the project costs. The total federal, state and local share of the grant funding is located on the front page of the grant agreement with WSDOT. However, each project may have a different match requirement depending on the funding sources awarded. Grantees will be held to the match ratio identified for each project in the grant agreement.

### Match Requirements

The matching requirement for each project may vary depending upon the level of matching funds identified in the grant agreement. If the agreement has only one project, the specific local match for the project is identified on the first page of the agreement. In the case of multiple projects, refer to Exhibit I, ‘Scope of Work and Budget’ in the agreement for each project’s matching ratios. General information regarding matching funds for operating grants is explained below.

### Eligible Matching Funds

Your organization’s portion of the net expenses (gross expense minus fares, donations and ineligible expenses) may be obtained from a variety of sources. Eligible matching funds may include the following:

- Local tax revenues such as sales tax receipts.
- Funds from other public agencies.
- Private donations (except passenger donations).
- Advertising revenue.
- Foundation grants.
- State funds received from agencies other than WSDOT.
- In-kind services, including labor (see the Project Records section on [page 2-9](#) for more information).
- Revenue from other grants awarded to your organization.
- Federal Funds:
  - Federal funds from any source may be used to meet match requirements for grant programs that provide state funds.
  - Non-USDOT federal funds.
- Other funds from your organization not related to the passenger services provided under the project (i.e., freight).
- Reserve funds or retained earnings from your organization.

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**Note:** The local share or match for FTA-funded projects cannot be derived from USDOT funds. However, federal funds passed through a state social service agency (such as Medicaid) are not considered to be federal for the purposes of this program and are eligible for match.

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## In-Kind Match

In-kind match is the fair market value of goods and services donated to an organization by a third party to support the grant funded project. In-kind contributions directly benefitting the project may be used as match. The value of in-kind services must be formally documented, supported, and represent the fair market value cost that would otherwise be eligible under the grant. Organizations should have submitted documentation describing the method for establishing the value of in-kind contributions as part of its application for the Consolidated Grant Program. WSDOT must approve in-kind match prior to use.

## Sale of Advertising Space

All organizations are encouraged to find additional resources to support their projects. One way of accomplishing this is to sell advertising space on passenger service vehicles. The advertising revenues may be used as match for the project.

## Guidelines to Follow

Organizations deciding to sell advertising space on vehicles, shelters or stations must have policies in place indicating the types of advertisements acceptable to post. Some basic guidelines are:

- Advertisements that may be offensive or controversial should be avoided, including but not limited to:
  - Alcoholic beverages
  - Tobacco products
  - Political issues
- Political campaign posters may only be posted if equal opportunity is given to all candidates or positions.

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**Note:** It is illegal to use public funds for political purposes. Items such as personal political posters or posters indicating your organization's position on political issues cannot be posted.

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## Reserve Accounts

A reserve account is a restricted account where funds are placed and set aside for specific uses. All organizations are encouraged to establish and maintain reserve accounts.

### *Establishing a Reserve Account*

An organization's governing board must approve a resolution to establish, fund and determine the parameters of reserve accounts. Reserve account restrictions and covenants that determine how funds are allocated and used are identified in an organization's financial plan. Balances in these restricted accounts are to be identified in the cash flow statement and are not included as available cash.

Funding a reserve account is not an eligible expense under the federal or state grant agreement. However, organizations may use local tax revenue or income from other funding sources provided the funding agency agrees with its use. Any amount above the cost to provide the services associated with the matching source may be a candidate for establishing a reserve account if your organization has satisfied the matching ratio

for your project. However, you will need to review the terms and conditions imposed by the funding source you use. If your contract with that entity does not permit a profit or was made based on a line item budget that did not include a reserve account, you cannot use any of the revenue from these contracts to fund the account.

### **Capital Reserve Accounts**

Any revenue placed in a capital reserve account must be for the future acquisition of capital equipment or facilities to be used for passenger transportation services.

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**Note:** The expense of funding a capital reserve account is not grant-eligible. However, organizations may be able to charge either depreciation or a use allowance to the project for capital assets not purchased with grant funds. Depreciation must be calculated using the “straight-line method” and only the allotted depreciation cost for the grant period is eligible for reimbursement. The amount of depreciation that can be charged to the grant is computed based on the acquisition cost of the asset or the fair market value of a donated asset divided by the number of expected service years less any salvage value. Use allowances are for fully depreciated assets that are still used in project service and are generally limited to a very small dollar value that are subject to negotiation and prior approval by WSDOT. Revenues from depreciation and use fees must be applied to a capital reserve account and retained for capital asset replacement purposes.

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### **Self-Insurance Reserve Accounts**

A self-insurance reserve account may be established to provide self-insurance for liability, collision, on-the-job injury or other agency-provided coverage. In the case of organizations purchasing commercial or pool coverage, this reserve account may also be used to cover uninsured losses, such as the cost of the deductible.

### **Operating or Working Capital Reserve Accounts**

Operating reserve accounts and working capital accounts are generally established to fund extraordinary, unanticipated operating situations. As with all reserve accounts, funding and uses are determined by board resolution.

## **Operating Deficit**

In order to qualify for competitive operating grant funding, there must be an operating deficit equal to the subsidy requested. To determine if your organization has an operating deficit, use the following formula.

- Determine net operating expenses: gross expense, less farebox collections and ineligible expenses.
- Add all the operating revenue used for the project to determine total revenue. Do not include the funds from the grant award or local funds deposited in a reserve account as revenue. Typical revenue may include:
  - Local tax revenue
  - State and local subsidies
  - Interest income
  - Advertising revenue
  - Freight revenue
  - Net income from contract service

- Other operating subsidies (i.e., Medicaid or Title III)
- Miscellaneous revenue
- Unreserved retained earnings

An operating deficit can be determined by subtracting the total operating revenue from the net operating expenses.

In all cases, operating deficits must be calculated based on actual operating income received and earned less actual expenses paid and incurred. A negative balance equals your organization's operating deficit subject to grant reimbursement.

## Project Records

Grantees are expected to keep project records in order to adequately document project activities and costs. The procedures used for recordkeeping must comply with OMB Circular A-87 (government agencies) or A-122 (non-profit and for profit organizations), whichever is applicable. WSDOT uses the OMB circulars, Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principles (GAAP) as standards when assessing if an organization has adequately documented project costs.

### **Compliance with OMB Circulars**

To comply with the OMB circulars, grantees are required to keep a separate set of accounts (or a subaccounts within an accounting system) that clearly identifies project costs and associated revenue. In addition, accounting records must include:

- Vouchers or purchase orders prepared for all payments made to vendors. These vouchers must identify:
  - Goods or services purchased.
  - Name of the vendor from which the purchase was made.
  - Name of the program(s) charged for the expenses.
- Time sheets for each employee charging to the project. The time sheets must include the hours spent working on the project.
- If your matching funds include in-kind contributions, you must retain documentation which identifies:
  - WSDOT approval of in-kind use.
  - The means by which value of goods or services was determined.
  - Names of the individuals and/or organizations that provided the goods or services.
  - Goods or services provided by those individuals or organizations.

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**Note:** Grantees should have submitted documentation describing the method for establishing the value of in-kind contributions as part of the application materials for the Consolidated Grant Program. In addition, the value of the in-kind goods and services must be included as an expense for the project as well as a matching source.

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### **Additional Required Records**

Grantees are also required to retain the following information related to the project.

- Ridership numbers and ridership trends.
- Operating hours and miles.
- Schedule reliability.
- Revenue miles.
- Marketing materials.
- Schedules.
- DBE purchasing efforts (FTA-funded projects only).
- Program income.
- Charter services.
- Job Access Reverse Commute (JARC) and New Freedom funding.
- Any information helpful in showing the success of the project.
- Other records identified elsewhere in this guide.

### **Requesting Reimbursement for Operating or Program Development Projects**

To receive payment for eligible expenses incurred under the grant agreement, a reimbursement request form must be completed, signed by your financial manager or authorized representative and submitted to the WSDOT Public Transportation Division. If the reimbursement request form is incomplete or inaccurate, payments will be withheld until the form is corrected and approved.

All required quarterly progress reports must be submitted prior to a payment being processed. WSDOT prefers reimbursement requests be submitted quarterly. Although reimbursement requests may be submitted as frequently as once per month, grantees must submit a reimbursement request at least once per quarter. A reimbursement request or an estimate of charges must be submitted by July 15, 2014 for any unreimbursed eligible expenses incurred between July 1, 2013, and June 30, 2014. The final reimbursement request must be received by WSDOT within 30 days of the completion of the project or by July 15, 2015, whichever comes first.

Refer to [Appendix A](#) for examples of reimbursement request forms and detailed instructions for completing the forms.

### **No Operating Deficit**

Organizations with a net profit for the operations of services are not eligible to receive operating assistance. However, payments are calculated based on project-to-date expenses versus project match. It is not uncommon to have net profits for one quarter and net losses for another quarter. If during the duration of the project the overall result is a deficit, you may request reimbursement for that shortfall.

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**Note:** Quarterly progress reports (QPRs) must be completed and submitted to WSDOT at least once per quarter throughout the entire contract period, even if the grant funds are exhausted and the reimbursement amount requested is zero.

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This chapter contains basic information and guidelines associated with vehicle (rolling stock) and other equipment procurements as well as the management of vehicles and equipment purchased with state or federal grant funds. This chapter explains the requirements necessary for the grantee to successfully complete the project.

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**Note:** To ensure project compliance, it is important for the grantee's appropriate staff to read the entire grant agreement and confirm the accuracy of the *Scope of Work and Budget*. Many of the agreement's contract provisions describe the required procurement, billing and usage requirements for capital assets acquired with federal or state funds. Grantees must also follow the guidelines found in [Chapter 1](#).

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### Eligible Use of Vehicles and Equipment

All vehicles and equipment purchased with grant funds must be used to support the passenger transportation services described in the grant agreement. At a minimum, the services provided with the vehicles must be eligible for the funding sources awarded for the project.

### Local Match

Each grant program administered by WSDOT has specific local match requirements and parameters in the grant agreement. The following is a brief summary description of each grant program's match requirements:

- **Consolidated Grant Program** – includes 5310, 5311, 5316, 5317 and 5339 (formerly 5309)
  - The match requirement varies and is specified in the grant agreement.
  - Federally funded grants require a 20 percent match from non-federal sources.
  - The match must be in the form of cash.
  - The match cannot be derived from sources that place any restriction on the services provided with the equipment or place a lien on the equipment.
- **Discretionary Grant Programs** – includes State of Good Repair, Bus Livability, Clean Fuels and TIGER grants
  - The match requirement is 20 percent but can vary by Notice of Federal Assistance (NOFA).
  - The match must be in the form of cash unless otherwise specified.
  - The match cannot be derived from sources that place any restriction on the services provided with the equipment or place a lien on the equipment.

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**Note:** Acquiring vehicles to comply with or maintain compliance with ADA or the Clean Air Act can cover 85 percent of net project costs. FTA grants for vehicle-related equipment needed to comply or maintain compliance with ADA or the Clean Air Act remains at 90 percent of the *incremental* net project cost.

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- **Surface Transportation Program (STP/Flex)**
  - Federally funded grants require between 13.5 and 20 percent match from non-federal sources.
  - The match must be in the form of cash.
  - The match cannot be derived from sources that place any restriction on the services provided with the equipment or place a lien on the equipment.
- **Veteran’s Initiative grants**
  - The match requirement is 20 percent.
  - The match can be either cash or eligible in-kind.
  - Up to 10 percent of the project’s administration cost is an eligible expense.

## Importance of Making Progress with Purchase(s)

While it is important that grantees communicate and work with the assigned WSDOT Public Transportation project manager throughout the development, implementation and completion of a project, it is critical that the WSDOT project manager is notified as soon as problems arise associated with the capital project. This is especially important with problems or complications that delay project startup or vehicle/equipment orders. WSDOT Public Transportation staff will assist grantees to ensure successful implementation of the capital project. It is crucial that grantees initiate the purchase of grant funded vehicles and equipment in a timely manner.

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**Note:** Quarterly Progress Reports (QPRs) are required to be submitted to the WSDOT project manager until the project is completed.

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### **State Funds Expire June 30, 2015**

Organizations awarded state grant funds through the Consolidated Grant Program must take delivery of and accept all grant-funded vehicles and equipment on or before June 30, 2015. Vehicles and equipment received after this date will not be eligible for reimbursement.

### **Federal Funds Must Be Used in a Timely Manner**

WSDOT is responsible for ensuring that FTA grant projects are completed in a timely manner. Therefore, WSDOT established the following policy regarding time limits for initiating the procurement process for federal capital vehicle and/or equipment grants.

*“Capital vehicle and equipment acquisition grants are awarded to satisfy the immediate needs identified in the current biennium. Capital grants where the procurement process has not been initiated in the biennium the funds were awarded shall be deemed as not an immediate need and the organization will be subject to forfeiture of its capital grant funding. Capital projects may receive an exemption from this requirement only upon written request and WSDOT written approval demonstrating the unforeseen circumstances to justify a delay in procurement.”*

## The Procurement Process

State and federal funds for vehicles and equipment have specific procurement rules, procedures and requirements that grantees must follow. The following information describes the processes and requirements associated with purchasing vehicles and equipment. For additional information on FTA-funded procurements, read FTA Circular 4220.1F, 49 CFR Part 18 for governmental agencies, transits and tribes; or 49 CFR Part 19 for non-profits, hospitals and higher education and Circular 5010.ID.

For additional procurement information and assistance, contact Capital Programs staff.

### **WSDOT's Role in Procurement**

WSDOT is responsible for ensuring that grantees follow the prescribed state and federal grant fund requirements associated with the use of these funds for vehicle and equipment procurements. WSDOT is involved throughout the procurement process, including Request for Proposal (RFP)/Invitation for Bids (IFB) development; contract development, award, and administration. WSDOT also monitors each grantee throughout the project process to ensure compliance. Some of the areas WSDOT closely monitor and reviews include but are not limited to the following:

- RFP/IFB compliance with state and FTA requirements.
- Ensuring the grantee purchases vehicles and equipment through a competitive process.
- Ensuring the vehicles and equipment purchased are consistent with the grant agreement.
- Ensuring administration of the contract is consistent with the terms and conditions set forth in the RFP or IFB.
- Ensuring the grantees properly submit requests for reimbursement in a timely manner.
- Ensuring the vehicles and equipment meet the required MAP-21 safety standards.

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**Note:** FTA will issue a rule for implementing the MAP-21 safety testing standards for rolling stock by Sept. 30, 2014. In the interim, the Altoona bus-testing process still applies.

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If grantees choose to purchase vehicles from the Washington State Department of Enterprise Services – Contracts & Legal Services (DES-CLS), WSDOT Public Transportation Capital Programs staff will assist grantees with instructions for ordering vehicles and provide a DVD with required procurement documentation.

### **Grantee's Role in Procurement**

Grantees are responsible for procuring vehicles and equipment per the terms described in the grant agreement. There are several alternatives for procuring the vehicle(s) and equipment with grant funds:

- Purchase from current DES-CLS contract(s). [www.des.wa.gov](http://www.des.wa.gov)
- Piggyback from an existing eligible contract with another agency.
- Conduct your own procurement or participate in a joint procurement with another organization.

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**Note:** FTA “Dear Colleague” letter (3/8/2013) – Piggybacking restrictions (excerpt):

*“Generally speaking, FTA encourages recipients to use joint procurements, particularly among smaller transit agencies. Recipients often can obtain better pricing by combining their requirements into larger joint purchases. However, they must limit their joint procurement to the amount of property and services required to meet each of their reasonably expected needs, and are prohibited from improperly expanding the procurement to include excess capacity simply for the purpose of assigning contract rights to others at a later date. Accordingly, FTA permits the assignment of unneeded contract rights to another transit agency—piggybacking—only when a recipient has unintentionally acquired more goods and options than it needs to support its transit system.”*

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Grantees that intend to purchase from the DES-CLS contract(s) or piggyback using another eligible organization’s procurement contract have specific responsibilities to follow. Some of these include, but are not limited to:

- Determining if your agency is eligible to purchase from state contracts and obtaining advanced written approval from WSDOT to proceed with your purchase.
- Obtaining advanced written approval from another agency/organization allowing your agency to piggyback off its current procurement contract. This usually involves both parties signing an inter-local agreement that assigns an available option(s) to your organization to purchase from the existing contract.
- Following state and FTA procurement regulations and procedures.
- Participating in pre-award and post-delivery audit processes when applicable.
- Obtaining written approval from WSDOT for vehicles and equipment specifications and costs prior to award and contract execution.
- Awarding, executing and administering the vendor contract for the purchase of the vehicles and equipment.
- Providing required documents to WSDOT in a timely manner.
- Inspecting vehicles and equipment to ensure:
  - The vehicles and equipment delivered meet the general and technical specifications.
  - The vehicles and equipment are in good working order with no apparent cosmetic or mechanical defects.
- Issuing timely notification (i.e., within 15 days from delivery) to the vendor of vehicle and equipment acceptance or rejection.
- Paying the vendor in a timely manner per the terms of the purchase contract. This is typically 30 days from the date of acceptance.
- Maintaining all required documentation and records of the procurement process in your organization’s procurement files.

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**Note:** If a grantee intends to piggyback another organization’s eligible procurement contract, documentation of written approval from the organization must be provided to WSDOT before proceeding with the procurement. The grantee must also request and obtain approval from WSDOT. The grantee is responsible for obtaining copies of all procurement documents as if the grantee had conducted its own procurement process. Review the Procurement File Contents Checklist located in [Appendix D](#) for specific information. All procurement-related records and documentation must be maintained for six years beyond the useful life of the vehicles and equipment.

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## Initiating Procurement Options

Grantees should begin exploring procurement options as soon as a WSDOT grant-award notification is received. WSDOT project managers work with grantee staff to develop and finalize a *Scope of Work and Budget* for all funded capital projects. The grant application and the WSDOT grant award are used to ensure that the grant agreement contains a comprehensive, accurate description of the project. Based on the *Scope of Work and Budget*, the grantee may select a preferred procurement option. WSDOT Capital Programs staff can assist with determining which procurement method is best suited for the type of vehicles and/or equipment purchased. The timeline for acquiring vehicle(s) or equipment and the level of procurement experience among your organization's staff may dictate which procurement option will serve you best.

When developing your agency's procurement plan, consider the type of funds awarded (state or federal) and the nature and size of the procurement. Specific requirements may be triggered depending on the item(s) to be purchased and the overall costs of the purchase(s). These considerations are discussed below.

### State-Funded Procurements

Grantees using state funds to purchase vehicles and equipment must go through a competitive procurement process. The procurement process must be in accordance with each grantee's purchasing policies and follow all applicable state laws. Grantees must submit their purchasing policies and procedures along with the bid documents to WSDOT for review and approval prior to bid solicitation. Any grantee that does not obtain procurement approval from WSDOT may not be eligible for reimbursement. For procurement assistance, contact WSDOT Capital Programs staff.

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**Note:** State funds have no pre-award authority. It is important to remember that any costs incurred prior to the beginning date of the grant agreement will not be eligible for reimbursement.

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### FTA-Funded Procurements

Grantees using FTA funds to purchase vehicles and equipment must comply with applicable FTA third-party contracting requirements identified in FTA Circular 4220.1F, 49 CFR Part 18 or 19 (depending on agency type) and all applicable state laws. Grantees that choose to participate in state procurements must, at a minimum, comply with six specific federal requirements found in FTA Circular 4220.1F:

- A requirement for full and open competition.
- A prohibition against geographic preference.
- Inclusion in contracts of all the Federal clauses required by Federal statute governing procurement for such services.
- Award to responsible contractors.
- For rolling stock, a 5-year limitation on the contract period of performance.
- Comply with the Brooks Act for procurement of architectural and engineering (A&E) services.

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**Note:** FTA revised Circular 4220.1F March 13, 2013. A link to this circular is located in [Appendix G](#).

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Governmental sub-recipients of the state: Each governmental sub-recipient may use state procurement procedures for its third-party contracts. Only the FTA Circular 4220.1F provisions identified above and USDOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, applicable to the state apply to procurements by the state’s governmental sub-recipients.

Private nonprofit sub-recipients of the state: Only the FTA Circular 4220.1F provisions identified above and USDOT regulations, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Educations, Hospitals and other Nonprofit Organizations,” 49 CFR Part 19, apply to a nonprofit sub-recipient of the state.

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**Note:** Governmental sub-recipients include transits, local governments and tribes.

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## Procurement Levels

FTA identifies three unique categories of purchases: micro-purchases, small purchases, and large procurements. Micro and small purchases are exempt from Buy America provisions.

**Micro-Purchases** – Procurements less than or equal to \$3,000. If permitted by state and local law, you may acquire equipment valued up to \$3,000 without obtaining competitive quotations. The following procedures apply to micro purchases:

- Micro-purchases should be equitably distributed among qualified suppliers.
- Grantees may not divide or reduce the size of the procurement expressly to be within the micro-purchase limit.
- Grantees should document that the purchase was “fair and reasonable” with a description of how this determination was made (FTA does not require that a rationale be provided for the procurement method used, selection of contract type, or the reason for contractor selection or rejection).

**Small Purchases** – Procurements greater than \$3,000 but less than \$100,000. Lower thresholds may be set for small purchases in compliance with state or local laws, or as organizations deem appropriate. The following procedures apply to small purchases:

- Perform an independent cost estimate (discussed later in this chapter).
- Avoid unreasonable qualifications, specifying brand-name products without allowing offers of an equal product and geographic preference.
- Clear, accurate and complete specifications that provide for full and open competition.
- Contract term limitation should be considered to foster competition, pricing, fairness and public perception. Contract extensions that amount to an out-of-scope change will require a sole-source justification.
- Grantees must obtain documented price or rate quotations from an adequate number of qualified sources.
- Grantees cannot divide or reduce the size of the procurement to avoid the additional procurement requirements applicable to larger acquisitions.
- Grantees must perform a cost or price analysis (discussed later in the chapter).

**Large Procurements** – These procurements (\$100,000 or more) require a formal bid process and must adhere to all FTA procurement requirements (including Buy America) regardless of whether an Invitation to Bid (ITB) or Request for Proposal (RFP) process is followed. The vehicles and equipment procurement must be publicly solicited and the vehicles and equipment specifications should follow the Full and Open Competition Principle (BPPM 2.4.2.1) and not restrict competition. Bid documents must be approved by WSDOT prior to solicitation.

- **ITB** – Award is based on the lowest responsive bid (i.e., lowest cost). This method is well-suited for uniform goods and services readily available and comparable in quality and function. Depending on the level of experience among the grantee’s staff, the procurement process may be conducted directly.
- **RFP** – Award is based on a combination of cost and non-cost factors that equate to “best value.” This method is ideal for unique goods and services that vary in design and quality and may not be readily comparable. This method is also used if the grantee has not determined a product or service, relying instead on the contractor/vendor to propose a solution. In this case, the grantee would evaluate the proposals to determine which best satisfies its needs. Depending on the level of experience among the grantee’s staff, the procurement process may be conducted directly.
- **Joint Procurement** – Whether ITB or RFP, the grantee jointly participates in another transit agency’s or organization’s bid. This requires all parties to agree on a common specification for a product and then commit to the results of the joint procurement, including quantities to be purchased.

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**Note:** In some instances, a grantee’s purchase threshold may be in conflict with state or federal requirements. Grantees must apply the lowest appropriate threshold when using state or federal funds.

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### Type of Procurement

The product or service may also affect the procurement requirements. FTA requires specific provisions, clauses and certifications depending on the type of procurement:

- Rolling stock
- Equipment, materials and supplies
- Purchase of service; e.g., operations/management ([Chapter 2](#))
- Professional services; e.g., Architectural & Engineering ([Chapter 4](#))
- Construction ([Chapter 4](#))

While many of the requirements apply to all types of procurement, each procurement may vary based on the combination of cost and product/service. Capital Programs staff are available to help grantees determine which requirements will apply.

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**Note:** A list of the required provisions, clauses and certifications required depending on the type of procurement can be found at the end of this chapter.

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### Basic Requirements

Depending on the procurement method selected, grantees are required to submit the following documents to WSDOT for review and approval prior to placing an order.

### **Purchasing from Washington State Master Contracts**

- An itemized price quote and product specifications from the vendor.
- Floor plan from the vendor (vehicles only).

DES will confirm the grantee is eligible to purchase from the state contract and that the price quote and options conform to the contract. WSDOT will notify the grantee that they may proceed with the procurement. Upon WSDOT's approval to proceed, the grantee must submit a copy of the purchase order or purchase contract to WSDOT Capital Programs.

### **Piggybacking from another Eligible Purchasing Contract**

- Copy of the original procurement contract.
- A signed inter-local agreement or contract to exercise an option from the agency holding the purchase contract.
- Pre-award certifications.
- An itemized price quote and product specifications from the vendor.
- Floor plan from the vendor (vehicles only).

WSDOT Capital Programs staff will review the procurement contract to ensure that it complies with federal requirements and includes an assignability clause. Upon WSDOT approval to proceed, the grantee must submit a copy of the purchase order to WSDOT Capital Programs.

### **Conducting Your Own Procurement or Participating in a Joint Procurement**

This requires separate approvals from WSDOT before issuing the bid documents and before awarding the contract.

- Proposed bid documents (discussed later in this chapter).

Once WSDOT approves the bid documents, the grantee must submit the following information and documents to WSDOT:

- Grantee's basis for determining contract award.
- Proposed vendor award contract with appropriate clauses.
- Vendor pre-award compliance certifications for:
  - Americans with Disabilities Act (ADA)
  - Federal Motor Vehicle Safety Standards (FMVSS), if applicable
  - Altoona Bus Testing, if applicable
  - Debarment and Suspension, if procurement > \$25,000
- Procurements exceeding \$100,000:
  - Pre-award Buy America Act
  - Pre-award Purchaser's Requirement
  - Transit Vehicle Manufacturer certification, if applicable
  - Lobbying certification

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**Note:** The grantee may only proceed with the contract award after receiving WSDOT second approval. Grantee must submit copies to WSDOT of any purchase orders for grant funded purchases under this procurement contract.

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**Allowable Contracts (FTA C 4220.1F, Cap VI, 2)**

Federally funded procurements are limited to the following contract types:

- Firm fixed price
- Cost reimbursement
- Purchase order
- Incentive contract

**Prohibited Contracts or Contracts with Specific Restrictions**

- Cost plus percentage of cost contracts (prohibited)
- Time and materials cost reimbursement (specific restrictions)

Time-and-materials contracts can only be used if no other contract type is suitable and must contain a firm-ceiling-price provision.

**Common Areas of Deficiency**

Regardless of the type or size of the procurement, overlooking any of the basic requirements can cause your procurement to not be eligible for federal participation. Some of these common deficiencies are discussed below.

**Purchasing Policies and Procedures (FTA C 4220.1F, Chap III & VII)**

Written standards of conduct should be incorporated in the organization procurement policies and procedures specifying how the organization will procure various items, including goods and services. At a minimum, they should cover ethics, purchase authority, purchase thresholds, basis of award, and protest and appeal processes. See Chapter 1-14 for detailed information regarding each of these provisions.

**Written Record of Procurement (FTA C 4220.1F, Chap III, 3.d(1))**

Grantees are required to maintain and make available records detailing the history of each procurement. At a minimum, records must include:

- The rationale for the method of procurement.
- The reason for the selection of the contract type.
- The reason for the contractor/vendor selection or rejection.
- The basis for the contract price.

**Independent Cost Estimate (FTA C 4220.1F, Chap VI, 6.)**

With every procurement action, grantees must make and document independent estimates before receiving bids and proposals. This can be accomplished by obtaining estimates from published price lists or catalogs, engineering or technical estimates, independent third-party estimates, or past pricing, if still relevant. These actions should be taken at the time the grantee lists the estimated capital budget in the grant application.

### Geographic Preference (FTA C 4220.1F, Chap IV, 2.a. (4)(g))

Grantees shall conduct procurements in a manner that prohibits the use of statutory or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

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**Note:** This requirement does not pre-empt Washington state licensing laws for vehicles. However, not possessing a state vehicle dealer license does not exempt that vendor from submitting a bid for consideration.

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**Note:** Reciprocal procurement agreements in which special consideration is given to a third-party contractor for past, present or future business relationships are ineligible for federal participation.

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### Inclusion of All Federal Clauses in Contracting

When contracting with federal funds, many of the provisions in your agency's grant agreement "pass through" to third parties, and grantees are required to include the appropriate federal clauses in their procurement contracts.

Some of these clauses are required in all contracts, while others only apply to certain monetary thresholds or types of procurements. A table identifying applicable third-party contract provisions is included at the end of this chapter. Alternatively, the required federal contract clauses and certifications can be queried using RTAP's Procurement Pro through the National Rural Transit Assistance website at [www.nationalrtap.org/webapps/procurementpro.aspx](http://www.nationalrtap.org/webapps/procurementpro.aspx).

Some federal clauses require the vendor to certify compliance with federal terms, such as debarment and suspension, lobbying, and Buy America provisions. A table listing the various certifications that typically apply is provided at the end of this chapter.

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**Note:** Due to the complexity and strict enforcement of the Buy America provisions, the grantee may wish to seek additional technical assistance from WSDOT staff on this topic.

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### Buy America (49 CFR Part 661)

Procurements exceeding \$100,000 must meet Buy America standards unless a waiver exempting the purchase from Buy America requirements has been granted by FTA.

FTA may waive the general requirements of Buy America if the FTA Administrator determines that:

- They would be inconsistent with the public's best interest.
- The materials for which the waiver is requested are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.
- The inclusion of a domestic item or domestic material increases the cost of the contract between the grantee and the supplier for that item or material by more than 25 percent.

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**Note:** MAP-21 does not make any changes to Buy America waivers. However, MAP-21 does require FTA to publish in the Federal Register and on FTA's website a detailed written explanation of waivers, and submit an annual report to Congress listing any waivers issued during the preceding year.

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All rolling stock and equipment purchased with FTA capital assistance must still meet Buy America requirements (49 USC § 5323(j) and 49 CFR Part 661). This requirement varies depending on the item purchased.

For rolling stock, 60 percent of the total cost of the vehicle must be from domestic sources and final assembly must occur in the United States. Regarding equipment and construction materials, no FTA funds may be obligated and used unless all steel, iron and manufactured products used in the project are produced in the United States. The general requirements of § 661.5 are reproduced below.

### **§ 661.5 General Requirements**

- (a) Except as provided in §661.7 and §661.11 of this part, no funds may be obligated by FTA for a grantee project unless all iron, steel, and manufactured products used in the project are produced in the United States.*
- (b) All steel and iron manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives.*
- (c) The steel and iron requirements apply to all construction materials made primarily of steel or iron and used in infrastructure projects such as transit or maintenance facilities, rail lines, and bridges. These items include, but are not limited to, structural steel or iron, steel or iron beams and columns, running rail and contact rail. These requirements do not apply to steel or iron used as components or subcomponents of other manufactured products or rolling stock, or to bimetallic power rail incorporating steel or iron components.*
- (d) For a manufactured product to be considered produced in the United States:*
  - (1) All of the manufacturing processes for the product must take place in the United States; and*
  - (2) All of the components of the product must be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents.*

### **Price/Cost Analysis (FTA C 4220.1F Chap VI, 6)**

Grantees must perform a cost or price analysis in connection with every procurement action, including contract modification. This is to ensure that the price offered is fair and reasonable.

**Cost analysis** is used when:

- Adequate competition is lacking and for sole source procurement, including contract modification or change orders.
- The offeror is required to submit the elements (e.g., labor hours, overhead, materials, etc.) of the estimated cost.

**Price analysis** may be used in all other instances to determine price offered is fair and reasonable (historical cost, price list).

**Sole Source** – If goods or services are available from only one responsible source and no other goods or services will satisfy the requirements, the grantee may make a sole source award. To justify a sole source, one of the following conditions must be present:

- Unique or innovative concept
- Patents or restrictive data rights
- Substantial duplication costs
- Unacceptable delay
- Only one bid was received

### **Award to Responsible Contractor (FTA C 4220.1F, Chap VI, 8.(b))**

Grantees shall make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

Grantees must verify all awarded third-party contractors are not debarred or suspended from participating in federally funded contracts. Grantees must review the Excluded Parties Listing System (EPLS) at [www.epls.gov](http://www.epls.gov) and retain a screen-print of your search in your procurement files documenting you verified the contractor's eligibility.

### **Formal Bid Process**

This information applies to all grantees that wish to perform their own formal bid process for purchasing vehicles or equipment.

### **Bid Documents**

The bid documents must include the following information:

- Purpose of the bid.
- Purchaser contact information.
- Method used to conduct the vehicles and equipment procurement (i.e. ITB or RFP).
- Bid information, instructions and timeline for communication, bid submittal, bid opening and award.
- Minimum and maximum number of vehicles and equipment to be purchased.
- Term (length) of the contract to be awarded.
- All applicable FTA terms and conditions.
- General and technical specifications of the vehicles and equipment, which allow open competition.
- Protests and appeals procedures.
- Basis upon which your organization will evaluate bid proposals and award bids.

## Bid Process

Grantees may proceed with the bid process and the following related activities after written approval from WSDOT is received:

- **Advertise the Bid** – Grantees must advertise and publicize bid solicitation in major local newspaper(s) or commercial and trade journals and other known sources. The bid solicitation should allow sufficient time for vendors to prepare bids before the date of bid opening. Grantees should allow a minimum of two weeks to increase opportunity for open competition.
- **Mail the Bid Document to All Known Vendors** – Grantees should send the bid solicitation to all known vendors to ensure participation.
- **Conduct the Review and Approval/Rejection of Request for Equals** – Vendors may request changes or substitutions to the specifications. Grantees shall review and evaluate vendor requests based on performance, intended use and costs of the proposed equals. The grantee must then approve/reject vendor requests and send all responses to all vendors who have received the bid solicitation within the timeframe set forth in the IFB. Grantees may seek the WSDOT Capital Program staff for assistance in the review of vendor requests.
- **Conduct the Review and Approval/Rejection of Request for Reconsiderations** – Vendors may request reconsideration of the request for equals that the grantee rejected. Vendors may also submit backup documentation about the proposed item requested for substitution. Grantee shall review and evaluate vendor requests for reconsideration based on performance, intended use and cost of the proposed equal.

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**Note:** Grantees may not specify a brand name product without allowing potential bidders to offer an equal product.

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## Conduct Protest and Appeal Procedures

- **Appeal Procedures** – A vendor who is aggrieved in connection with the bid process may submit an appeal to WSDOT. Vendor must submit a detailed description of the facts and disagreement that form the basis of the appeal, including any supporting documentation related or referred to in the appeal and the specific decision requests. Grantee must review the appeal and respond to the vendor within the timeframe set forth in the appeal procedures. Vendor and grantee must follow the appeal procedures set forth in the bid documentation.
- **Protest Procedures** – The vendor may further file a protest of the decision that resulted in the appeal process to grantee’s administrator for consideration. The protest must include a detailed description of the facts and disagreement that forms the basis of the vendor’s protest. Vendor may provide supporting documentation related or referred to in the protest and the specific decision requests. Grantee must review the protest and respond to the vendor within the timeframe set forth in the protest procedures. The vendor must follow all procedures set forth in the protest procedures of the bid document.
- **Bid Submittal Deadline** – Vendor must submit the bid on or before the bid due date prescribed in the bid solicitation. Any vendor bid submitted after the prescribed date and time will be neither accepted nor opened.

- **Conduct the Bid Opening** – Bids must be publicly opened at the time and place prescribed in the bid document. Bids can be read and recorded in a bid abstract document and made available to bid-opening attendees for review and inspection.
- **Conduct the Pre-Award Review of Your Lowest Priced, Most Responsive, and Responsible Bidder** – This step may include a visit to the factory where the vehicles and equipment are assembled. Review the Pre-Award Factory Visit section for more details. For detailed information, refer to the Pre-Award Review section on the following page.

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**Note:** FTA-funded procurements cannot require excessive qualifications, unnecessary experience or improper pre-qualifications.

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### Pre-Award Review

Before awarding any bid for vehicles, grantees must conduct a pre-award review of the lowest priced, most responsive and responsible bidder. The purpose of conducting the review is to verify that the manufacturer is able to construct the vehicle according to the specifications and to ensure the manufacturer is able to comply with:

- Altoona bus testing.
- Buy America requirements.
- Federal Motor Vehicle Safety Standards (FMVSS).
- Debarment and Suspension Certification (if not included as part of the IFB or RFP).
- Transit Vehicle Manufacturer (TVM) Certification.

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**Note:** The dealer may not substitute for the manufacturer. Record when and how the review requirements were met as well as the data received from the manufacturer. Read the Pre-Award Audit Checklist in [Appendix C](#) for details of certification requirements.

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### Bus Testing

The vehicle manufacturer must certify that its bid complies with FTA bus testing regulations by submitting an Altoona testing report for each vehicle model bid as part of its bid submittal. Grantees are required to maintain a copy of the Altoona testing report in the appropriate vehicle procurement file.

When procuring buses or other rolling stock with FTA funds, grantees should ensure the procured items comply with new MAP-21 testing requirements. MAP-21 provides for an FTA-funded facility at which all new vehicles purchased with FTA assistance must be tested to meet standards for safety, structural integrity, reliability, performance (including braking), maintainability, emissions, noise and fuel economy (49 USC Sections 5318 / MAP-21 Section 20014).

FTA will work with the industry to develop a pass/fail standard for U.S. testing. This standard must include safety provisions established by FTA pursuant to Section 5329(b)(safety). Vehicles that do not receive a “pass” rating would not be eligible for purchase with federal funds. Test results cannot be interpreted as a warranty or guarantee that the tested bus will meet the purchaser’s specific requirements.

FTA must issue a rule implementing the standard by Sept. 30, 2014. In the interim, the current Altoona bus testing process applies.

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**Note:** Non-modified passenger vans, minivans and raised-roof vans are not subject to Altoona bus testing. For the purposes of the FTA program, ADA low-floor modified minivans and van-chassis or truck- chassis cutaways (commonly referred to as minibuses) are subject to Altoona testing.

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## Buy America

Under the Buy America federal requirement for rolling stock (vehicles), at least 60 percent of the vehicle's costs must be from American-made products and its final assembly must take place in the United States. Prior to award, the manufacturer must certify its ability to comply with this requirement. The supporting documentation received from the manufacturer must detail, by component, how the 60 percent Buy America requirement will be met and detail what final assembly entails. Grantees are required to verify the manufacturer's documentation to support the manufacturer's Buy America certification. Upon delivery, complete the post-delivery Buy America certification described in the Post-Delivery Audit section.

Non-rolling stock procurements over \$100,000 must meet 100 percent Buy America criteria for iron, steel and manufactured goods.

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**Note:** Braun and Eldorado ADA low-floor minivans built on a Chrysler/Dodge Caravan now satisfy Buy America requirements for final manufacture.

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## Federal Motor Vehicle Safety Standards

To verify compliance with FMVSS, review the manufacturer's documentation to ensure that all vehicles purchased with grant funds have passed all tests required by the National Highway Transportation Safety Administration under 49 Code of Federal Regulations (CFR) 663. The tests may also include other FMVSS tests required by the vehicle specifications. Retain a copy of the vehicle testing report for each vehicle type and keep it in the related vehicle procurement file.

## Factory Visit and Inspections

Should your organization determine that a factory visit trip is warranted and seeks to have the costs associated with the trip reimbursed by WSDOT, you must submit a request and receive approval from WSDOT prior to taking the trip. It is recommended that trip requests be submitted at least 30 days in advance of the scheduled trip. WSDOT will not reimburse organizations for expenses associated with the factory inspection or visit after the trip has been completed if prior trip approval was not obtained from WSDOT.

For pre-approved factory site visits, grantees may hire a qualified independent contractor who specializes in public transportation vehicle manufacturing inspections to conduct the factory site visits on their behalf. Contractor receipts and inspection report for the factory site visit must be included with the reimbursement request to be eligible for payment.

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**Note:** If conducting a factory visit, use the appropriate factory visit checklist (Pre-Award Factory Visit Checklist or Mid-Construction Factory Visit Inspection Checklist) in [Appendix C](#) and vehicle specifications identified in the RFP and/or contract.

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**Note:** Procurements of more than 10 vehicles (serving urbanized areas) or more than 20 vehicles (serving non-urbanized areas) require factory visits at different stages of vehicle production. These inspections may include up to four trips to the factory during the various construction stages of the vehicles.

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## Compliance with the Specifications

The final element in the pre-award review is to verify:

- The bid was made by the lowest priced, most responsive and responsible manufacturer (ITB) or the bid represents the “best value” using the pre-defined scoring criteria identified in the RFP. Scoring criteria may include factors such as fleet uniformity, maintenance costs and parts availability along with traditional factors such as price.
- The manufacturer has the capability to construct the vehicle.
- Continuity of the manufacturer’s warranties can be ensured.

## Post-Delivery Audit

Once vehicles are delivered, grantees are required (for each grant-funded vehicle) to complete and sign the respective forms associated with the post-delivery vehicle audit process. The following provides a summary of the process.

- First, use the Vehicle Visual Inspection Form ([Appendix C](#)) to conduct a visual inspection of each vehicle received. Note any apparent defects as well as whether a specific inspected item is acceptable. Ensure that the manufacturer has provided the following:
  - **Post-Delivery Buy America Certification** – A post-delivery American Content report was received upon delivery of the vehicle. The report must be dated prior to the vehicle invoice date. Sign the Post-Delivery Buy America Compliance Certification or the Post-Delivery Buy America Exemption Certification, whichever applies.
  - **FMVSS** – The FMVSS report (for each vehicle delivered) was received and the manufacturer has affixed the metal placard on the driver door frame of each vehicle. Sign the Post-Delivery FMVSS Compliance Certification or the Post-Delivery FMVSS Exemption Certification, whichever applies.
- Second, perform a road test for each vehicle received to verify that the vehicle is in good working order and has no mechanical defects. Document and report the results on the Road Test Form ([Appendix C](#)).
- Third, list and provide the necessary requested information for all vehicles that have satisfactorily met all the contract specifications on the Post-Delivery Purchaser’s Requirements Certification ([Appendix C](#)). Use the appropriate form based upon the number of vehicles procured (e.g., more than 20 or 20 or fewer).

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**Note:** [Appendix C](#) identifies the specific forms to be used for completing the vehicle inspection and certification process. Inspection and certification forms must accompany the grantee’s request for reimbursement. WSDOT will not process payment until the required forms for all accepted vehicles are received.

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### ***Timeline for Accepting Delivered Vehicles***

Delivery and acceptance timelines are outlined in the specific ITB or RFP used to purchase the vehicles. Once the vehicles are delivered, grantees have 15 calendar days to complete inspections and either accept or reject the vehicles. If the vehicles are acceptable, issue an acceptance letter to the contracted vendor. If the vehicles do not meet the specifications or defective parts and/or deficiencies are found, a non-acceptance letter to the contracted vendor must be issued within the 15 calendar-day period. The non-acceptance letter should include detailed information about the defective part(s) and/or deficiencies and a request that the contractor take appropriate actions to correct the problem(s). A vehicle may not be placed in service until it is fully accepted. A copy of the non-acceptance letter must also be sent to WSDOT.

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**Note:** Failure to notify the contractor within the 15-day period or the timeframe set forth in the bid document may constitute acceptance of the vehicle as delivered, depending on the ITB or RFP.

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Grantees shall pay the vendor according to the procurement contract for all accepted vehicles. Partial vehicle acceptance should not delay payment for accepted vehicles.

Grantees shall submit request for reimbursement to WSDOT for all accepted vehicles within 30 days of the acceptance date.

### **Vehicle Procurement Records and Retention**

Grantees must file and maintain all pertinent procurement records in the procurement file for all grant-funded procurements. Grantee shall maintain the complete procurement file for six years beyond the useful life of the vehicle(s) regardless of the process used to purchase the vehicles. The minimum useful life of a vehicle is shown in [Appendix E](#). Read the Procurement File Contents checklist in [Appendix D](#) for details on those documents which must be retained.

#### ***Title of Vehicles***

When obtaining the vehicle titles with state or federal funds administered by WSDOT, your organization must be shown as the registered owner and WSDOT must be shown as the legal owner. The following information must appear on the title:

*Legal Owner*

**Washington State Department of Transportation  
Public Transportation Division  
PO Box 47387  
Olympia, WA 98504-7387**

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**Note:** All applicable licensing and title fees are the responsibility of the grantee. Those costs are not eligible for reimbursement under the capital grant.

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## Title Retention

The length of time WSDOT retains title to vehicles purchased for the project will depend on the size and type of vehicle purchased. Vehicle Disposition Schedule ([Appendix E](#)) identifies the retention schedule for vehicles, also known as the *minimum useful life* of the vehicle.

WSDOT will release legal ownership of all vehicles based on the vehicle acceptance date and identified minimum useful life (based on its age or mileage, whichever comes first).

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**Note:** After WSDOT releases the vehicle title, grantees must complete the transfer of legal ownership of the vehicle with the Washington State Department of Licensing (DOL) within 15 calendar days. Failure to do so may result in penalties imposed on the grantee by DOL.

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**Note:** Small buses, cutaways and modified vans that do not exceed 28 feet in length used for special needs transportation may qualify for rideshare license plates, which are exempt from sales tax per [RCW 46.74.010](#).

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## Vehicles Purchased for Replacement

Organizations using grant funds to replace a vehicle in its fleet are expected to retire the vehicle identified in the grant application within three months of accepting the replacement vehicle.

Retiring a vehicle means it is sold, surplus, donated, or placed in spare status (service not exceeding 30 percent of prior use). Assigning the vehicle to another service area or contractor or leasing the vehicle is generally not acceptable. Contact the Capital Program Manager for additional assistance with this determination.

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**Note:** Failure to retire the replaced vehicle in a timely manner is considered a breach of the grant agreement and may result in disqualification for future grants and/or repossession of the new vehicles.

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## Equipment Procurement

This section describes the necessary steps and requirements associated with purchasing equipment other than vehicles. All equipment purchased with grant funds from WSDOT must be used to support the passenger transportation services described in the grant agreement.

### Purchasing Procedures

While WSDOT does not prescribe specific procedures for the purchase of equipment, it does require that grantees have established written procedures in place describing the equipment purchase process. For more detailed guidance on developing purchasing procedures, read the Purchasing Policies in [Chapter 1](#). At a minimum, the procedures must include:

- A dollar threshold for phone quotes versus bids.
- The designation of officials who have signature authority for various types of purchases.

- The point at which board approval is required.
- Policies for purchasing from disadvantaged business enterprise (DBE) vendors if FTA funds are used (for more information, read the DBE requirements in [Chapter 1](#)).

Grantees awarded FTA grant funds for equipment must have procedures that comply with FTA Circular 4220.1F. An Internet link to that circular can be found in [Appendix G](#).

## Managing Vehicles and Equipment

Grantees are expected to ensure that vehicles and equipment are properly maintained and used for the services described in the grant agreement. The information below provides guidance on how to properly manage grant funded equipment and vehicles.

### ***Allowable Uses***

All vehicles and equipment purchased with grant funds must be used throughout their minimum useful life to support the passenger transportation services described in the grant agreement and be consistent with grant funding requirements. The service parameters include but are not limited to:

- Service area.
- Service mode (demand response, fixed route, vanpool, etc.).
- Population to be served (general public, special needs, etc.).
- Type of service (job access, complementary paratransit, etc.).

### ***Minimum Service Thresholds for Vehicles***

Vehicles (excluding vanpool vehicles) funded through WSDOT's grant programs must be used to provide a minimum level of service in the community. Those minimums are:

- 100 passenger trips per week.
- 100 service miles per week.

Failure to meet the minimum service thresholds may result in WSDOT removing the vehicles and may jeopardize your organization's ability to remain in compliance with WSDOT's In Good Standing policy. For more information on In Good Standing, refer to [page 1-35](#).

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**Note:** Depending on federal funding sources, grantees may use the vehicles for other passenger transportation services if the use is incidental and does not diminish the services identified in the grant agreement. Contact your assigned project manager to determine eligibility.

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## Maintenance of Vehicles and Equipment

Grantees are required to maintain all vehicles and equipment purchased with grant funds according to the manufacturer's recommendations and transit agencies' asset management plan (AMP), or other transportation organizations' vehicle maintenance plan (VMP). The maintenance plan typically consists of a graduated preventive maintenance program. Refer to the owner's manuals received from the vehicle and equipment manufacturers and any installed components (such as wheelchair lift, bicycle rack, air conditioning unit) in order to establish a preventive maintenance program. Samples of maintenance plans and preventive maintenance inspection forms are available from WSDOT upon request.

### Asset Management Plan

Moving Ahead for Progress in the 21st Century (MAP-21) was signed into law P.L. 112-141 on July 6, 2012. MAP-21 and [RCW 81.112.086](#) require transit agencies and grantees receiving FTA and state funds for public transportation capital projects to develop and implement an AMP. Transit agencies must submit AMP recertification and/or an update of their AMP to WSDOT on or before June 30, 2013.

MAP-21 and state AMP requirements consist of several important elements so that transit agencies and grantees can provide a safe and reliable public transportation services to the riding public in the most cost effective and efficient manner, including:

- Capital asset inventory.
- Condition assessments and reporting.
- Maintenance plans for vehicles, equipment and facilities.
- Capital investment prioritization for bringing public transit systems into a state of good repair.

Newly formed transit agencies can find guidance on developing an AMP at [www.wsdot.wa.gov/transit/library](http://www.wsdot.wa.gov/transit/library). For more information about AMPs and VMPs, contact a WSDOT Capital Programs staff member.

### What are the Required Elements for an AMP?

Transit agencies and grantees must develop an AMP including:

- Inventory report system
- Lowest life-cycle cost (LLCC) methodologies
- Preventive maintenance program
- Maintenance recordkeeping system
- State of good repair
- Performance-based planning progress

### Annual Transit Asset Inventory

Transit agency AMPs must include an inventory of all transit assets. Asset inventories are due every Jan. 31. For more information about annual asset inventories, contact a WSDOT Capital Programs staff member.

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**Note:** As a condition of receiving FTA and state funds, grantees must have an AMP certified by WSDOT. WSDOT considers the preventive maintenance requirements described in the transit AMP to be best practices for all grant recipients.

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## Vehicle Maintenance Plan (all other Grant-Funded Vehicles)

Non-transit agency grantees are required to submit a written VMP that covers all vehicles purchased with state or federal grant funds to WSDOT for approval by Oct. 1, 2013, for current WSDOT-funded grantees. For new WSDOT funded grantees, a VMP is due prior to the receipt of its first grant-funded vehicle.

### What are the Required Elements for a VMP?

Non-transit agency grantees must develop a VMP including:

- Inventory report system
- LLCC methodologies
- Preventive maintenance program
- Maintenance recordkeeping system

### Annual Vehicle Inventory

Agency AMPs must include an inventory of all transportation vehicles. Asset inventories are due every Jan. 31. For more information about annual asset inventory, contact a WSDOT Capital Programs staff member.

### AMP and VMP Technical Support

WSDOT developed guidance for FTA and Consolidated Grant program grantees, available at [www.wsdot.wa.gov/transit/library](http://www.wsdot.wa.gov/transit/library). Select “Guide to Preparing Your Transit Asset Management Plan” or “Guide to Preparing your Vehicle Maintenance Plan,” whichever is applicable.

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**Note:** As a condition of receiving FTA and state funds, grantee must have a VMP certified by WSDOT. WSDOT considers the preventive maintenance requirements described in the VMP to be best practices for all grant recipients. Further guidance on the VMP is published in a separate document. For additional information, contact a WSDOT Capital Programs staff member.

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### Insurance Requirements

Vehicles purchased with grant funds must be insured to be in compliance with state law. Grantees must provide a Certificate of Insurance documenting liability, comprehensive and collision insurance for all grant-funded vehicles of which WSDOT retains legal ownership, with WSDOT listed as the loss payee. Self-insured organizations must provide WSDOT with a declaration of self-insurance including a description of how the self-insurance pool is funded. For specific insurance requirements, refer to the Loss or Damage of Project Equipment section of the capital grant agreement.

### Damages and Repairs

Grantees are responsible for reporting and repairing any damage to grant-funded vehicles of which WSDOT retains legal ownership. WSDOT must be notified in writing within five business days if the vehicle sustains disabling damage (e.g., vehicle is removed from service for ten or more operating days or is totaled) or the circumstances of the incident trigger an FTA drug and alcohol test. The following information must be submitted to WSDOT:

- The nature of the incident.
- The level of damage to the vehicle.
- The grantee's intentions regarding replacement of the vehicle if the damage resulted in a total loss of the vehicle.
- The incident report on file with local law officials.
- The investigation summary conducted by your organization.
- A copy of witness statement/comments.
- If FTA 5309 or 5311 funds were used for the purchase, an explanation of whether your organization's decision to conduct post-accident drug and alcohol tests were conducted or, if not, why they were not conducted.

WSDOT does not need to be notified if the damage does not require removal from service. However, any damage should be repaired as quickly as possible.

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**Note:** Any costs of the repair which are not covered by insurance are the responsibility of the transit agency.

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### Vehicle Total Loss

If the vehicle is deemed a total loss by the insurance carrier, the insurance proceeds shall be paid directly to WSDOT. Grantees that do not intend to replace a vehicle deemed a total loss will be forwarded the proportionate local share of the insurance proceeds received by WSDOT, provided that the grantee is in compliance with the grant agreement.

Grantees that intend to replace a vehicle deemed a total loss must replace it with a new or similar vehicle (value at the time of the incident, capacity, wheelchair accessibility, etc.). Once the replacement vehicle is received, a copy of the vendor invoice and the registration showing WSDOT as legal owner must be submitted to WSDOT. WSDOT shall reimburse the grantee up to the insurance proceeds paid. Any replacement costs in excess of the insurance proceeds must be assumed by the grantee.

If the grantee orders a replacement vehicle within 60 days of the incident and before the insurance proceeds have been processed, WSDOT may waive the requirement for the proceeds to be received directly by WSDOT, and may in writing allow the insurance to be paid directly to the grantee to expedite the replacement.

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**Note:** WSDOT will release legal ownership of the replacement vehicle based on the acceptance date and the minimum useful life of the original vehicle.

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### Change of Use

Grantees must notify WSDOT immediately in writing if any grant-funded vehicle or equipment is no longer needed for the services described in the grant agreement. Below is an overview of the options that may be available.

1. Grantees providing other passenger transportation services in the same service area may request to use the vehicles or equipment for those services.

2. Grantees who are a Medicaid broker cannot also be a Medicaid service provider and may request to assign existing vehicles or equipment to another eligible service provider. Under this option, grantees must:
  - Submit the proposed agreement to WSDOT for approval.
  - Execute the approved agreement with the service provider.
  - Send a signed copy of the agreement to WSDOT.

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**Note:** The transfer of registered ownership under this option does not release the grantee from any responsibilities under the grant agreement. The grantee will still be responsible for ensuring the assignee complies with the terms and conditions associated with the grant.

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3. Grantees not providing any other passenger transportation services or reducing the scope of service may return the vehicles or equipment to WSDOT. Upon written notification, WSDOT will:
  - Initiate a fair market valuation by an independent appraiser.
  - Identify other service providers who are willing and able to accept the vehicle(s) or equipment. If possible, WSDOT will transfer the vehicle or equipment to a provider within the same service area.
  - Initiate the transfer, once another service provider is identified and the fair market valuation is completed. If local funds contributed to the purchase of the vehicle or equipment, grantees may be reimbursed for the proportionate local share as long as they are in compliance with the grant agreement. Once the transfer is complete, grantees will be released from the terms and conditions of the grant agreement.

### ***Transferring Vehicles or Equipment to a Different Service Area***

The process for securing grant funds is very competitive. A major component in selecting projects to be funded is the need for service within the community or communities to be served. For that reason, WSDOT works to keep grant-funded vehicles and equipment in the original service areas described in the grant agreement.

Vehicles and equipment may only be transferred to other service areas if there are no eligible service providers in the area willing and able to accept the vehicles or equipment. If there are willing providers, WSDOT will initiate a fair market valuation and begin the process of reassigning and transferring the vehicles or equipment. Grantees will be reimbursed for the proportionate local share of the vehicle's or equipment's value by the receiving agency.

If there are no other willing and able service providers identified in the current service area, the grantee may submit a written request to WSDOT describing the desire to move the vehicles or equipment to another service area as well as documentation of the efforts made to identify other willing and able service providers. WSDOT will authorize the transfer in writing if appropriate measures were taken to identify other eligible service providers.

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**Note:** If WSDOT still retains the title to a grant-funded vehicle it cannot be transferred to a service area not identified in the grant agreement unless WSDOT authorizes the transfer in advance and in writing.

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### **Buyout of the Grant Share of a Vehicle and Other Equipment**

Grantees may purchase the state and/or federal share of grant-funded vehicles or equipment at any point during the grant agreement. If a grant recipient elects to buy out the interest in the vehicles or equipment less than 12 months from the time of the receipt of grant funds, the amount to be returned to the state will be 100 percent of the grant. If the request to buy out the vehicle or equipment is received more than 12 months after the payment of the grant funds, WSDOT will initiate a fair market valuation to establish current value of the vehicles or equipment. Grantees will be required to pay the proportionate grant share of the current market value to WSDOT. After payment is received for a vehicle, WSDOT will send the grantee the original certificates of title for the vehicles and release them from any responsibilities under the grant agreement.

### **Sale of Federally Funded Capital Assets (Vehicles and Equipment)**

Typically, FTA and WSDOT retain no interest in the vehicle or equipment after it exceeds its minimum useful life and the title or interest in the capital asset has been released. However, if the grantee sells a federally funded capital asset and receives proceeds in excess of \$5,000, the grantee may be subject to a partial return of funds to FTA per FTA Circular 5010.1D (page IV-25, (4)). The grantee may petition FTA to allow the retention of all proceeds from the sale of the capital asset provided the grantee reinvests the proceeds in a similar vehicle and/or equipment. This would equate to a “like-kind” exchange that retains the original intent and scope of the project.

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**Note:** If any federally funded vehicle or equipment is sold for a fair market value in excess of \$5,000, the grantee must return the prorated federal portion to FTA regardless of who holds the title or interest, unless directed otherwise.

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## **Requesting Capital Grant Reimbursements**

WSDOT will reimburse the state and/or federal percentage shares identified in the scope of work of the agreement or the total funds awarded for the purchase, whichever is less. The remaining portion of the cost must be paid with local funds. The local share must be in cash and not derived from any sources that would place restrictions on the use of the equipment or place a lien on the equipment. Eligible expenses include, but are not limited to:

- Factory visits (if required and/or pre-approved by WSDOT). These expenses must fall within state/federal per diem rates. A written request must be submitted to WSDOT for review and approval prior to taking the trip. WSDOT will not reimburse trip expenses without prior written approval. Contact the WSDOT Capital Program manager prior to taking the trip and for more detailed information and requirements.

- Cost of equipment identified in your grant agreement, including any associated sales or use taxes paid.
- Purchase and installation of other vehicle equipment identified in the grant agreement or otherwise pre-approved by WSDOT (e.g., signage, bike racks, radios, cameras, fare boxes).
- Purchase and installation of striping and/or logos on the exterior of any vehicles purchased under the grant agreement.
- Purchase and installation of non-vehicle equipment specifically identified in the grant agreement.
- Required inspection costs, if performed by a third party contractor.

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**Note:** Ineligible expenses under WSDOT's Capital Grant program include administrative costs incurred to conduct the capital procurement and purchase, costs of maintenance staff for accepting the vehicle and/or preparing it for service, and title and licensing fees. These expenses may be eligible for reimbursement through an operating grant.

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To receive reimbursement, submit a completed reimbursement request signed by your agency's financial manager or another authorized representative to the WSDOT Public Transportation Division, along with copies of the vendor invoices and all other required attachments. See [Appendix A](#) for samples of reimbursement forms and detailed instructions.

### **Consolidated Grants Program**

A completed reimbursement request for the Consolidated Grant Program must include the following information or attachments:

- Invoices from vendors supplying vehicle or related equipment and services.
- Completed Visual Inspection and Road Test forms for vehicle purchases.
- Completed Post-Delivery Purchaser's Requirements Certification.
- Completed Post-Delivery Buy America Compliance Certification.
- Completed Post-Delivery FMVSS Compliance Certification.
- Copy of the insurance certificate covering the vehicle.
- Copy of the Factory Trip Expense Worksheet, trip itinerary with travel receipts, WSDOT out-of-state pre-approval letter, and report from the visit to manufacturer's site to verify the vehicle was constructed according to bid specifications if the visit was required.
- Copy of the vehicle registration certificate, issued by DOL, showing WSDOT as the legal owner.
- Copy of the grantee's vehicle acceptance letter to the vendor.

## Provisions, Certifications, Reports, Forms, and Other Matrices

### Third Party Contract Provisions

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding \$2,000)

Provision	Comments	Master Agreement Reference (based on FA MA(17) 10-1-2012)
<b>All FTA Assisted Third Party Contracts and Subcontracts</b>		
No Federal Government Obligations to Third Parties (Use of Disclaimer)		§ 2.f
False or Fraudulent Statements or Claims – Civil and Criminal Fraud		§ 3.f
Access to Third Party Contract Records		§ 15.t
Changes to Federal Requirements		§ 2.c(1)
Civil Rights (Title VI, ADA, EEO (except special DOL construction clause))		§ 12
Disadvantaged Business Enterprises (DBEs)	Contract awarded on the basis of a bid/proposal offering to use DBEs.	§ 12.d
Incorporation of FTA Terms	Per FTA C 4220.1F.	§ 15.a
<b>Awards Exceeding \$10,000</b>		
Terminations	If 49 CFR Part 18 applies.	§ 11 and § 15.a, which incorporate 49 CFR Part 18
Special EEO provision for construction contracts	If 49 CFR Part 18 or Part 19 indicate that the DOL EEOC regulations at 41 C.F.R. Chapter 60 apply.	§ 15.a, which incorporates 49 CFR Part 18 and Part 19
<b>Awards Exceeding \$25,000</b>		
Debarment and Suspension		§ 3.b
<b>Awards Exceeding the Simplified Acquisition Threshold (\$100,000)</b> (As of February 2011, OMB has not to date adopted the FAR clause 2.101 \$150,000 standard for grants.)		
Buy America	When tangible property or construction will be acquired.	§ 14.a
Resolution of Disputes, Breaches, or Other Litigation		§ 56
<b>Awards Exceeding \$100,000 by Statute</b>		
Lobbying	OMB Office of Federal Financial Management has not adopted the FAR clause 2.101 \$150,000 simplified acquisition threshold standard.	§ 3.d
Clean Air		§ 25.b
Clean Water		§ 25.c

Provision	Comments	Master Agreement Reference (based on FA MA(17) 10-1-2012)
<b>Transport of Property or Persons</b>		
Cargo Preference	When acquiring property suitable for shipment by ocean vessel.	§ 14.b
Fly America	When property or persons are transported by air between U.S. and foreign destinations, or between foreign locations.	§ 14.c
<b>Construction Activities</b>		
Construction Employee Protections Davis-Bacon Act	For contracts exceeding \$2,000.	§ 24.a(1)
Construction Employee Protections – Contract Work Hours & Safety Standards Act	For contracts exceeding \$100,000. OMB Office of Federal Financial Management has not adopted the FAR clause 2.101 \$150,000 simplified acquisition threshold standard.	§ 24.a(2)
Construction Employee Protections – Sec. 1 Copeland Anti-Kickback Act – Sec. 2 Copeland Anti-Kickback Act	All contracts. All construction contracts exceeding \$2,000.	§ 24.a(3)
Bonding for Construction Activities Exceeding \$100,000	5% bid guarantee bond. 100% performance bond. Payment bond equal to: – 50% for contracts < \$1M. – 40% for contracts >\$1M – < \$5M. – \$2.5M for contracts > \$5M.	§ 15.o(1)
Seismic Safety	Construction contracts for new buildings or for existing buildings.	§ 23.e
<b>Nonconstruction Activities</b>		
Nonconstruction Employee Protection – Contract Work Hours & Safety Standards Act	For all turnkey, rolling stock, and operational contracts (except transportation services contracts and open market contracts) exceeding \$100,000. OMB Office of Federal Financial Management has not adopted the FAR clause 2.101 \$150,000 simplified acquisition threshold standard.	§ 24.b
<b>Transit Operations</b>		
Transit Employee Protective Arrangements		§ 24.d
Charter Service Operation		§ 28
School Bus Operations		§ 29
Drug Use and Testing	Safety sensitive functions.	§ 32.b
Alcohol Misuse and Testing	Safety sensitive functions.	§ 32.b

Provision	Comments	Master Agreement Reference (based on FA MA(17) 10-1-2012)
<b>Planning, Research, Development, and Demonstration Projects</b>		
Patent Rights		§ 17
Rights in Data and Copyright Requirements		§ 18
<b>Special Notification Requirements for States</b>		
Special Notification Requirement for States		§ 38
<b>Miscellaneous Special Requirements</b>		
Energy Conservation		§ 26
Recycled Products	Contracts when procuring \$10,000 or more per year of items designated by EPA.	§ 15.k
Conformance with ITS National Architecture	Contracts and solicitations for ITS projects.	§ 15.m
ADA Access	Contracts for rolling stock or facilities construction/renovation.	§ 12.g
Assignability Clause*	Procurements through assignments.	§ 15.a, which incorporates 49 CFR Part 18 and 49 CFR Part 19

\*Refer to FTA Circular 4220.1F, Rev 4 March, 18, 2013 - Chapter IV for more information.

### Applicability of Third Party Contract Provisions

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding \$2,000)

Provision	Type of Procurement				
	Professional Services/A&E	Operations Management	Rolling Stock Purchase	Construction	Materials and Supplies
No Federal Government Obligations to Third Parties (by Use of Disclaimer)	All	All	All	All	All
False Statements or Claims Civil and Criminal Fraud	All	All	All	All	All
Access to Third Party Contract Records	All	All	All	All	All
Changes to Federal Requirement	All	All	All	All	All
Termination	>\$10,000 if 49 CFR Part 18 applies	>\$10,000 if 49 CFR Part 18 applies	>\$10,000 if 49 CFR Part 18 applies	>\$10,000 if 49 CFR Part 18 applies	>\$10,000 if 49 CFR Part 18 applies
Civil Rights (Title VI, EEO, ADA)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$100,000	>\$100,000	>\$100,000
Resolution of Disputes, Breaches, or Other Litigation	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Energy Conservation	All	All	All	All	All
Cargo Preference			For property transported by ocean vessel.	For property transported by ocean vessel.	For property transported by ocean vessel.
Fly America	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.
Davis-Bacon Act				>\$2,000 (including ferry vessels)	
Contract Work Hours and Safety Standards Act		>\$100,000 (except transportation services)	>\$100,000	>\$100,000 (including ferry vessels)	
Coeland Anti-Kickback Act Section 1 Section 2				All exceeding \$2,000 (including ferry vessels)	

Provision	Type of Procurement				
	Professional Services/A&E	Operations Management	Rolling Stock Purchase	Construction	Materials and Supplies
Bonding				\$100,000	
Seismic Safety	A&E for New Building & Additions			New Building	
Transit Employee Protective Arrangements		Transit Operations			
Charter Service Operation		All			
School Bus Operations		All			
Drug Use and Testing		Transit Operations			
Alcohol Misuse and Testing		Transit Operations			
Patent Rights	Research & Development				
Rights in Data and Copyright Requirements	Research & Development				
Energy Conservation	All	All	All	All	All
Recycled Products		Contracts for items designated by EPA, When Procuring \$10,000 or more per year		Contracts for items designated by EPA, When Procuring \$10,000 or more per year	Contracts for items designated by EPA, When Procuring \$10,000 or more per year
Conformance with ITS National Architecture	ITS Projects	ITS Projects	ITS Projects	ITS Projects	ITS Projects
ADA Access	A&E for New Building & Additions	All	All	All	All
Notification of Federal Participation for States*	Limited to States	Limited to States	Limited to States	Limited to States	Limited to States

\*Refer to Section 42. Special Notification Requirements for State of the FTA Master Agreement for information.  
FTA Master Agreement MA(19), 10-1-2012

### Certifications, Reports and Forms

Certification Reports and Form	Comments	Regulatory Reference
Bus Testing Certification	Procurements of buses and modified mass produced vans	49 CFR Part 665 Subpart B
TVM Certification	All rolling stock procurement	49 CFR Part 26.49
Buy America Certification	Procurement of steel, iron or manufactured products exceeding \$100,000	49 CFR Part 661.13
Preaward Review	Rolling stock procurement exceeding \$100,000	49 CFR Part 663.21
Preaward Buy America Certification	Rolling stock procurement exceeding \$100,000	49 CFR Part 663.25
Preaward Purchaser's Requirement	Rolling stock procurement exceeding \$100,002	49 CFR Part 663.27
Post Delivery Review	Rolling stock procurement exceeding \$100,000	49 CFR Part 663.31
Post Delivery Buy America Certification	Rolling stock procurement exceeding \$100,000	49 CFR Part 663.35
Post Delivery Purchaser's Requirement	Rolling stock procurement exceeding \$100,000	49 CFR Part 663.37
On-Site Inspection Report	Rolling Stock except for procurements of: <ul style="list-style-type: none"> <li>- 10 or fewer vehicles;</li> <li>- 20 or fewer vehicles serving rural (other than urbanized) areas or urbanized areas or 200,000 people or fewer;</li> <li>- any amount of primary manufactured standard production and unmodified vans that after visual inspection and road testing meet the contract specifications.</li> </ul>	49 CFR Part 663
FMVSS Preaward Review and Post Delivery	Motor vehicle procurement (49 CFR 571)	49 CFR Part 663.41
Lobbying	Procurement exceeding \$100,000	49 CFR Part 20
Standard Form LLL and Quarterly Update (when required)	Procurement exceeding \$100,000 where contractor engages in lobbying activity	49 CFR Part 20 OMB Office of Federal Financial Management has not adopted FAR 2.101 \$150,000 simplified acquisition threshold standard.



## **Chapter 4 Guidelines for Capital Construction Projects**

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This chapter contains basic information associated with capital construction projects.

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**Note:** These guidelines are provided as an overview. More detailed requirements must be obtained from federal, state, or local agencies. This is not intended as an exclusive list.

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### **Capital Construction Project Requirements**

There are numerous requirements and detailed processes that must be followed when developing and building capital construction projects with grant funds, particularly when using Federal Transit Administration (FTA) funds.

Prior to receipt of FTA funds for construction projects, your organization will be responsible for and must complete the requirements and conditions summarized in [Chapter 1](#) as well as the following items:

- A submittal of the construction project to the Statewide Transportation Improvement Plan (STIP).
- An environmental impact analysis under the National Environmental Policy Act (NEPA).
- A Disadvantaged Business Enterprise (DBE) plan for a construction project-specific goal if it is not included in your organization's goal.

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**Note:** Any construction project funded in whole or in part with grant funds distributed by the Washington State Department of Transportation (WSDOT) must be in compliance with the Americans with Disabilities Act (ADA), including the standards and guidelines in the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG). More information about the ADAAG is available at [www.access-board.gov](http://www.access-board.gov) or by contacting your WSDOT project manager.

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### **WSDOT's Role in Capital Construction Projects**

WSDOT is responsible for ensuring that grantees follow FTA and state requirements associated with the receipt of grant funds for capital construction projects. Limited technical assistance is provided.

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**Note:** For state funded capital construction projects, WSDOT must provide written approval before the construction phase begins. Grantees must submit a request for approval at least two weeks before construction begins.

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### **Grantee's Role in Capital Construction Projects**

Grantees are responsible for carrying out the project described in the grant agreement and complying with federal and state requirements. The grant-funded project is defined by its scope, schedule, and budget. Changes to the scope, schedule and budget require WSDOT approval, as outlined in [Chapter 1](#).

The grant-funded project scope is detailed in the grant application and grant agreement. In some cases, only part of the project's overall scope is eligible for grant reimbursement.

WSDOT requires grantees to reach project schedule milestones, which are used to track progress. With mutual agreement, these milestones can be adapted to suit the particular complexities of the project. In some cases, grantees have achieved some project milestones before they receive grant funds. Some of these activities may also occur simultaneously. Here is a list of project schedule milestones:

- Design (30, 60, 90, and 100 percent).
- Environmental documentation development, including Washington State Executive Order 05-05 (EO 05-05) compliance.
- Permit acquisition.
- Land acquisition and right of way certification.
- Utilities.
- Contract advertisement, bid acceptance, and award.
- Construction (25, 50, and 75 percent).
- Operationally complete (i.e., commissioned).
- Site inspection by WSDOT.
- Asset management plan or facility maintenance plan.
- Project closeout.

The agreement budget is based on the grantee's estimates and available grant funding resources.

All reimbursements for grant-funded activities must occur within the grant agreement project period. FTA-funded projects may have pre-award authority. Contact WSDOT to determine if pre-award authority applies to your project.

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**Note: Pre-award Authority** – Grantees must meet NEPA requirements as supported by an FTA-approved and documented Record of Decision, along with FTA's announcement of award and inclusion of the project in the Statewide Transportation Improvement Plan (STIP) before any costs can be reimbursed for land acquisition, building materials and construction. By contrast, pre-award authority for architectural and engineering (A&E) and project management costs are eligible project expenses along with FTA's announcement of award and the project's inclusion in the STIP.

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Capital construction project costs outlined in the grant agreement and associated with preliminary engineering, project level environmental assessment and documentation, final design, real estate purchases and construction are eligible for grant reimbursement. Scope, schedule and budget development; corridor planning; alternatives analysis, major investment studies and corridor analysis costs do not qualify as eligible capital construction project expenses.

For FTA-funded projects, eligible costs must also comply with Federal Cost Principles as outlined in the Office of Management and Budget (OMB) Circular A-87, OMB Circular A-122, or Federal Acquisition Regulation (FAR) Part 31.

For FTA-funded projects, the grantee is also responsible for the following:

- Written standards of conduct
- Self-certification
- Third-party contracting capacity
- Audits
- Fraud

Chapter 3 of FTA Circular 4220.1F, revised March 12, 2013, provides details for each of these requirements, available at [www.fta.dot.gov/legislation\\_law/12349\\_8641.html](http://www.fta.dot.gov/legislation_law/12349_8641.html). At a minimum, grantees must also comply with the following six federal requirements in all procurements, including architectural and engineering (A&E) and construction services:

- Comply with the Brooks Act for procurement of architectural and engineering services.
- A requirement for full and open competition.
- A prohibition against geographic preference, except A&E services.
- Inclusion in contracts of all federal clauses required by Federal statute governing procurement for such services.
- Award to responsible contractors.
- For rolling stock, a five-year limitation on the contract performance period.

**Governmental Sub-recipients of the State** – Each governmental sub-recipient may use state procurement procedures for its third-party contracts. Only the FTA Circular 4220.1F provisions identified above and USDOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”, 49 CFR Part 18, applicable to the state will apply to procurements by the state’s governmental sub-recipients.

**Private Nonprofit Sub-recipients of the State** – Only the FTA Circular 4220.1F provisions identified above and USDOT regulations, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Educations, Hospitals, and other Non-Profit Organizations,” 49 CFR Part 19, will apply to a nonprofit sub-recipient of the state.

## Contract Methods and Delivery Strategies for Construction Projects

The contract method chosen for a capital construction project should best suit the organization’s resources and the level of involvement desired. Elements of a capital construction project include:

- Developing design plans.
- Obtaining required permits.
- Property acquisition.
- Relocation of existing utility infrastructure.

Many of these activities may occur simultaneously or may require the completion of one element before the next can begin. Coordination and communication both internally and with designers, right of way land acquisition professionals, permitting agencies, and utility companies are essential for success.

There are many project delivery strategies for construction projects, such as completing the project with your own resources and staff, turnkey, design/bid/build, and design/build. The differences in these strategies are the amount of control and risk the grantee is willing to accept. The remainder of this chapter focuses only on the design/bid/build and design/build strategies.

## Design

Project design must meet the requirements in the Washington State *Standard Specifications for Road, Bridge, and Municipal Construction*. This publication is available at [www.wsdot.wa.gov/publications/manuals/m41-10.htm](http://www.wsdot.wa.gov/publications/manuals/m41-10.htm). Project teams wishing to use other design standards must submit a request to the WSDOT Public Transportation Division and obtain documented approval before design work commences. If design work is already underway before WSDOT awards grant funds, project teams must request documented approval for other design standards within two months after the grant agreement takes effect.

WSDOT recommends that a risk assessment be done prior to completion of the preliminary engineering phase.

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**Note:** All design plans must be stamped by the appropriate professional engineer.

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## Permit Requirements

Local organizations are responsible for obtaining and ensuring compliance with all applicable local, state, and federal permits. Federal compliance does not signify compliance with applicable local, state, and federal permits. The local organization must work with others as appropriate to provide the required analysis to complete its responsibilities under local, state, and federal permit and process requirements.

Projects involving federal funds, permits, or land are governed by a number of environmental requirements, including but not limited to:

- National Environmental Protection Act (NEPA) of 1969, 42 U.S. Code 4321, et. seq.
- Council on Environmental Quality Regulations for Implementing NEPA
- 40 Code of Federal Regulations (CFR), Part 1500, et. seq.
- Federal Highway Administration and Federal Transit Administration
- Implementing Regulations, 23 CFR, Parts 771, 772, and 774
- Environmental Impact and Related Procedures, 49 CFR, Part 622
- Section 7 of the Endangered Species Act (ESA), 50 CFR, Part 402
- Section 106 of the National Historic Preservation Act, 36 CFR, Part 800
- Presidential Executive Order 12898 – Environmental Justice
- Section 4(f) of the U.S. Department of Transportation Act of 1966, all proposed projects
- Environmental compliance, including [EO 05-05](#)

For FTA-funded projects, federal law requires that final design may not begin prior to NEPA completion as denoted by an FTA Record of Decision (ROD), Finding of No Significant Impact (FONSI), or a Categorical Exclusion (CE) determination.

**EO 05-05** requires the review of all capital construction projects and land acquisitions for the purposes of capital construction projects that are not undergoing Section 106 review under the National Historic Preservation Act of 1966. **EO 05-05** process is not required in capital construction projects if it includes federal funding and is completing the Federal Section 106 environmental review process. WSDOT will require documentation confirming successful completion of the process.

If your project is subject to **EO 05-05**, you will need to include time and money in your project schedule and budget for compliance. Previous project teams have spent at least three to six months on this process.

### Land Acquisition

Acquisition of real estate for projects with federal funding must be carried out in accordance with provisions of Federal Law (Uniform Act, 42 USC 4601) and the regulations (23 CFR and 49 CFR).

In addition, the completion of the environmental process, receipt of a determination by FTA, and the development of the right of way plans are required before the project is ready to enter the acquisition phase.

### Utilities and Third-Party Coordination

Utilities and third parties often need extensive lead time to reasonably schedule the work and obtain the materials necessary for relocation of its facilities.

## Conducting Procurement for Construction Projects

As soon as WSDOT notifies your organization of a grant award, you may begin exploring procurement options.

The scope of the requirements may differ depending on the type of funding awarded.

### ***FTA-Funded Procurement Requirements***

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**Note:** The procurement must meet FTA standards, regardless of the method chosen.

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Grantees awarded FTA funds must have established procurement policies and processes in compliance with FTA Third Party Contracting Requirements identified in FTA Circular 4220.1 F and all applicable state laws. The methods of solicitation and selection allowed are as follows:

- Micro-purchases only for construction contract amounts less than \$3,000.
- Small purchase procedures only for construction contracts less than the simplified acquisition threshold (currently \$100,000).
- Sealed bids where:
  - There is complete, adequate, and realistic specifications or purchase descriptions.
  - Two or more responsible bidders are willing and able to compete.

- The procurement lends itself to a firm fixed-price contract and the selection can be made primarily on the basis of price.
- No discussion with bidders is necessary after the receipt of offers.
- Competition proposals.
- Noncompetitive proposal (sole source) procurement only if you can justify not soliciting additional competition in the manner explicitly defined in FTA Circular 4220.1F §9.h.

For any FTA-assisted third-party construction contract exceeding \$100,000, FTA's Buy America requirements will apply unless FTA waives the requirements. See [Chapter 3](#) for specific information regarding Buy America requirements for iron, steel and manufactured products.

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**Note:** MAP-21 includes veteran's preference for employment on transit construction projects.

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## Types of Contracts Allowed

There are two main methods to contract for professional services:

1. **Procurement by Competitive Proposal/Request for Proposals (RFP)** – The competitive proposal method of procurement is normally conducted with more than one offerer (e.g., design consultant, design manager). This method of procurement is generally used when conditions are not appropriate for the use of sealed bids.
2. **Procurement of Architecture and Engineering (A&E)** – When contracting for A&E services, use competitive proposal procedures based on the Brooks Act as defined in 40 U.S. Code Section 541. Professional services include program management, construction management, feasibility studies, preliminary engineering, design, surveying, mapping and services which require performance by a registered or licensed architect or engineer. This qualifications-based procurement method can only be used for the procurement of A&E services. These requirements apply except to the extent any state adopts or has by statute adopted a formal procedure for the procurement of A&E services. The Brooks Act requires a qualifications-based procurement method for the selection of A&E firms. Price is excluded as an evaluation factor, and negotiations are conducted with the most qualified firm only.

When developing a contract for professional (A&E) services, grantees should review the 54 mandatory procurement standards listed in FTA Circular 4220.1F Appendix B.19 and determine the provisions that apply to the particular procurement. In addition, to receive federal funds, grantees must determine which of the 31 federal statutes and regulations presented in Appendix A.1 of the FTA Best Practices Procurement Manual (BPPM) apply to the project. Finally, make sure the required terms and conditions (clauses, etc.) are included in the advertisement.

The procurement process for professional services is a multi-step process for an FTA-funded project. Refer to Chapter 6.5 of the FTA BPPM.

## Procurement Steps for Construction Contracts

For the procurement of contractors, the most common method of procurement is by sealed bid/invitation for bid. These services must be procured in a manner that conforms to applicable state and local law, the requirements of FTA Circular 4220.1F relative to the method of procurement used, and all other applicable federal requirements.

FTA-funded construction contracts require certain provisions. These provisions are discussed in Chapter 6 of the FTA BPPM.

FTA-funded projects must exclude geographical preference in the selection of construction contracts.

Grantees must ensure all contractors or sub-contractors are eligible to receive federal funds and are not debarred or suspended from participating in an FTA-funded project. Grantees are urged to check the Excluded Parties List System at [www.sam.gov/portal/public/SAM](http://www.sam.gov/portal/public/SAM) before awarding a third-party contract.

## Maintaining Procurement Records

When state or federal grant funds are used for facilities procurement, all pertinent procurement records must be maintained in a procurement file. Regardless of the process used to construct the facility, the complete procurement file must be maintained for six years beyond the useful life of the facility, which depends on the type of structure. Contact WSDOT's Capital Programs Manager for assistance on determining the useful life of a facility constructed with grant funds. Review the Procurement File Contents checklist in [Appendix D](#) for details on which documents must be retained.

## Capital Construction Grant Reimbursement Requests

WSDOT will reimburse grantees for the state and/or federal percentage shares identified in the scope of work of the agreement or the total funds awarded for the project, whichever is less.

To receive reimbursement, submit a completed reimbursement request signed by your financial manager or another authorized representative to the WSDOT Public Transportation Division along with copies of the contractor invoices and all other required documents. See [Appendix A](#) for sample reimbursement request forms and detailed instructions. A completed reimbursement request must have the following information or documents:

- Construction project manager-approved invoices from contractors supplying material and/or labor for construction activities and services.
- Completed financial reports and progress reports as required.

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**Note:** For FTA-funded projects, the Common Grant Rules require that any progress payments for construction contracts be made on a percentage-of-completion method.

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## Local Matching Funds and Match Requirements

The match requirement for each project varies depending on the level of matching funds, if any, identified in the grant application. If the agreement has only one project, the specific local match for the project is identified on the first page of the agreement. In the case of multiple projects, refer to the scope of work and budget in the agreement for the local matching ratio for each project.

### ***Eligible Funds to be Used as Match***

Federal funded capital construction projects generally require a 20 percent match. The local match must be cash, and may not be derived from sources that place any restrictions on the services provided with the equipment or place a lien on the equipment.

FTA grants for facilities that must comply (or maintain compliance) with ADA or the Clean Air Act remain at 90 percent of net project costs (10 percent match) of the equipment or facilities attributable to compliance with the acts (the incremental cost).

## DBE Requirements

Any construction contract funded either in whole or in part with U.S. Department of Transportation funds is subject to the Disadvantaged Business Enterprise (DBE) regulations in 49 CFR Part 26.

It should be noted that a contract funded entirely with local or state funds and with no federal funds is not subject to the DBE requirements under this rule.

Refer to [Chapter 1](#) for additional information on DBE requirements.

## Managing the Constructed Facility

Once the constructed facility is completed and accepted, grantees are expected to ensure it is used for the purposes described in the grant agreement and is properly maintained. The information below provides guidance on properly managing the grant-funded facility.

### ***Maintaining a Facility***

Grantees are required to maintain facilities purchased and/or renovated with grant funds based on the contractor's recommendations and industry best practices. This typically consists of developing and implementing a preventative maintenance program. In establishing the preventative maintenance program, grantees should refer to any owner's manuals provided by the contractor for components (e.g., fueling pumps, vehicle lifts, heating, ventilation, and air conditioning units) installed at the facility.

## Transit Systems Must Have an Asset Management Plan

This section only applies to transit systems. However, WSDOT considers the preventative maintenance practices described in the Transit Asset Management Plan (AMP) to be best practices for all grantees.

As a condition of receiving state funds, public transit systems must have an AMP certified by WSDOT.

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**Note:** Further guidance on the AMP has been published in a separate document. Contact WSDOT for more information. Newly formed transit systems can find guidance for developing an AMP at [www.wsdot.wa.gov/NR/rdonlyres/13DDC2A7-C522-4E20-BA38-69F44FB301CA/0/guide\\_to\\_preparing\\_your\\_TAMP.pdf](http://www.wsdot.wa.gov/NR/rdonlyres/13DDC2A7-C522-4E20-BA38-69F44FB301CA/0/guide_to_preparing_your_TAMP.pdf).

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## Other Grantees Must Have a Facility Maintenance Plan

In order to meet this requirement, grantees must submit a written facility maintenance plan for WSDOT's approval. At a minimum, the plan must cover all elements of the facility purchased with federal or state grant funds. Current capital construction grantees must submit their plans to WSDOT by Oct. 1, 2013. New capital grantees must submit their plan prior to the occupancy of the constructed facility.

### *Insuring the Facility*

Facilities and equipment purchased with state or federal grant funds must be insured in compliance with state law. WSDOT must be listed as the loss payee in the event of a total loss. Grantees that self-insure must provide WSDOT with a declaration of self-insurance including a description of how the self-insurance pool is funded. For insurance requirements, refer to the Loss or Damage of Project Equipment section of the grant agreement.

### *Facilities Involved in an Incident*

Grantees are responsible for repairing any damage to grant-funded facilities. All damage should be repaired as quickly as possible. WSDOT must be notified in writing within five business days if the facility sustains disabling which results in one or all of the following:

- Total loss.
- Temporary (more than ten business days) closure of the facility.
- Service operations being significantly hampered or reduced.

The written notification provided to WSDOT must include the following:

- The nature of the incident.
- The level of damage to the facility.
- Whether the damage resulted in a total loss of the facility and intentions regarding replacement of the facility.
- A copy of any accident or incident report on file with local law officials.
- A copy of any reports of investigations conducted or sponsored by your organization.

Grantees are not required to notify WSDOT if the facility sustains minor damage resulting in only cosmetic-related repairs.

If the damage to the facility results in a total loss, the insurance proceeds are required to be paid directly to WSDOT. Grantees that do not intend to replace the facility will receive a proportionate share of the insurance proceeds, per the terms of the grant agreement, provided that WSDOT finds the grantee is in compliance with the grant agreement.

Grantees that intend to replace the damaged facility must replace it with a similar structure/facility. Contact your WSDOT project manager to initiate and arrange for the distribution of the insurance proceeds.

The following information will assist grantees with completing the reimbursement request forms for the project. Sample copies of the following forms with detailed instructions are included in this appendix:

- [Consolidated Grant – Operating Reimbursement Request](#)
- [Consolidated Grant – Capital Equipment and Vehicle Reimbursement Request](#)
- [Discretionary Grant Program – Capital Construction Grant Reimbursement Request](#)
- [Factory Visit Trip Expense Worksheet](#)

Reimbursement request forms are in Excel format. The Washington State Department of Transportation (WSDOT) provides grantees with a personalized electronic reimbursement request form containing formulas that calculate the reimbursement and the charge to each funding source. Hidden pop up boxes with helpful information have been added to the forms. Move the cursor over a flagged cell and instructions will appear.

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**Note:** WSDOT will not process quarterly reimbursement requests from grantees if the corresponding quarterly progress report has not been received. Reimbursement requests and progress reports must be completed on the proper forms. Modified or other revised forms will not be accepted.

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### Consolidated Grant – Operating Reimbursement Request Form

Reimbursement request forms for Consolidated Grant operating projects may be submitted monthly or quarterly. WSDOT prefers reimbursement request forms for operating grants to be submitted quarterly and no later than 30 days after a quarter has ended.

#### ***Instructions to Complete the Form***

The instructions below are included with the electronic version of the reimbursement request form that WSDOT emails to you. Some information is already entered on the form. Notify WSDOT if changes are needed.

1. The following information contained in the heading section must be completed:
  - a. **Organization and Address** – Organization’s name and address where the reimbursement will be sent.
  - b. **Agreement Number** – Number shown on the WSDOT agreement for this project.
  - c. **Vendor ID Number** – Number assigned to your organization by the Internal Revenue Service or by WSDOT. This number is used as your vendor identification.
  - d. **Progress Bill Number** – Enter 1 for the first reimbursement submitted, 2 for second reimbursement, and so on.
  - e. **Reimbursement Request Date** – Date the form was completed.
  - f. **Final Request** – Enter “yes” if this is the final reimbursement request for this project.

- g. **Billing Period** – Time period expenses were incurred.
2. Enter the following operating expenses and revenue associated with the project.
- a. **Gross Expenses** – Total operating expenses during the billing period for the transportation services defined for your project in the agreement. Add in-kind expenses if including in-kind as local match.
- b. **Fares and Donations** – Any income received from passengers for transportation services provided to them.
- c. **Ineligible Expenses** – Total of any ineligible expenses and/or depreciation of equipment purchased with federal and/or state funds. Some examples of ineligible expenses are:
- Depreciation on vehicles funded with WSDOT grant funds.
  - Expenses incurred outside the timeframe of the grant period.
  - Travel expenses for trips taken outside of the state of Washington without pre-approval from WSDOT.
  - Expenses reimbursed by WSDOT or any other organizations under scholarship programs, including portions paid with local funds.
  - Annual or sick leave earned outside of the grant period.
  - Cost of organized fund raising, including financial campaigns, solicitations of gifts and bequests, and similar expenses to raise capital or obtain contributions.
  - Fines and penalties.
  - Bad debts.

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**Note:** A more comprehensive listing of allowable and unallowable expenses may be found in OMB Circular A-87, Attachment B, Selected Items of Cost.

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- d. **Net Expenses** – The Net Expenses (balance after the Fares, Donations, and Ineligible Expenses) are subtracted from the Gross Expenses. This will be automatically calculated by a formula in the electronic form.
- e. **Local Match** – The total of all other local dollars and resources (including any in-kind) that your organization contributed/expended that directly relates to the project (see [Chapter 2](#)).
3. **Total Amount Requested** – Subtract the Local Match from the Net Expenses. This will be automatically calculated by a formula in the electronic form.
4. **Fund Source** – The electronic form contains equations to distribute the Total Amount Requested between the funding types awarded for each project. Grantees are strongly encouraged to use the electronic form provided with the agreement. However, if you need to use a paper version of the form, leave this section blank. The project may be funded by Rural Mobility Competitive, Rural Mobility Transit Formula, Paratransit/Special Needs for Non-Profit, Paratransit/Special Needs Transit Formula, FTA 5309, FTA 5310, FTA 5311, FTA 5316 (JARC), and/or FTA 5317 (New Freedom) funds.
5. **Signature Block** – The reimbursement request form must be signed by the appropriate authorized individual at your organization. WSDOT will not issue payment if the reimbursement request form is not signed.



Public Transportation Division  
Consolidated Grant - Operating Reimbursement Request

Progress Bill # \_\_\_\_\_  
Reimbursement Request Date: \_\_\_\_\_  
Final Request?: \_\_\_\_\_  
Billing Period: \_\_\_\_\_

Organization Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, and Zip: \_\_\_\_\_

Agreement Number: \_\_\_\_\_  
Vendor ID Number: \_\_\_\_\_

Operating Expenses Per Project (Please attach additional invoice if more than three projects):

Enter Project Names below:			
Project A	Title:	Total Amount Requested	Fund Source - will compute automatically
Gross Expenses	Fares & Donations	0.00	JARC FTA 5311
Ineligible Expenses	Net Expenses	0.00	Paratransit/SN Non-Profit
Local Match		0.00	RM Transit Formula
RM Competitive			JARC FTA 5316
New Freedom			FTA 5310

Project B	Title:	Total Amount Requested	Fund Source - will compute automatically
Gross Expenses	Fares & Donations	0.00	JARC FTA 5311
Ineligible Expenses	Net Expenses	0.00	Paratransit/SN Non-Profit
Local Match		0.00	RM Transit Formula
RM Competitive			JARC FTA 5316
New Freedom			FTA 5310

Project C	Title:	Total Amount Requested	Fund Source - will compute automatically
Gross Expenses	Fares & Donations	0.00	JARC FTA 5311
Ineligible Expenses	Net Expenses	0.00	Paratransit/SN Non-Profit
Local Match		0.00	RM Transit Formula
RM Competitive			JARC FTA 5316
New Freedom			FTA 5310

Totals From Projects A, B, C - will compute automatically			
Gross Expenses	Fares & Donations	0.00	JARC FTA 5311
Ineligible Expenses	Net Expenses	0.00	Paratransit/SN Non-Profit
Local Match		0.00	RM Transit Formula
RM Competitive			JARC FTA 5316
New Freedom			FTA 5310

For WSDOT use Only			
RM Competitive	\$0.00	Paratransit/SN Non-Profit	\$0.00
RM Transit Formula	\$0.00	RM Transit Formula	\$0.00
JARC FTA 5311	\$0.00	JARC FTA 5316	\$0.00
New Freedom FTA 5317	\$0.00	New Freedom FTA 5317	\$0.00

I hereby certify that the costs shown on this invoice reflect the true and actual costs incurred against this Agreement.

Signature \_\_\_\_\_  
Date \_\_\_\_\_  
Type Signatory's Title \_\_\_\_\_  
Type Name of Signatory \_\_\_\_\_

Reviewed By: \_\_\_\_\_  
Date: \_\_\_\_\_  
Reviewed By: \_\_\_\_\_  
Date: \_\_\_\_\_  
Approved By: \_\_\_\_\_  
Date: \_\_\_\_\_

Return original signed hard copy with supporting documents to:

Consolidated Grant Program  
WSDOT Public Transportation Division  
Attn: PTD Financial Support  
P.O. Box 47387  
Olympia, WA 98504-7387

Date Stamp

OP Invoice Form 01/11

### Instructions for Operating Grant Reimbursement Requests

Use only the form dated 01/11- Reimbursement Requests submitted on outdated forms must be resubmitted

- 1) Reimbursement Request forms for operating grants may be submitted monthly or quarterly. We prefer that the forms be submitted quarterly.
- 2) Fill out all information in the heading: the Organization Name, Address, and Vendor ID Number will be completed. Please advise if changes are needed.

**Organization and Address:** agency's name and address to which the payment will be sent

**Agreement Number:** agreement number shown on your contract with WSDOT

**Vendor ID Number:** number assigned to your organization by the Internal Revenue Service or by WSDOT

**Progress Billing #:** Enter 1 for the first Reimbursement Request submitted, 2 for the second, etc.

**Reimbursement Request Date:** date the Reimbursement Request form was created

**Billing Period:** time period covered by the form

**Final Request:** enter yes or no if this is your final Request

- 3) Operating Expenses: report operating expenses for each project funded under your agreement. You may report up to three projects per form. If you have more than three projects, complete and attach an additional Reimbursement Request. The project must be reported on the line that corresponds to the project title and description defined in the Appendix of your contract (Project A of the Appendix reported under Project A of the Reimbursement Request).

**Gross Expenses:** total operating expenses during the billing period for the transportation services defined for your project in the agreement

**Fares and Donations:** any income received from passengers for transportation services provided to them

**Ineligible Expenses:** any ineligible expenses and/or depreciation of equipment purchased with federal funds. See 'Guide to Managing Your Public Transportation Grant', Appendix A, Page 3, Section 2c for examples.

**Net Expenses:** subtract the Fares, Donations, and Ineligible Expenses from the Gross Expenses. A formula has been inserted to calculate these expenses automatically.

**Local Match:** funds contributed for your transportation services directly related to your project. Funds diverted to a capital reserve account should not be included.

**Total Amount Requested:** subtract the Local Match from the Net Expenses. A formula has been inserted to calculate these expenses automatically.

- 4) Your project may be funded by: Rural Mobility Competitive, Rural Mobility Transit Formula, Paratransit/Special Needs for Non-Profit, Paratransit/Special Needs Transit Formula, FTA 5311, FTA 5311(f), JARC, Regional Mobility or Other fund to be determined. This form was created to be completed electronically and will calculate these expenses based on the project fund sources defined in your contract with WSDOT. If you prefer to manually fill in the Reimbursement Request, a blank form will be provided to you upon request.
- 5) Signature Block: the Reimbursement Request must be signed by your Chief Executive Officer or Financial Manager. Payment will not be issued if the form is not signed.
- 6) Send completed Reimbursement Requests to:

*Consolidated Grant Program Return original signed hard copy to:*

**WSDOT Public Transportation Division**

Attn: PTD Financial Support

PO Box 47387, Olympia, WA 98504-7387

Instructions - Operating

## Instructions for Operating Grant Reimbursement Requests

Page 2 of 2

## Consolidated Grant – Capital Equipment and Vehicle Reimbursement Request Form

Reimbursement request forms for Consolidated Grant capital projects may be submitted after a significant amount of expenses have been incurred. If submitting a reimbursement request for a vehicle purchase, forms must be submitted no later than 30 days after the acceptance of the vehicle.

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**Note:** Quarterly progress reports detailing your organization's procurement milestones are still required to be submitted electronically even if no expenses have been incurred and a reimbursement request form is not submitted.

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### ***Instructions to Complete the Form***

The instructions below are included with the electronic version of the reimbursement request form that WSDOT emails to you. Some information is already entered on the form. Notify WSDOT if changes are needed.

1. The following information contained in the heading section must be completed:
  - a. **Organization Name and Address** – Organization's name and the address where the payment will be sent.
  - b. **Reimbursement Request Date** – Date the form was completed.
  - c. **IFB or RFP Publish Date** – Date the invitation for bid or request for proposal was published. If piggybacking another contract, list the issue date from the underlying bid and identify the bid number.
  - d. **Contract Award Date** – Date your organization has contracted with the vendor (i.e., purchase order date or date of signed contract).
  - e. **Contract Completion Date** – Date the last vehicle under the contract was accepted. If additional vehicles are expected to be delivered under this contract, leave this box blank.
  - f. **Agreement Number** – Number shown on the WSDOT agreement for this project.
  - g. **Vendor ID Number** – Number assigned to your organization by the Internal Revenue Service or by WSDOT. This number is used as your vendor identification.
  - h. **Progress Bill Number** – Enter 1 for the first reimbursement submitted, 2 for second reimbursement, and so on.
  - i. **Final Request** – Enter "yes" if this is the final reimbursement request for this project.

2. **Equipment** – The information in this section will vary based on the type of equipment purchased. All information requested must be provided before WSDOT will issue a reimbursement.
  - a. **Equipment Description**
    - **Vehicles** – Year, make, and model of each vehicle purchased.
    - **Other Equipment** – Equipment description.
  - b. **VIN/Serial Number**
    - **Vehicles** – Vehicle Identification Number (VIN).
    - **Other Equipment** – Serial number from each piece of equipment.
  - c. **Grantee Vehicle Number (vehicles only)** – Number assigned to each vehicle by your organization.
  - d. **Gross Vehicle Weight (not applicable for vans or other equipment)** – Gross weight of the vehicle.
  - e. **Passenger Seats/Wheelchair Securements** – Number of passengers each vehicle will accommodate, followed by the number of wheelchair securement areas.
  - f. **ADA Accessible** – Indicate whether the vehicle is accessible to persons with disabilities. (All vehicles must meet federal ADA requirements except for vanpool vehicles. Grantees may purchase non-accessible vanpool vehicles as long as their vanpool fleet contains at least one accessible vehicle, or there is a plan in place to acquire an accessible vehicle for placement in vanpool operations.)
  - g. **Date Accepted** – Date that your organization notified the vendor that the vehicle was accepted.
3. **Cost** – Amount shown on the vendor invoices less any pre-payment discounts, rebates and/or refunds given. Public transit agencies also need to deduct the ineligible local sales tax that is collected on its behalf from the invoiced cost.
4. **Factory Visit Trip** – If your organization conducted an on-site visit to the manufacturer, a Factory Visit Trip Expense Worksheet must be completed. After the worksheet is completed, transfer the calculated costs to the reimbursement request form.
5. **Less Local Share** – Calculate your organization's local share using the percentages provided in the grant agreement.
6. **Reimbursement Requested** – Subtract the local share from the total costs.
7. **Signature Block** – The reimbursement request form must be signed by the appropriate authorized individual at your organization. WSDOT will not issue payment if the reimbursement request form is not signed.

## 8. Required Attachments for Capital Grants

- a. Vendor Invoices – All vendor invoices related to the expenses you are billing.
- b. Factory Visit Trip
  - A completed Factory Visit Trip Expense Worksheet calculating expenses and state per diem rates.
  - A trip itinerary and all travel expense receipts except for meal receipts.
- c. Explanation if trip was not taken.
- d. Post-Delivery Inspection Forms (see [Appendix C](#) for sample forms)
  - Visual Inspection Form
  - Road Test Form
- e. Post-Delivery Certification Forms
  - Post-Delivery “Buy America” Compliance Certification
  - Post-Delivery “FMVSS” Compliance Certification
  - Post-Delivery “Purchaser Requirements” Compliance Certification
- f. Copy of the vehicle registration.
- g. Copy of the insurance certificate.
- h. Copy of your vehicle acceptance letter to the vendor.

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**Note:** If the required documents are not received with the reimbursement request form, the reimbursement will be placed on hold until the documents are received.

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### **Instructions for Capital Equipment and Vehicle Grant Reimbursement Requests**

Use only the form dated 02/11 - Reimbursement Requests submitted on outdated forms must be resubmitted

- 1) Reimbursement Request forms for capital grants may be submitted after significant expenditures have been incurred. Reimbursement Requests submitted for a vehicle purchase should be submitted within 30 days after the acceptance of the vehicle.
- 2) Fill out all information in the heading: the Organization Name, Address, and Vendor ID Number will be completed. Please advise if changes are needed.

**Organization Name and Address:** agency's name and address to which the payment will be sent  
**Reimbursement Request Date:** the date the Reimbursement Request form was created  
**RFB Publish Date:** the date the request for bid was published for your project (**REQUIRED**)  
**Contract Award Date:** the date the contract was executed with the vendor for your project (**REQUIRED**)  
**Contract Completion Date:** the date the contract with the vendor was completed for your project (**REQUIRED**)  
**Agreement Number:** the agreement number shown on the your contract with WSDOT for this project  
**Vendor ID Number:** number assigned to your agency by the Internal Revenue Service or by WSDOT  
**Progress Billing #:** Enter 1 for the first Reimbursement Request submitted, 2 for the second, etc.  
**Final Request:** enter yes or no if this is your final Request

- 3) Equipment: the information in this section will vary based on the type of equipment purchased. When purchasing vehicles, it is important that all the information requested on the form is filled out.

**Equipment Description:**

Vehicles: enter the year, make, and model of each vehicle purchased

Other Equipment: enter the equipment description

**VIN/Serial Number:**

Vehicles: enter the vehicle identification number

Other Equipment: enter the serial number from each piece of equipment

**Grantee Vehicle Number:** number assigned to the vehicle by your agency

**Gross Vehicle Weight** (not applicable to vans and other equipment):

Enter the length & Gross Vehicle Weight of the vehicle

**Passenger Seats/WC Securements:** number of passengers each vehicle will accommodate (include fold down seat spaces over wheelchair securements)

**ADA Accessible:** indicate whether the vehicle is accessible to persons with disabilities

**Date Accepted:** date in which your agency notified the vendor that the vehicle had been accepted

**Cost:** enter the amount shown on the vehicle vendor invoice less any pre/early-payment discounts, rebates or refunds given. Additionally, public transit agencies need to deduct the transit portion of the sales tax paid on the vehicles since the tax is not eligible for reimbursement by WSDOT.

- 4) Factory Visit Trip: if your agency was required to conduct a PRE-AUTHORIZED, on-site visit to the manufacturer, a Factory Visit Trip Travel Worksheet must be completed and attached. After the worksheet is completed transfer the calculated costs to the Reimbursement Request form. Factory Visit Trip expenses may be billed separately. If a trip was not taken, attach an explanation.
- 5) Total Cost: enter the total amount from the equipment purchases and add the Factory Visit Trip expenses. A formula has been inserted to calculate these expenses automatically.
- 6) Less Local Share: calculate your agency's local share using, at a minimum, the percentage provided in your contract with WSDOT. You may provide a higher match percent if necessary or desired.
- 7) Reimbursement Requested: subtract the Local Share from the Total Costs. A formula has been inserted to calculate these expenses automatically.
- 9) Signature Block: your Chief Executive Officer or Financial Manager must sign the Reimbursement Request. WSDOT will not issue payment if the form is not signed.

- 10) Required attachments for capital grants:
- Vendor Invoices: attach copies of all corresponding vendor invoices
  - Factory Visit Trip\* (If factory visit was required and performed):
    - Factory Visit Travel Worksheet
    - Trip Itinerary and all related receipts except meal receipts
    - Explanation if trip was not taken
  - Post Delivery Inspection Forms\*:
    - Visual Inspection Form
    - Road Test Form
    - Post Delivery 'Buy America' Compliance Certification
    - Post Delivery 'FMVSS' Compliance Certification
    - Post Delivery 'Purchaser Requirements' Compliance Certification
  - Copy of the vehicle registration certificate
  - Copy of liability insurance certificate
  - Copy of your vehicle acceptance letter to the vendor
- 11) Mail completed Reimbursement Requests and supporting documents to:
- Consolidated Grant Program Return original signed hard copy to:*  
**WSDOT Public Transportation Division**  
Attn: PTD Financial Support  
PO Box 47387, Olympia, WA 98504-7387

## Discretionary Grant Program – Capital Construction Grant Reimbursement Request Form

Reimbursement request forms for discretionary capital construction project grants may be submitted monthly or quarterly. WSDOT prefers reimbursement request forms be submitted quarterly and no later than 30 days after a quarter has ended.

### ***Instructions to Complete the Form***

The instructions below are included with the electronic version of the reimbursement request form that WSDOT emails to you. Some information is already entered on the form. Notify WSDOT if changes are needed.

1. The following information contained in the heading section must be completed:
  - a. **Organization Name and Address** – Organization’s name and address where the reimbursement will be sent.
  - b. **Agreement Number** – Number shown on the WSDOT agreement for this project.
  - c. **Vendor ID Number** – Number assigned to your agency by the Internal Revenue Service or by WSDOT. This number is used as your vendor identification.
  - d. **Progress Bill Number** – Enter 1 for first reimbursement submitted, 2 for second reimbursement, and so on.
  - e. **Reimbursement Request Date** – Date the form was completed.
  - f. **Final Request** – Enter “yes” if this is your final reimbursement for this project.
  - g. **Billing Period** – Time period for expenses incurred.
2. Enter your construction expenses and revenue for the phases of the project when work was performed, such as design, right of way, and construction. It is important to note the amount budgeted in your grant agreement for each of these phases so you do not bill more than the amount budgeted for each phase. The amounts budgeted for each phase can be changed through an amendment upon request.
  - a. **Gross Expenses** – Total construction expenses during the billing period for the project activities defined for the activity in the agreement.
  - b. **Local Match** – The percentage of local funds (i.e. cash) paid to support each activity of the project. The percentage is specified in your grant agreement and must be from eligible, non-USDOT funds. In-kind donations cannot be used as match.
3. **Total Amount Requested** – Subtract the Local Match from the Net Expenses. This will be automatically calculated by a formula in the electronic form.

4. **Signature Block** – The reimbursement request must be signed by the appropriate authorized individual at your organization. WSDOT will not issue payment if the reimbursement request form is not signed.
5. Required documents for Discretionary Grant construction reimbursement requests:
  - a. Copies of all vendor invoices for eligible costs incurred to complete the project. Eligible costs may consist of contracted A&E and Construction Management services, land acquisition, permits, environmental testing and surveying costs and construction materials and labor. All federally funded projects involving contracted and subcontractor labor must collect and report prevailing wage information for their project. Refer to your organization's grant agreement Scope of Work and Budget for eligible expenditure categories and amounts.

**Washington State Department of Transportation  
Public Transportation Division  
Capital Construction Grants - Reimbursement Request**

Agreement Number: \_\_\_\_\_  
 Organization: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, and Zip: \_\_\_\_\_  
 Federal ID Number: \_\_\_\_\_

Invoice Date: \_\_\_\_\_  
 Billing Period: \_\_\_\_\_  
 Progress Billing #: \_\_\_\_\_  
 Final Request?: \_\_\_\_\_

Project Title: \_\_\_\_\_

Project Phase - A&E and Project Management				
Gross Total Expenses	Less Ineligible Expenses	Net Expenses	Less Local Contribution	BLG Amount Requested
		0.00		0.00

Project Phase - Right of Way / Acquisition				
Gross Total Expenses	Less Ineligible Expenses	Net Expenses	Less Local Contribution	BLG Amount Requested
		0.00		0.00

Project Phase - Construction				
Gross Total Expenses	Less Ineligible Expenses	Net Expenses	Less Local Contribution	BLG Amount Requested
		0.00		0.00

Totals From All Phases (will compute automatically)				
Gross Total Expenses	Less Ineligible Expenses	Net Expenses	Less Local Contribution	Total ARRA Amount Requested
0.00	0.00	0.00	0.00	0.00

\_\_\_\_\_  
 Signature Date  
 \_\_\_\_\_  
 Print Name of Signatory  
 \_\_\_\_\_  
 Print Signatory's Title

Reviewed by: \_\_\_\_\_  
 WSDOT Project Manager Date  
 Reviewed by: \_\_\_\_\_  
 WSDOT Accounting Staff Date  
 Approved by: \_\_\_\_\_  
 WSDOT Approving authority Date

*Return original signed hard copy with supporting documents to:*

**Bus Livability Grant Program**  
 WSDOT Public Transportation Division  
 David Chenaar  
 PO Box 47387  
 Olympia, WA 98504-7387

**Please attach all back-up documentation:**

- 1) Please provide Expense Summary.
- 2) Please provide copies of all invoices.
- 3) Please provide copies of all sub contracts.

For WSDOT Only:

Job Number	Work Op	Object	Org Code	Total:

## Factory Visit Trip Expense Worksheet

All out-of-state travel must be pre-approved in writing by WSDOT to be reimbursable under the grant agreement. The Factory Visit Trip Expense Worksheet must be completed to verify and calculate the travel expenses eligible for reimbursement. Once complete, attach the worksheet and copy of WSDOT's approval letter/email to the reimbursement request form.

### ***Instructions to Complete the Form***

Enter the traveler's name, organization, and corresponding grant agreement number on the top line. Enter the meeting location (company, city, and state) and date(s) of meeting on the second line. Indicate the normal work schedule for the traveler as if they were normally reporting for work on the third and fourth lines. This will assist with determining per diem eligibility.

Next, calculate your travel expenses as follows:

**Personal Auto Mileage** – List the miles traveled to and from the airport if traveling by plane. Multiply the total miles by the current POV mileage rate and enter the sum. Contact a WSDOT employee to verify the rate or go to [www.ofm.wa.gov/resources/travel/colormap.pdf](http://www.ofm.wa.gov/resources/travel/colormap.pdf). If using an airport shuttle service, enter the cost and attach a copy of the receipt.

**Meals** – The cost of meals are reimbursed based upon per diem and not actual receipts. For out-of-state per diem rates, go to [www.gsa.gov/portal/category/21287](http://www.gsa.gov/portal/category/21287) and look up city and state traveled to. Enter the number of meals and the per diem rate the traveler qualifies for. Calculate the total and enter the sum. You do not need to attach any receipts for the cost of meals.

**Miscellaneous Expenses** – Enter any incurred parking fees, lodging (limited to government rates found on the GSA website), airfare and other itemized expenses such as car rentals with copies of the receipts. Enter the total amount.

Add the three subtotals together to determine the Total Factory Visit Trip Expense. Enter the total trip expenses on the reimbursement request as indicated on the form and attach the worksheet, copies of receipts, and WSDOT's approval notice to the reimbursement request form.

If traveling to the same factory for multiple vehicles funded under different grants, divide the trip expenses proportionately between the vehicles funded. If you have any questions in completing the form, contact WSDOT staff for assistance.

### Factory Trip Expense Worksheet

Traveler's Name & Agency: \_\_\_\_\_ Agreement # \_\_\_\_\_

Meeting Location: \_\_\_\_\_ Date(s) of Meeting: \_\_\_\_\_

Please provide your normal work schedule (i.e. Monday-Friday, 8:00 am – 5:00 pm)

\_\_\_\_\_

Departure: date, time, and location from home or work: \_\_\_\_\_

Return: date, time, and location to home or work: \_\_\_\_\_

**Personal Auto Mileage**

Miles Driven to Airport \_\_\_\_\_

Miles Driven from Airport \_\_\_\_\_

Total Miles \_\_\_\_\_ x .565 = \$ \_\_\_\_\_

**Meals**

Breakfast \_\_\_\_\_ Meals @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

Lunch: \_\_\_\_\_ Meals @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

Dinner: \_\_\_\_\_ Meals @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

Total Meals \_\_\_\_\_ \$ \_\_\_\_\_

**Miscellaneous Expenses**

Parking Fees: \_\_\_\_\_

Lodging: \_\_\_\_\_

Airfare: \_\_\_\_\_

Other (Specify): \_\_\_\_\_

Total Miscellaneous Expenses \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL FACTORY TRIP EXPENSE: \_\_\_\_\_ \$ \_\_\_\_\_

**Travel itinerary and receipts must be submitted for all expenses except meals.**

**Attach your written trip pre-authorization from WSDOT and this form to your Reimbursement Request form.**

*\*Note: Lodging, mileage, and meals are reimbursed at the state per diem rates. State per diem rates are subject to change. For state per diem rates at your destination visit the Web at: [www.ofm.wa.gov/resources/travel.asp](http://www.ofm.wa.gov/resources/travel.asp) or contact a WSDOT Public Transportation Division staff member.*

2013-2015 Trip Expense Worksheet

Rev. 8/13/13

The Washington State Department of Transportation (WSDOT) uses information from reports to demonstrate that grantees are accountable, delivering public benefits, and meeting contractual obligations. This information is available to the public, the Washington State Legislature, the Federal Transit Administration (FTA), the Secretary of Transportation, the Governor, and others. WSDOT uses the reports to highlight grantee successes, assess progress, and identify areas where organizations may need technical assistance.

All grantees are required to submit reports to the WSDOT Public Transportation Division using reporting forms supplied by WSDOT. Report formats will differ depending upon the project type and grant program: Consolidated Grant Program, Regional Mobility Grant Program (RMG), or Vanpool Investment Program (VIP). Reporting requirements are detailed in this appendix by grant program, including instructions on how to fill out the forms. In the event that the Office of Financial Management or legislative action requires additional performance reporting during the grant cycle, WSDOT will notify grantees of any new requirements.

## Consolidated Grant Program Reports

Unless otherwise specified, all reports are due within 30 days after the end of the calendar quarter and must be filled out and submitted electronically for **each project** funded through your agreement(s) with WSDOT. Sample reports can be found starting on page B-17.

Report required by type of project:

	Operating	Program Development*	Capital Equipment	Capital Construction
<b>Report Type</b>	Quarterly Narrative Progress Report	Quarterly Narrative Progress Report	Quarterly Narrative & Financial Progress Report	Quarterly Narrative & Financial Progress Report
	Financial & Statistical Progress Report (consists of): <ul style="list-style-type: none"> <li>• Detail of Match</li> <li>• Detail of Volunteers</li> <li>• Expenses</li> <li>• Statistics by Service Type</li> <li>• Program Income</li> <li>• Complaints</li> <li>• DBE</li> </ul>	Financial & Statistical Progress Report (consists of): <ul style="list-style-type: none"> <li>• Detail of Match**</li> <li>• Detail of Volunteers</li> <li>• Program Income***</li> <li>• Complaints</li> <li>• DBE</li> </ul>	Statistical Progress Report (consists of): <ul style="list-style-type: none"> <li>• Program Income</li> <li>• Complaints</li> <li>• DBE (not rolling stock)</li> </ul>	Statistical Progress Report (consists of): <ul style="list-style-type: none"> <li>• Program Income</li> <li>• Complaints</li> <li>• DBE</li> </ul>
	Non-Progress Specialty Reports <ul style="list-style-type: none"> <li>• Charter Service</li> <li>• Inventory (if WSDOT still holds vehicle title)</li> </ul>		Non-Progress Specialty Reports <ul style="list-style-type: none"> <li>• Charter Service</li> <li>• Inventory (if WSDOT still holds vehicle title)</li> </ul>	Non-Progress Specialty Reports <ul style="list-style-type: none"> <li>• Inventory</li> </ul>

\* Includes mobility management projects

\*\* Not required of planning projects

\*\*\* Not required of planning & mobility management projects

Other Potential Reports: National Transit Database, FTA 5316/5317, and FTA 5310.

See details under Additional Reports section on [page B-8](#).

## Quarterly Progress Report

The Quarterly Progress Report is a Word document in which grantees narratively describe project-related accomplishments, coordination efforts, challenges and overall progress for the reporting quarter. Include planned and actual project milestones. See page B-17.

1. **Project Information** – This section is the same for all project types.
  - **Project Title** – A brief identification of the project or the program supported by project funds (“Veterans Transportation,” “East County Route,” or “Three Replacement Coaches”).
  - **Grant Recipient** – Organization name.
  - **Agreement Number** – Four-digit number assigned to the grant agreement by WSDOT.
  - **Consolidated Project** – Project letter assigned to the project found in the scope of work of the agreement. If there is only one project, select the box next to project A.
2. **Funding Source(s)** – This section is the same for all project types (operating, capital, etc.). Select the appropriate box(es) next to each funding source listed in the federal and/or state funding source rows to reflect the type of grant funds provided for this project.
3. **Progress Narrative** – This section differs depending on the project type. Answer all narrative questions in the space provided under each question on the form. Text boxes in the form will expand to accommodate your text. If you have any questions about how to answer the questions, contact your WSDOT project manager.
4. **Schedule** – This section is different depending on the type of project.
  - **Operating and Program Development Projects** – In the “Planned” column, list the start and completion dates of the project activity as initially scheduled. Then enter what have been the true start and completion dates as of the reporting quarter in the “Actual” column. If a project is continuing from a prior biennium, then the start date is the beginning of the grant period (July 1, 2011). If a project is ongoing, then the planned end date will be the end of the grant period (June 30, 2013) and the actual end date will not be filled in until the last quarterly report is submitted.
  - **Capital Vehicle/Equipment Projects and Capital Construction Projects** – For the first-quarter report, fill in the “Planned” column using the estimated dates of your procurement or construction process.  
On subsequent reports, fill in the “Revised” or “Actual” columns, as appropriate, as each quarter passes. By the end of the agreement, the milestones should all have a date listed in the “Actual” column.
5. **Financial Reporting** – Section 5 is a checklist of other required reports that must accompany the quarterly progress report narrative form, depending on project type. Instructions on filling out those reporting forms can be found later in this appendix.

6. **Statistical Reporting Section** – Section 6 is a checklist of other required reports that must accompany the quarterly progress report narrative form, depending on project type. Instructions on filling out those reporting forms can be found later in this appendix.
7. **Signature Section** – Complete every field in this section.

### **Quarterly Financial and Statistical Forms**

WSDOT provides an Excel workbook containing seven report forms (spreadsheets) to submit financial and statistical information along with the quarterly progress report. Not all projects will require all seven forms.

### **Quarterly Detail of Match (Project to Date)**

This form is required for operating or planning projects only (see page B-19). Enter the following information for each project to date:

- Gross expenses
- Fares and donations
- Ineligible expenses
- Net expenses (calculated automatically based on the information entered above)

---

**Note:** The above expense information should agree with the information provided on the reimbursement requests.

---

- **Less Local Match** – Enter the name and amount received from each matching source applicable to each project.
- **Total Local Match** – Calculates automatically based on the information provided.
- **Funding Sources** – Enter the total amount billed to WSDOT for each funding source applicable to the project.
- **Total Amount Requested** – Calculates automatically based on the information provided and should equal the Total Amount to Date of reimbursement requests submitted to WSDOT.
- **Local Match Percentage** – Calculates automatically based on the information provided. The percentage for each project should be equal to or greater than the percentage shown as the Contractor's Share for the project in the agreement. If this percentage is less than what is shown in the agreement, WSDOT may contact the grantee to determine what action, if any, is necessary for the project.

### **Detail of Volunteers**

This form is required for projects that use in-kind match in the form of volunteer hours and other volunteer expenses.

- **Total Volunteer Driver Activity** – Enter the total number of passenger trips (one-way boardings), revenue vehicle miles (in-service miles), and volunteer hours reported on the volunteers' timesheets.
- **Other Volunteers** – If you count volunteers other than drivers (marketing consultants, office interns) toward in-kind match, list the position(s), the number of hours, and other related expenses (travel to project-related activity) here. Add more boxes as needed.

All volunteer activity listed should conform to your approved in-kind valuation plan on file with WSDOT. This is a new form this biennium. Do not hesitate to contact Public Transportation Division staff to assist you with this or other forms.

### Quarterly Expenses

This form is required for all project types. Enter the total net expenses in the appropriate funding row and service type column. Use service type “Other” for capital expenses. Net expenses are the balance after the fares, donations, and ineligible expenses are subtracted from the gross expenses. See page B-21.

- **Funding Sources** – Use the percentages for each funding source applicable to the project to determine the appropriate amount for each funding source. Only include expenses from the quarter you are reporting.
- **Total Net Expenses This Quarter** – Calculates automatically based on the information provided by funding source.
- **Total Net Expenses to Date** – Add the Total Net Expenses this Quarter to the Total Net Expenses to Date from the previous quarter’s report. Enter the total on the form.
- **Total Budget for Project** – Enter the amount shown in the agreement as the Total Project Cost applicable to the project being reported.
- **Balance** – Calculates automatically based on the information provided and shows the amount of local and grant funds left for the project.
- **Percentage of Budget Spent** – Calculates automatically based on the information provided.

### Quarterly Statistical Summary by Service Type

This form reports statistical information regarding ridership, revenue vehicles miles, and revenue vehicle hours. Unique projects such as mobility management may use this form to report performance under different categories than the ones listed below. See page B-22.

- **Passenger Trips** – Enter the total number of passengers boarding revenue vehicles during the quarter.
- **Revenue Vehicle Miles** – Enter the total number of miles that a vehicle travels while in scheduled revenue service for the period.
- **Revenue Vehicle Hours** – Enter the total amount of time (in hours) a vehicle travels while in scheduled passenger service for the period.

For each category, enter the number of trips, miles or hours under the applicable service type and in the row of funding that was used for the services. If there were multiple types of funding, then the number should be split based on the percentages for each funding source used for the project as found in the grant agreement. The report should also include in the local match funds category trips, miles, and hours for personal vehicles used for service purposes as well as and those made by volunteer drivers.

If the trips, miles, or hours are not from a direct source count, describe in the box at the bottom of the form how you determined ridership numbers.

## Quarterly Program Income

This form collects program income received from a federal grant-funded project. Program income is any revenue (i.e., money), except fares, received by a grantee that is directly generated by a grant supported asset or activity.

Examples of revenue generated from a grant-funded asset could be revenue from advertisements placed on grant-funded buses or sub-leases of space at a grant-funded facility. An example of revenue from a grant-funded activity may be money received from carrying freight on a route funded by an operating grant. While most grantees earn little to no program income besides fares due to the nature of their activities, it is still a federal requirement that this information be collected and reported as long as the underlying grant is still open.

Grantees need to be prepared to track non-fare revenues to see if it is supported by a grant funded asset or activity and, if necessary, be able to report quarterly the money generated by the appropriate grant. If you are unsure whether some revenue is considered program income or how to report it, contact your assigned project manager for assistance.

This quarterly report will be collected for different durations depending upon the type of project:

- **Planning and Operating** – This report will be collected quarterly until the end of the project.
- **Capital** – This report will be collected quarterly until the federal grant that funded the purchase is closed by WSDOT or until the life of the vehicle is complete and the title is released to the grantee.

WSDOT project managers will provide grantees with a program income report that includes all past and present agreement information. See page B-23. For each grant listed on the report, grantees will be required to provide the following information on the quarterly program income form:

- A brief description of how the program income was earned, such as bus advertising or parcel delivery.
- The amount of income earned for this activity.
- Verification that the funds earned went into the capital reserve account.
- The amount of income that was spent during the quarter.

Use the box at the bottom of the form to describe methodology for determining program income.

As the Federal grants are closed, the WSDOT project managers will update the agreement report with the grantee to remove those grants from the forms.

To find additional information on program income, review FTA Circular 5010.1D.

## Quarterly Complaints Log

Grantees are required to track complaints in accordance with the Americans with Disabilities Act (ADA). In addition, grantees awarded FTA funds must also track complaints regarding Equal Employment Opportunities (EEO) and Title VI of the 1964 Civil Rights Act.

To complete this report, first fill in organization name, agreement numbers covered by this report (all bus and non-bus purchase agreements), quarter/year, contact name, and phone number. If no complaints were received during the quarter and there was no activity to report, simply check the box in the agency information section that says “No complaints received this quarter” and submit the report.

If one or more complaints were received:

- Select what type of complaint was received (ADA, EEO, or Title VI).
- Record the date the complaint was received.
- Select the status of the complaint (open, investigation, lawsuit, referral, or closed).
- Enter a description of the complaint.
- List actions taken by your organization to resolve the complaint, which includes to whom the complaint was referred if it was referred to another organization.

## Disadvantaged Business Enterprise (DBE)

This report is only required for organizations receiving federal funds for projects other than capital rolling stock (vehicle) purchases (i.e., for capital equipment such as radios or bus shelters, for operating projects, or for planning projects). All quarterly expenses are to be listed, but associated DBE information is only listed for purchasing activities that have contracting opportunities. The table at the end of this section gives a partial list of what activities FTA considers a contracting opportunity as well as a partial list of non-contracting activities. These activities are examples. If you have any question about what qualifies as a contracting opportunity, contact your WSDOT project manager.

To complete the report, first fill in organization name, agreement number, quarter/year, contact name, and phone number. If no expenses were submitted for reimbursement to WSDOT during the quarter, simply check the box in the agency information section that says “No expenses incurred or reimbursement request submitted this quarter” and submit the report.

If expenses were incurred in the reporting quarter, complete the following fields:

- **Type of Expense** – This is a category such as “photocopier contract,” “facilities lease,” “office supplies,” “radio-system purchase,” “vehicle maintenance,” etc.
- **Federal Funds Spent on Item** – Using the percentage of federal funding identified in your agreement, calculate what dollar amount of the reimbursable expense listed in the Type of Expense field would be paid by federal funds.

If listed expenses qualify as a contracting opportunity, fill in the remaining columns:

- **Number of DBEs Used** – Fill in the number of DBEs used for the item(s) listed in Type of Expense. If no DBEs were used, enter zero (0).
- **Name(s) of DBE Used** – List the names of the DBEs counted in Number of DBEs Used.
- **Notes** – Use this space to provide any additional information.
  - If unable to find any DBEs to purchase from, if DBE costs were exorbitant compared to other bidders, or if there was another reason you did not use a DBE for a contracting opportunity, at the bottom of the form is a space for you to describe your good faith efforts to locate and purchase from DBE vendors during this time period.

### Contracting Opportunities

- Office supplies
- Printing (regular, digital, etc.)
- Concrete work for new bus shelters and facilities
- Shelter maintenance/repair
- Snow removal
- Security and courier services
- Environmental assessments
- Construction
- Shop tools, supplies, and tires
- Building maintenance
- Fuel
- Radio or AVL equipment
- Vehicle and equipment repairs (unless performed by in-house staff)
- Structural engineering
- Insurance
- Feasibility studies
- Engineering and design
- Translation of printed materials
- Transportation services
- Janitorial Services

### Non-Contracting Activities

- Salaries, benefits, and taxes
- Mileage and transportation (rental cars, airfare)
- Meals and lodging
- Conferences and seminars
- Postage
- Vehicle repairs (unless done by an outside organization)
- Dues and subscriptions
- Transit vehicle purchases

### Additional Reports

#### Charter Service

The Charter Service Exception report is required for all organizations receiving federal funds who are engaging in charter activities recognized under the FTA approved exceptions. Organizations that are required to complete this report must use FTA's form, which can be found at [www.fta.dot.gov/laws\\_reg\\_8429.html](http://www.fta.dot.gov/laws_reg_8429.html).

This report is due quarterly and must be submitted 30 days after the end of each quarter. The report covers the previous quarter's time period and must be submitted by email to [consolidated@wsdot.wa.gov](mailto:consolidated@wsdot.wa.gov). This is the only way that the report will be accepted. Reports submitted by any other means will not be considered as received.

## Annual Physical Equipment and Facility Inventory

All grantees that received grant funds for equipment, facilities, or vehicles for which WSDOT retains legal ownership must complete this inventory report on an annual basis. All public transit agencies must complete this inventory report on an annual basis regardless of funding. The report must include all passenger vehicles in the fleet, including spare vehicles, any equipment purchased, and facilities. Maintenance and staff-only vehicles are excluded. The inventory report must be signed by an authorized representative and mailed to:

WSDOT  
Public Transportation Division  
Attention: Capital Programs  
310 Maple Park Avenue SE  
PO Box 47387  
Olympia, WA 98504

Detailed instructions on how to complete this report can be found with the report itself. The report is due annually by February 15.

### **Reports Submitted to the Federal Transit Administration (FTA) by WSDOT**

FTA reporting requirements are dynamic and can change based on new laws and rules passed by Congress or programmatic leads at USDOT or FTA. WSDOT has chosen to work directly with grantees on the following reports and not collect information quarterly.

- **National Transit Database** – This report affects any grantees that currently receive FTA 5311 funds to operate a service or purchase a vehicle, or grantees for which WSDOT still holds title to a vehicle purchased with FTA 5311 funds. The report is due annually on the last business day in April.
- **Job Access and Reverse Commute (JARC)/New Freedom Reporting** – This report affects any grantees that currently receive FTA 5316 (JARC) or FTA 5317 (New Freedom) funds or grantees for which WSDOT still holds title to a vehicle purchased with either funding source.
- **Elderly and Disabled Transportation** – This report affects any grantees that currently receive FTA 5310 funds or grantees for which WSDOT still holds title to a vehicle purchased with FTA 5310 funds. This report is due annually in October.

WSDOT project managers or staff will contact the grantee and facilitate the collection of the information.

All grantees are required to respond to these requests or any other special reporting requests in a timely fashion. Failure to do so may affect a grantee's In Good Standing status.

## Submission of Reports

Submit all Consolidated Grant Program reports to [consolidated@wsdot.wa.gov](mailto:consolidated@wsdot.wa.gov). Only reports submitted to this email address will be accepted.

## Failure to Submit Reports

If WSDOT does not receive the quarterly progress and statistical reports or applicable specialty reports, the reimbursement request(s) will be held without payment until acceptable reports are received. See [Chapter 1](#) for more information.

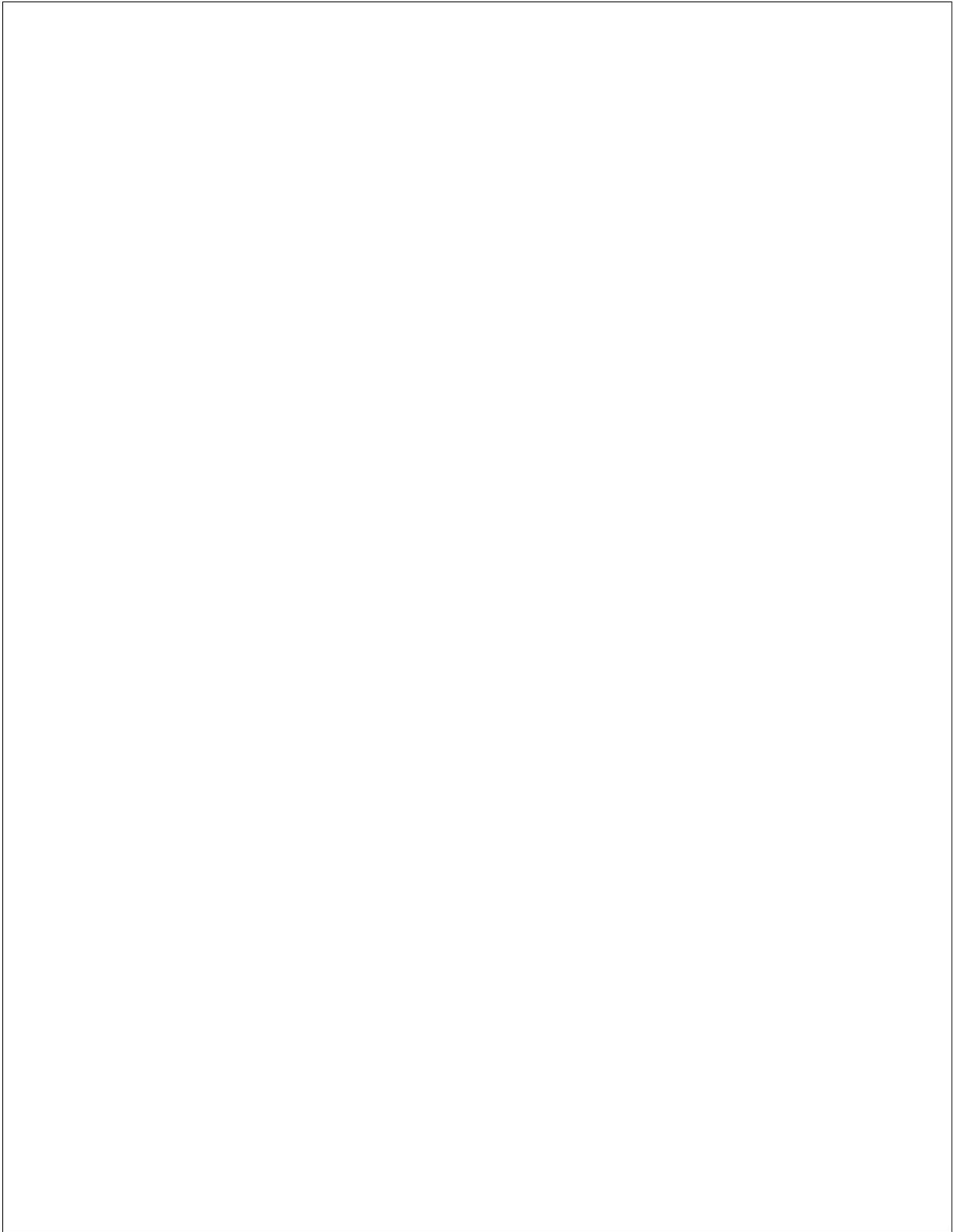
- Operating Projects – Quarterly Progress Report
- Quarterly Detail of Match
- Detail of Volunteers
- Quarterly Expenses
- Quarterly Statistical Summary by Service Type
- Quarterly Program Income
- Quarterly Complaints Log
- Quarterly Disadvantaged Business Enterprise (DBE) Log
- Physical Rolling Stock Inventory & Verification of Continued Use
- Physical Equipment Inventory
- Physical Facility Inventory

This appendix contains the forms to complete when visiting the manufacturer's factory and following the delivery of a vehicle purchased with grant funding.

- [Pre-Award Audit Checklist](#)
- [Pre-Award Factory Visit Checklist](#)
- [Mid Construction Factory Visit Inspection Checklist](#)
- [Visual Documentation & Visual Inspection Form](#)
- [Road Test Form](#)
- [Post-Delivery Purchaser's Requirements Certification  
\(Twenty or Fewer Vehicles\)  
\(More than Twenty Vehicles\)](#)
- [Post-Delivery Buy America Compliance Certification](#)
- [Post-Delivery Federal Motor Vehicle Safety Standards Compliance Certification](#)
- [Regional Mobility Grant Program Bus Purchase Self Certification](#)

Electronic versions of these forms can be found on the CD that accompanies this guide.

- [Pre-Award Audit Checklist](#)
- [Pre-Award Factory Visit Checklist](#)
- [Mid Construction Factory Visit Inspection Checklist](#)
- [Visual Documentation & Visual Inspection Form](#)
- [Road Test Form](#)
- [Post-Delivery Purchaser's Requirements Certification  
\(Twenty or Fewer Vehicles\)](#)
- [Post-Delivery Purchaser's Requirements Certification  
\(More than Twenty Vehicles\)](#)
- [Post-Delivery Buy America Compliance Certification](#)
- [Post-Delivery Federal Motor Vehicle Safety Standards Compliance Certification](#)



**Pre-Award Audit Checklist**  
*Page 1 of 1*

**Pre-Award Factory Visit Checklist**

Grantee Name: \_\_\_\_\_ Agreement # \_\_\_\_\_

Vendor Name: \_\_\_\_\_ Date of Visit: \_\_\_\_\_

Type of Vehicle Bid: \_\_\_\_\_ Location: \_\_\_\_\_

Is the factory visit being conducted for your agency only? Yes  No

If the factory visit is also being conducted on the behalf of other agencies, please list the agencies' names.

- |          |          |          |
|----------|----------|----------|
| 1. _____ | 4. _____ | 7. _____ |
| 2. _____ | 5. _____ | 8. _____ |
| 3. _____ | 6. _____ | 9. _____ |

The critical part of the factory visit is to ensure that the factory is able to build your vehicle to specifications. **You must use your vehicle specifications** as a checklist while inspecting your vehicle production. Be sure to ask questions to learn about the production of your vehicle. Please complete the following checklist while conducting your factory visit.

**Yes No**

- Is the factory a certified Transit Vehicle Manufacturer (TVM)?
- Is the factory a Qualified Vehicle Modifier (QVM)?
- Does the factory implement quality control during the production of the vehicle?

How does the factory conduct final inspection of the vehicle? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

What process does the factory take to correct errors? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Did you meet with the factory representative to thoroughly review your final vehicle specifications?
- Were there any discrepancies found in your vehicle specifications and the factory's understanding of your order? If yes, please identify:  
 \_\_\_\_\_  
 \_\_\_\_\_

How did the manufacturer resolve discrepancies in your vehicle specifications? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Was the factory production manager available to answer your questions or concerns?

Please list name(s) \_\_\_\_\_

When is your vehicle scheduled for production? Est. Date \_\_\_\_\_

When is your vehicle scheduled for delivery to the dealer? Est. Date \_\_\_\_\_

Does the manufacturer anticipate any problem with on-time delivery?

Please list reason(s) \_\_\_\_\_

Describe how the factory monitors the production of your vehicle? \_\_\_\_\_

\_\_\_\_\_

Does the manufacturer have all vehicle parts and supplies readily available for the production of your vehicle? If no, explain \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Was the facility clean and orderly?

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Individual Conducting Factory Visit      Date

Please file a completed original checklist in your procurement file and send a copy to WSDOT.

**Pre-Award Factory Visit Checklist**  
*Page 2 of 2*

### Mid-Construction Factory Visit Inspection Checklist

The following is a suggested checklist to be used to conduct a mid-construction factory visit. A mid-construction factory visit is required when purchasing 10 or more vehicles through a single bid. Grantees are urged to modify this checklist (as needed) to reflect their actual vehicle specifications.

- Chassis (vehicle chassis model i.e., 200X *Ford Model E-450 Super Duty*)
  - Engine (engine specification i.e., 6.8 liter *Ford Triton*, V-10, direct fuel injected)
  - Transmission (transmission specification i.e., Automatic, 4R 100 4 speed overdrive)
  - Dimensions (vehicle dimension, actual measurement)
    - Wheel Base: 158 inches
    - Overall Length: 276 inches maximum
    - Overall Exterior Height: 11 5 inches maximum
    - Overall Exterior Width: 98 inches maximum
    - Interior Height: 74 inches minimum
    - Interior Width: 91 inches minimum
  - Wheels, Wheel Wells And Related Items
  - Tire *OEM*, minimum 10 ply LT225/75R/16E BSW mounted on wheels
  - Shock Absorbers and Stabilizers
    - Front and rear HD Double Acting Shock Absorbers: 1.375 inch diameter, gas filled.
    - Front Stabilizer Bar: 1-inch diameter.
    - Rear Stabilizer Bar: 1.25-inch diameter
  - Braking system
    - HD dual Hydraulic Power Assisted
    - Four Wheel Anti-Lock, Disc Type
    - HD Cable-Actuated Parking With Warning Light
  - Exhaust System
  - Steering Power assisted with OEM Tilt Steering Wheel And Cruise Control
  - Electrical system
    - Alternator
    - Audible Reverse Alarm
    - Dual OEM 12-Volt Batteries With A Minimum Combined CCA of 1, 250 amps
-

- Flooring material
    - Type (Non-slip)
    - Color (Gray)
  - Mirrors (*Metagal* Convex Rear View Mirror)
  - Instrument Panel
    - Gauges, Warning Light etc.
    - Illumination
  - Seating
    - Driver Seat (type of seat)
    - Passenger Seat (number of seats, seating configuration)
  - Heating, Air Conditioning And Ventilation
    - Heating (OEM)
    - Rear Air Conditioning (40,000 BTU)
  - Body Exterior
    - One-inch Rub Rails Composed Of Flexible, Resilient Material
    - Install Lockable Fuel Cap Access Door
    - Ground Clearance
      - 12 inches Clearance From Ground To First Step
      - 13 inches Clearance Form Ground To Battery Box
  - Body Interior
    - Raised Floor Design
    - Metal Deck Shall Be Covered With Minimum 0.625-Inch Marine Grade Plywood
    - 125 inch Black Smooth Transit Type Matting With Anti-Skid Properties
    - Interior Entrance Steps Are Metal Backed
    - Handrail
    - Stanchion
  - Door and Doorways
    - OEM Driver Door
    - Transit Door Type for Passenger Door
    - Wheel Chair Lift Access Door
  - Windows
-

- Tinted Laminated Safety Glass And Sun Visor Tinting Windshield
- Two Of The Side Windows Shall Be Emergency Kick-Out Type
- Rear Window
- Wheelchair Lift
  - Mount Braun Model #919
  - Control Switch Location
  - Grab Rail
  - Interlocking System
  - Wheelchair Securement
  - Two Wheelchair Securement Station
  - Tie-Down System
  - L Track
- Miscellaneous Items
  - First Aid Kit
  - One set of Cable Type Tire Chains
  - Fire Extinguisher
  - Emergency Seat Belt Cutter

60% Buy America Vehicle Component Content Requirement

Did your organization’s representative conduct Buy America verification to ensure compliance on the vehicle’s major subsystems listed below? Yes  No  If No, please explain

\_\_\_\_\_

\_\_\_\_\_

Please identify which of the following vehicle components were used to meet the Buy America requirement:  Chassis  Engine  Transmission  HVAC  Other (please specify) \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Individual Conducting Factory Visit \_\_\_\_\_ Date \_\_\_\_\_

Please file the completed original checklist form in your organization’s procurement file and send a copy to WSDOT.

\_\_\_\_\_

### Visual Inspection Form

Organization Name \_\_\_\_\_ GCA # \_\_\_\_\_

Vehicle Manufacturer: \_\_\_\_\_ VIN: \_\_\_\_\_

Inspection Location: \_\_\_\_\_ Vehicle Type: \_\_\_\_\_

***The following items must be inspected on each vehicle received under your grant.***

Item	Requirement	Instruction	Result	Date	Remarks
Curb Weight	Maximum curb weight of _____ lbs	Measure on certified scale	Weight _____ lbs		
Buy America	Received Final American Content Report	Check to see if received, review for compliance	yes/no		
FMVSS Stickers	Affixed to the vehicle	Locate sticker	yes/no		
FMVSS Test Report	Received prior to or upon delivery of the vehicle	Check to see if received, review report	yes/no		
Altoona Testing Report	Received copy of report for vehicle make/model	Check to see if received, review report prior to vehicle acceptance	yes/no		
Finish and Color	Smooth body surfaces and paint	Visually inspect all surfaces for flaws	Pass/Fail		
Interior Panel Fastening	Absence of rough edges or surfaces	Visually inspect for proper installation	Pass/Fail		
Towing Devices	Provision of towing eyes (front/rear)	Verify presence of towing eyes	Pass/Fail		
Door Control	Opening time of _____ seconds	Verify door opening time frame	Pass/Fail		
Interior Lighting	Lighting operable without engine	Switch on all interior lights while engine is not running	Pass/Fail		
Exterior Lights & Turn Signals	All exterior lights and turn signals operable	Switch on and verify all lamps and turn signals are working properly	Pass/Fail		
Emergency Exits and Signs	Emergency exit signs include operating instructions	Emergency exit operates with ease, clearly marked and fully accessible	Pass/Fail		
Fuel Tank	Fill rate and filler location	Inspect filler for easy access and check fill rate	Pass/Fail		
Chassis	Welds, axles, suspension, steering, wheels, and brakes	Inspect for leaks and interference. Check fluid levels, welds, undercoating, air lines, brake slack, and lug nuts	Pass/Fail		
Electrical	Wiring and junction boxes	Inspect for loose or stretched wires	Pass/Fail		
Batteries	Secured and polarized wiring access for jump start	Inspect compartment and jumper cable access	Pass/Fail		
HVAC	Capacity and performance	Operate HVAC, check compressor, condenser, flow, and temperature	Pass/Fail		
ADA Accessibility	Doors & aisles ADA accessible	Measure door way and aisle clearance	Pass/Fail		
Wheelchair Access	Compliant wheelchair lift or ramp doors and securement areas	Inspect and operate wheelchair lift or ramp, inspect operation, and measure securement areas	Pass/Fail		
Power Plant	Mounting and arrangement	Check for loose lines, leaks, and noises. Check fluid levels, belt alignment, and cap fit	Pass/Fail		

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Date

### Road Test Form

Organization Name \_\_\_\_\_ GCA# \_\_\_\_\_  
 Vehicle Manufacturer: \_\_\_\_\_ VIN: \_\_\_\_\_  
 Location test was conducted: \_\_\_\_\_ Vehicle Type: \_\_\_\_\_

*The following items must be inspected on each vehicle received under your grant.*

Item	Requirement	Inspection Instruction	Result	Date Inspected	Remarks/Notes
Engine	N/A	Record low idle, fast idle, and high idle speeds	Low _____ Fast _____ High _____		
Service Brakes	Stopping Distance	Verify function and indicator, check for pulling to either side	Pass/Fail		
Parking Brake	N/A	Verify indicator and no movement when on	Pass/Fail		
Turning Effort	Steering wheel torque	Check effort with coach stopped	Pass/Fail		
Turning Radius	Not to exceed _____ at corner of body	Verify turning radius in both directions	Pass/Fail		
Acceleration	____ rate from 0 to _____ mph	Verify acceleration on smooth road	Pass/Fail		
Resonance	Absence of audible and/or visible vibrations	Operate vehicle at various speeds, check for vibrations and rattles	Pass/Fail		
Windshield wipers	Operational and evenly deposited wash fluid	Operate vehicle at safe speeds over 40 mph, check coverage, parking position, and wiper frequency	Pass/Fail		
Audible reverse alarm and lights	Audible reverse alarm and lights operable	Safely back up vehicle, check back up lights and alarm	Pass/Fail		
Power Plant	N/A	Check for leaks under vehicle and in engine compartment, check for abnormal noises	Pass/Fail		
HVAC	Interior temperature	Operate system, check internal and ambient temp	Pass/Fail		
Door Control	Accelerator and brake interlocks	At speeds less than 10 mph, verify accelerator and brake interlocks with door open	Pass/Fail		
General	N/A	During testing, observe and abnormalities in ride and handling of vehicle	Pass/Fail		

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Date





POST-DELIVERY BUY AMERICA COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C,

\_\_\_\_\_  
(the recipient) certifies that it is satisfied that the buses received,  
\_\_\_\_\_  
(number and description of buses) from

\_\_\_\_\_  
(the manufacturer), meet the requirements of Section 165(b)(3) of the  
Surface Transportation Assistance Act of 1982, as amended. The recipient  , or its appointed  
analyst  \_\_\_\_\_

\_\_\_\_\_  
(the analyst – not the manufacturer or its agent), has reviewed documentation provided by the  
manufacturer, which lists (1) the actual component and subcomponent parts of the buses identified  
by the manufacturer, country of origin, and cost; and (2) the actual location of the final assembly  
point for the buses, including a description of the activities that took place at the final assembly point  
and the cost of final assembly.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

---

POST-DELIVERY BUY AMERICA EXEMPTION CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C,

\_\_\_\_\_  
(the recipient) certifies that there is a letter from FTA, which grants a  
waiver to the buses received,

\_\_\_\_\_  
(manufacturer, number and description of buses), from the Buy America requirements under  
Section 165(b)(1), (b)(2), or (b)(4) of the Surface Transportation Assistance Act of 1982, as  
amended.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

POST-DELIVERY FMVSS COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart D, \_\_\_\_\_  
\_\_\_\_\_(the recipient) certifies that it received, at the post-delivery stage, a copy of  
\_\_\_\_\_  
's (the manufacturer) self-certification information stating that the buses, \_\_\_\_\_  
\_\_\_\_\_(number and description of buses), comply with the relevant Federal  
Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in  
Title 49 Code of Federal Regulations, Part 571.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

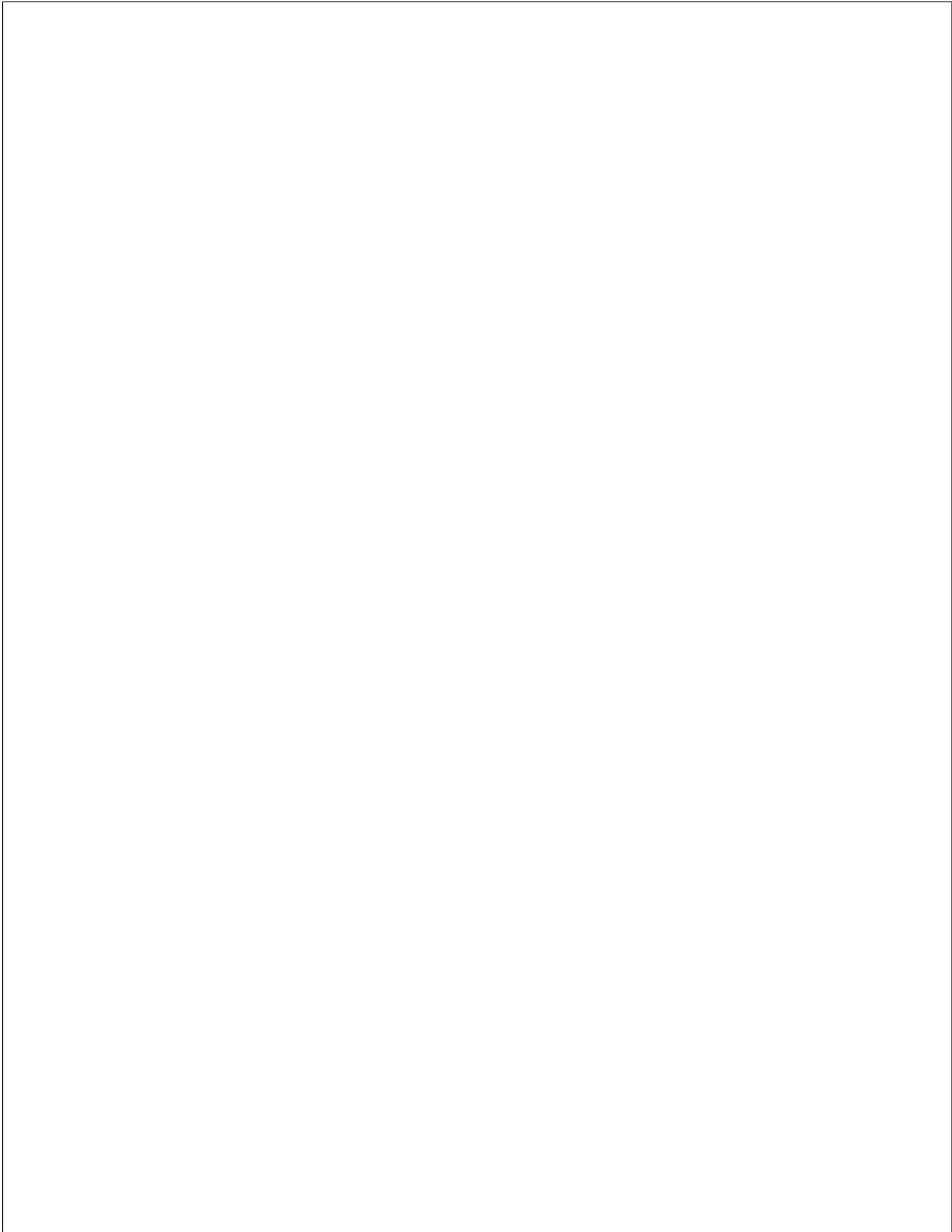
---

POST-DELIVERY FMVSS EXEMPTION CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart  
D, \_\_\_\_\_  
\_\_\_\_\_(the recipient) certifies that it received, at the post-delivery stage, a statement from  
\_\_\_\_\_  
's (the manufacturer) indicating that the buses, \_\_\_\_\_  
\_\_\_\_\_  
(number and description of buses), are not subject to the Federal Motor Vehicle Safety Standards  
issued by the National Highway Traffic Safety Administration in Title 49 Code of Federal  
Regulations, Part 571.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_



**Post-Delivery Federal Motor Vehicle Safety Standards Compliance Certification**  
*Page 1 of 1*



**Regional Mobility Grant Program Bus Purchase Self Certification**  
*Page 1 of 1*



This appendix contains the checklists used by the Washington State Department of Transportation (WSDOT) during site visits to ensure grantees' compliance with the requirements related to grant funding. Reviewing each checklist will provide an overview of the questions that will be asked, a basis for determining which staff members should be present, and the materials needed to participate in the meeting. Review the example checklists prior to the site visit. The following checklists are included:

- [Administrative Checklist](#)
- [Financial Checklist](#)
- [Capital Checklist](#)
- [Summary Form](#)
- [FTA Drug & Alcohol Program Compliance Checklist](#)
- [FTA Drug & Alcohol Policy Compliance Checklist](#)
- [FTA Drug & Alcohol Records Compliance Checklist](#)

The content and format of these checklists may change throughout the biennium depending on federal and state laws and the business processes at WSDOT. Refer to example forms on our website ([www.wsdot.wa.gov/transit](http://www.wsdot.wa.gov/transit)) for the most up-to-date version at any given time. Your WSDOT project manager will supply current examples as a part of the pre-visit process.

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### FTA Drug and Alcohol Program Compliance Checklist

**Agency Name:** [Click here to enter text.](#)  
**Date of Review:** [Click here to enter text.](#)  
**Date of Policy:** [Click here to enter text.](#)  
**DAPM/DER:** [Click here to enter text.](#)

Reference			
655.16	<b>Policy Dissemination</b>		
	1) Was written notice of your organization’s anti-drug and alcohol misuse policies and procedures provided to:		
	a) Every covered employee?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	b) Representatives of the employee organizations (unions)?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
	c) Do you have documentation on file evidencing the dissemination of the notice?	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.25	<b>Pre-Employment Administrative Requirements</b>		
40.25(a)	1) Did you request the following information from the employee’s/applicant’s previous employers covering the prior 2 years		
	2) Did the employee/applicant work for a USDOT regulated employer in the previous 2 years?	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.25(b)	a) Did the employee/applicant have any Alcohol tests with a result of .04 or greater?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	b) Did the employee/applicant have a verified positive drug tests?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	c) Did the employee ever refuse to be tested (including adulterated or substituted results)?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	d) Did the employee/applicant have any other violations of the DOT drug and alcohol testing regulations	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.25(d)	3) Did your organization refrain from placing the employee/applicant in safety sensitive duty until the information was received?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	a) If no, do you have documentation on file that reflects your good faith efforts to obtain the information?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
40.25(e)	4) Did you receive information from previous employers that indicated the employee/applicant had violated the DOT drug and alcohol testing regulations?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
↓	a) If yes, was the person hired?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	• If yes, did you receive documentation that shows the employee is in compliance with the return to duty process?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
40.25(j)	5) Do you ask applicants if they have ever tested positive or refused to test on any pre-employment drug or alcohol tests?	Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Contracted Services</b>			
40.15	1) Service Agents (C/TPA’s) - Do you use a service agent to perform any of the tasks needed to comply with the USDOT and FTA drug and alcohol regulations? If yes,	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
	Who is your service agent?	<a href="#">Click here to enter text.</a>	

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	What tasks does the service agent perform for you?	<a href="#">Click here to enter text.</a>		
40.15(b)	a) Have you reviewed the service agent's procedures to ensure they are in compliance with 49 CFR Part 40 and Part 655?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
	<ul style="list-style-type: none"> <li>When was the review completed?</li> <li>Were there any compliance problems?</li> <li>If yes, did you conduct a follow up review?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>	
	(i) When?			
40.17	2) Do you receive information from your C/TPA without significant delay?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
40, C-E	<b>Urine Collection Facilities</b>			
	What collection sites are used by your organization?	<a href="#">Click here to enter text.</a>		
655.45	a) Do these collection facilities allow for testing at all hours of your service?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
40.35	b) Have you provided the name of your DER to each collection facility?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
40.33	c) Have the collection site personnel received the required training?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
	<ul style="list-style-type: none"> <li>Does your organization have documentation evidencing the training? <b>Tracked on Records Review Sheet</b></li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>	
	d) Has your organization conducted an on-site review of the collection facility(s) to ensure they are in compliance with DOT drug and alcohol testing regulations?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
	<ul style="list-style-type: none"> <li>If yes, Date of review:</li> <li>Were there any findings?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>	
	(i) If yes, did you conduct a follow-up review?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
	(ii) Date of follow-up review			
	(iii) Were the issues resolved?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
40, F	<b>Laboratories</b>			
	What laboratory does your organization use?	<a href="#">Click here to enter text.</a>		
40.81	e) Do you have documentation that shows the laboratory is certified, by HHS, under the National Laboratory Certification Program?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
40.103	f) Does your organization or your TPA submit blind specimens to the lab? <i>(Only required for agencies with over 2000 covered employees)</i>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.105	<ul style="list-style-type: none"> <li>Have any of the results shown different results than expected?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.105(a)	<ul style="list-style-type: none"> <li>If yes, did you or your TPA investigate the issue?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.105(b-c)	What steps were taken to resolve this issue?	<a href="#">Click here to enter text.</a>		
40.107	g) Have you or your TPA reviewed the laboratory?	Y <input type="checkbox"/>	N <input type="checkbox"/>	
	<ul style="list-style-type: none"> <li>If yes, were there any compliance problems?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	(i) If yes, did you conduct a follow up review?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	(ii) Date of follow up review			

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40, G	<b>Medical Review Officer (MRO)</b>		
	h) Who is your MRO?	<a href="#">Click here to enter text.</a>	
40.121(a)	i) Does the MRO have the proper credentials?	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.121(b)	j) Does the MRO possess the required basic knowledge?	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.121(c-d)	k) Has the MRO completed the required training?	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.121(e)	l) Do you have documentation on file to evidence the above?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	m) Have you or your TPA conducted a review of the MRO?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	• If yes, were there any compliance problems?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	(i) If yes, did you conduct a follow up review?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	(ii) Date of follow up review		
Follow up:			
Part 40, J-N	<b>Blood Alcohol Technicians and Screening Test Technicians</b>		
	Who are your BATs or SSTs?	<a href="#">Click here to enter text.</a>	
40.213	n) Have they received the required training?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	o) Do you have documentation on file evidencing their training?	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.231	What devices are used by your BAT's or SST's?	<a href="#">Click here to enter text.</a>	
	p) Have you conducted a review of the BAT's or SST's practices and procedures? If yes, date?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	• Were there any compliance problems?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	(i) If yes, did you conduct a follow up review?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	(ii) Date of follow up review		
Part 40, O	<b>Substance Abuse Professional</b>		
	Who is your SAP?	<a href="#">Click here to enter text.</a>	
40.281(a)	q) Does the SAP have the proper credentials?	Y <input type="checkbox"/>	N <input type="checkbox"/>
40.281(c)	r) Has the SAP completed the completed the required training?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	• Do you have documentation on file to evidence the training?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	s) Have you conducted a review of the SAP's practices and procedures? If yes, date?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	• Were there any compliance problems?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	(i) If yes, did you conduct a follow up review?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	(ii) Date of follow up review		
655.14	<b>Employee Education and Training</b>		
655.14(a)	1) Does your organization display and distribute, to every covered employee:		
↓	a) Information material?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	b) Community service hot-line telephone number for employee assistance (if available)?	Y <input type="checkbox"/>	N <input type="checkbox"/>

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655.14(b)1	2) Do covered employees receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.14(b)2	3) Do supervisors and other employees, authorized to make reasonable suspicion determination, receive:		
↓	a) At least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	b) At least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<b>Do you have documentation verifying which employees received training?</b>	Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Testing Requirements</b>			
655.21(a) & 655.31(a)	1) Does your organization's program include testing under the following circumstances?		
↓	a) Pre-employment (required for drug, optional for alcohol)	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	b) Post-accident	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	c) Reasonable suspicion	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	d) Random	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	e) Return to duty/follow-up	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.21(b)	2) Does your organization ensure that the test includes detection of the following drugs?		
↓	a) Marijuana	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	b) Cocaine	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	c) Opiates	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	d) Amphetamines	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	e) Phencyclidine	Y <input type="checkbox"/>	N <input type="checkbox"/>
	f) MDMA (i.e. Ecstasy)	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.21(c)	3) Is the use of the substances, identified above, prohibited at all times?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.21(c)	4) Requirements specific to Alcohol testing		
655.31(b)	a) Does your program prohibit covered employees with an alcohol concentration of 0.04 or greater from performing, or continuing to perform a safety-sensitive function?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.31(a)	b) Are covered employees prohibited from using alcohol within 4 hours prior to performing safety sensitive functions?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.33(b)	c) On-Call status:		
655.33(b)	• Are on-call employees prohibited from consuming alcohol during the on-call period?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.33(b)1	• Do employees, in on-call status, have an opportunity to acknowledge the use of alcohol at the time he or she is called to report to duty and their inability to perform safety sensitive functions?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.33(b)2	• Do you require an alcohol test if an on-call employee acknowledges alcohol use but claims the ability to perform safety sensitive functions?	Y <input type="checkbox"/>	N <input type="checkbox"/>

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655.34	d) Are covered employees prohibited from consuming alcohol for eight hours following an accident or until he/she undergoes a post accident alcohol test (which ever comes first)?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.35(a) & 40.23(c)	e) If an employee tests positive with an alcohol concentration of between 0.02 and 0.04 is he/she removed from safety sensitive duty?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.35(a)	f) After removing an employee, who with an alcohol concentration that falls between 0.02 and 0.04, do they refrain from returning him/her to safety sensitive duty until:		
↓	• The alcohol concentration falls below 0.02?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
↓	• The start of the employee’s next regularly scheduled duty period but not less than eight hours following the administration of the test?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.35(b)	g) Is any action taken, other than that listed in “e)” above, when an employee tests positive with an alcohol concentration of less than 0.04?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
	• If yes, does your organization have legal authority to do so?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>Testing Conditions</b>			
655.41	1) Pre-employment testing		
	a) Drug testing:		
655.41(a)1	• Do you refrain from placing an employee/applicant into safety sensitive duty, for the first time, until after they receive a confirmed negative test result?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.41(a)2	• If an employee/applicant has previously failed or refused a pre-employment drug test, do they require the employee to provide documentation evidencing that they have successfully completed an SAP referral, evaluation, and treatment plan?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.41(b)	• Do they conduct a pre-employment test when transferring an employee from a non-safety sensitive function to a safety sensitive function?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.41(c)	• When a pre-employment test is cancelled, do you require the employee/applicant to take another pre-employment drug test?	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.41(d)	• Does your organization require an employee, not performing safety sensitive functions for 90 or more consecutive days, to submit to a pre-employment drug test?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	• If no, was the employee(s) retained in your random pool?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.42	b) Alcohol Testing – Does your organization conduct pre-employment alcohol testing? If yes:	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.42(a)	• Is the test conducted prior to placing the employee/applicant into a safety sensitive function?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.42(b)	• Is the test required for all employees/applicants?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.42(c)	• Is the test conducted after making a contingent offer of	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>

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	employment?			
655.42(d)	<ul style="list-style-type: none"> <li>Are all pre-employment alcohol tests conducted in accordance with 49 CFR Part 40?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.42(e)	<ul style="list-style-type: none"> <li>Is a test result of less than 0.02 received prior to placing the employee into safety sensitive duty?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.43	<b>2) Reasonable Suspicion Testing</b>			
655.43(b)	a) Have the employees authorized to make reasonable suspicion determinations received the required training?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	b) Have any reasonable suspicion tests been conducted? If yes,		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>Was the employee who made the determination authorized and trained to make reasonable suspicion determinations?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>Was the determination based on specific, current, and describable observations concerning the appearance, behavior, speech, or body odors of the employee?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.43(c)	c) If a reasonable determination was made for alcohol consumption was the test conducted:	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>While the employee was performing a safety sensitive function?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>Just before the employee was to perform a safety sensitive function?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>Just after the employee has ceased performing a safety sensitive function?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.43(d)	<ul style="list-style-type: none"> <li>Within two hours of the determination?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	(i) If no, is there documentation on file detailing the reasons the test was not conducted?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.44	<b>3) Post Accident Testing</b>			
655.44(a)1	a) Fatal Accidents - Were there any accidents involving the loss of human life? If yes:		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>Was a post accident test conducted as soon as possible?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	(i) How long after the accident was the drug test			
↓	(ii) How long after the accident was the alcohol test?			
↓	<ul style="list-style-type: none"> <li>Were all surviving covered employees operating the vehicle(s) involved in the accident tested?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>Were other covered employees, who's actions may have contributed to the accident, tested?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.44(a)2	b) Non-Fatal Accidents – Were there any other accidents (as defined in 49 CFR Part 655.4)? If yes,		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>Was a post accident test conducted as soon as possible?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	(i) How long after the accident was the drug test?			
↓	(ii) How long after the accident was the alcohol test?			
655.44(a)2	<ul style="list-style-type: none"> <li>Were all covered employees operating the vehicle(s) involved in the accident tested?</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	<ul style="list-style-type: none"> <li>Were other covered employees, whose actions may have contributed to the accident, tested? If not,</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>

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655.44 (d)	(i) Do you have documentation on file that shows that the employees' actions can be completely discounted as a causing factor to the accident?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.45	2) Random Testing			
655.45(a)	a) Were random drug tests performed on the equivalent of 25 percent of your organization's covered employees?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	b) Were random alcohol tests performed on the equivalent of 10 percent of your organization's covered employees?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.45(e)	c) What procedures does your organization use for its random draw?	<a href="#">Click here to enter text.</a>		
655.45(g)	d) Are random tests conducted throughout your organization's hours of service?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	e) Are random tests spread conducted at varying times during the month?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.45(h)	f) Are employees selected for random tests required to proceed to the testing facility immediately upon notification?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.46	2) Return to Duty Tests			
↓	d) Did any employees refuse to submit to a drug or alcohol test?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	e) Did any employees have a confirmed positive test result?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	f) If the answer to "a)" or "b)" above was yes:			
↓	• Was a return to duty test conducted?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	If not, why?	<a href="#">Click here to enter text.</a>		
40.301	If yes, did the employee complete the SAP process?		Y <input type="checkbox"/>	N <input type="checkbox"/>
40.301(c)1	Does your organization have documentation to support this claim?		Y <input type="checkbox"/>	N <input type="checkbox"/>
655.61	<b>Test results</b>			
40.21	1) Does your organization "Stand Down" employees prior to the MRO completing the verification process?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	a) If yes, were you granted a waiver by USDOT?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	b) Do you have documentation on file showing this waiver?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.61(a) & 40.23	2) Did any employees or applicants have a confirmed positive test result for drugs or alcohol (.04 or greater); or refuse to submit to a test? If yes:		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	a) Was the employee immediately removed from safety sensitive duty?		Y <input type="checkbox"/>	N <input type="checkbox"/>
655.62	b) Was the employee/applicant referred to a Substance Abuse Professional (SAP)?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	c) Did the employee complete the SAP recommendations?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	• Do you have documentation on file evidencing compliance with the SAP recommendations?		Y <input type="checkbox"/>	N <input type="checkbox"/>
655.61(b)	d) Were return to duty and follow up tests conducted?		Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	If no, why?	<a href="#">Click here to enter text.</a>		

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40.23(b)	3) Did your organization receive any test results that were verified adulterated?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	a) If yes, did you treat the result as a refusal to test?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
40.23(e)	4) Did your organization receive any test results that indicated the specimen was dilute?	Y <input type="checkbox"/>	N <input type="checkbox"/>
	a) If yes, was the dilute test result positive or negative?		
40.197(a)	• If verified positive, was the test treated as other positive tests?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
40.197(b)	• If verified negative, did you require the employee to be re-tested?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
40.197(c)	(i) Are all employees treated in this manner?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
40.23(f)	5) Did you receive any test results indicating that the specimen was invalid? If yes,	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	a) Did you direct the employee to submit another test under direct observation?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
↓	b) Did you attach any other consequences?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
↓	c) Was the employee given advance notice?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
↓	d) Did you indicate the same type of test as the original on the CCF?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
40.23(f)	6) Did you receive any cancelled tests? If yes,	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	a) Was a negative test required (pre-employment, return to duty, follow up) If yes,	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
↓	• Was the employee/applicant directed to immediately submit to another test?	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.71 & 40.333	<b>Records control and retention</b>		
655.71(a)	Where are your testing records kept?	<a href="#">Click here to enter text.</a>	
↓	1) Is this a secure location?	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	Who has access to the records?	<a href="#">Click here to enter text.</a>	
655.71(c)	2) What types of records are maintained by your organization?		
655.71(c)1	a) Records related to the collection process		
↓	i) Collection log books (if used)	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	ii) Documents relating to the random selection process	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	iii) Documents generated in connection with a decision to administer a reasonable suspicion test	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
↓	iv) Documents generated in connection with a decisions on post accident tests	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	v) MRO documents verifying existence of a medical explanation for inadequate urine or breath	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.71(c)2	b) Records related to test results		
↓	i) The employer copies of the chain of custody form	Y <input type="checkbox"/>	N <input type="checkbox"/>
↓	ii) Documents related to test refusals	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>

### FTA Drug and Alcohol Program Compliance Checklist

	iii) Documents from employee disputing the test results	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.71(c)3	c) Records related to SAP referral			
	i) Employee/applicant referral	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	ii) Return to duty	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	iii) Follow up tests	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	iv) Employee's/Applicant's entry into and successful completion of the SAP recommended treatment program	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.71(c)4	d) Employee Training records			
	i) Training materials on drug and alcohol awareness		Y <input type="checkbox"/>	N <input type="checkbox"/>
	ii) Awareness training – Names, dates, and times of training		Y <input type="checkbox"/>	N <input type="checkbox"/>
	iii) Reasonable suspicion training		Y <input type="checkbox"/>	N <input type="checkbox"/>
	iv) Certification that the training complies with 49 CFR Part 655		Y <input type="checkbox"/>	N <input type="checkbox"/>
655.71(b)	3) How long do you retain the records?			
	a) Five Years			
	i) Verified positive test results	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	ii) Documentation of test refusals	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	iii) Employee referrals to SAP	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	iv) Copies of the annual MIS report		Y <input type="checkbox"/>	N <input type="checkbox"/>
	b) Two Years			
	i) Records related to the collection process		Y <input type="checkbox"/>	N <input type="checkbox"/>
	ii) Documentation of employee training		Y <input type="checkbox"/>	N <input type="checkbox"/>
	c) One Year			
	i) Records of negative test results		Y <input type="checkbox"/>	N <input type="checkbox"/>
40, P	<b>Confidentiality</b>			
40.321	a) Have you released any employee drug and alcohol testing information to anyone without the written permission of the employee?	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>If yes, what were the circumstances that surrounded the release of information?  <a href="#">Click here to enter text.</a> </li> </ul>			
655.72	<b>MIS Reports</b>			
	1) Do you submit your annual MIS report to WSDOT in a timely manner?		Y <input type="checkbox"/>	N <input type="checkbox"/>
	2) Did the reports contain all of the required information?		Y <input type="checkbox"/>	N <input type="checkbox"/>

### FTA Drug and Alcohol Program Policy Compliance Checklist

**Agency Name:** [Click here to enter text.](#)  
**Date of Review:** [Click here to enter text.](#)  
**Date of Policy:** [Click here to enter text.](#)  
**DAPM/DER:** [Click here to enter text.](#)

Reference		
	<b>POLICY STATEMENT</b>	
655.12(a)	<i>Does the policy statement include:</i>	
655.12(a)	<ul style="list-style-type: none"> <li>A statement describing your organization’s policy on prohibited drug use and alcohol misuse in the workplace?</li> </ul>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.15	<ul style="list-style-type: none"> <li>Proof of policy adoption by Local Governing Board or Other Authorized Official?</li> </ul>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.15(a)	<ul style="list-style-type: none"> <li>The identity of the person, office, branch, and/or position designated to answer employee questions about your organization’s anti-drug use and alcohol misuse programs?</li> </ul>	Y <input type="checkbox"/> N <input type="checkbox"/>
655.15(b)	<b>SAFETY SENSITIVE</b>	
	<i>Include the following safety sensitive positions (if applicable):</i>	
	<ul style="list-style-type: none"> <li>Operation of a revenue service vehicle, in or out of revenue service?</li> </ul>	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Operation of a non-revenue vehicle requiring a CDL</li> </ul>	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Controlling movement or dispatch of a revenue service vehicle (determined by employer)</li> </ul>	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Security personnel who carry firearms</li> </ul>	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Maintenance of a revenue service vehicle</li> </ul>	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Contractor employees that stand in the shoes of Transit System employees also have to comply</li> </ul>	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
655.15(c)	<b>PROHIBITED BEHAVIOR</b>	
	<i>Include specific behavior and conduct prohibited by the FTA regulations?</i>	
	Prohibit alcohol use:	Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>4 hours prior <input type="checkbox"/></li> <li>on call, <input type="checkbox"/></li> <li>before, during, and after SS duty <input type="checkbox"/></li> </ul>	
	<ul style="list-style-type: none"> <li>Does the organization prohibit alcohol use 8 hours after accident or until PA test</li> </ul>	Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Does the policy specify that drug tests can be conducted any time a covered employee is on duty?</li> </ul>	Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Does the policy specify that alcohol tests can be conducted just before, during, or just after performing safety sensitive duties?</li> </ul>	Y <input type="checkbox"/> N <input type="checkbox"/>

### FTA Drug and Alcohol Program Policy Compliance Checklist

655.15(d)	<b>PRE-EMPLOYMENT</b>		
	<ul style="list-style-type: none"> <li>A negative test must be received prior to 1<sup>st</sup> safety sensitive duty, must make up if cancelled</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>If employee is not performing safety sensitive duties for 90-days and out of pool need pre-employment test</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Applicant who failed/refused must show evidence of treatment</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(d)	<b>REASONABLE SUSPICION</b>		
	<ul style="list-style-type: none"> <li>Tests must be conducted by a supervisor trained in making reasonable suspicion determinations?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(d)	<b>POST ACCIDENT</b>		
	<ul style="list-style-type: none"> <li>Fatality</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Non-fatal, requiring medical treatment away from the scene, unless the driver can be completely excused from responsibility</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Non-fatal, disabling damage occurs, unless the driver can be completely excused from responsibility</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Drug test must be conducted within 32 hours</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Alcohol test must be conducted within 8 hours</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Alcohol test: if no test after 2 hours, document the reason; no test after 8 hours, update note</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(d)	<b>RANDOM</b>		
	<ul style="list-style-type: none"> <li>The random selection is scientifically valid.</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Testing is conducted on all days and hours throughout the year</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(d)	<b>RETURN TO DUTY AND FOLLOW UP</b>		
	<ul style="list-style-type: none"> <li>Testing is unannounced and immediate</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(e)	<ul style="list-style-type: none"> <li>Are the tests conducted in accordance with Part 40?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee’s privacy, protect the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure that the test results are attributed to the correct employee?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(f)	<ul style="list-style-type: none"> <li>The requirement that an employee must submit to drug and alcohol testing administered in accordance with FTA regulations?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(g)	<b>TEST REFUSAL</b>		
	Include the following as test refusal scenarios:		
	<ul style="list-style-type: none"> <li>Failure to provide breath or urine sample</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Insufficient volume without valid medical explanation</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Tampering, adulterating, or substituting specimen</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>

### FTA Drug and Alcohol Program Policy Compliance Checklist

	<ul style="list-style-type: none"> <li>Failing to appear for test within a reasonable time</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Leaving the scene of an accident without just cause prior to submitting to a test (may be under post accident)</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Leaving collection facility prior to test completion</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Failing to permit an observed or monitored collection when required</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Failing to take a second test when required</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Failing to undergo a medical examination when required</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Failing to cooperate with any part of the testing process</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Failing to sign Step 2 of alcohol test form</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>MRO verified adulterated/substituted sample</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Once test is underway, failing to remain at site and provide a specimen</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li><b>For pre-employment</b> it is NOT refusal if the employee fails to appear for a test</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li><b>For pre-employment</b> it is NOT refusal if the employee fails to remain at site prior to commencement of test</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li><b>For pre-employment</b> it is NOT refusal if the employee aborts the collection before the test commences</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Include a statement that such a refusal constitutes a violation of your organization's policy?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(i)	<b>CONSEQUENCES</b>		
	<ul style="list-style-type: none"> <li>An employee who has a confirmed positive drug test?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>An employee who has a confirmed alcohol test with an alcohol concentration of 0.04 or greater?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>An employee who refuses to submit to a drug or alcohol test?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Do those consequences include the requirement that, in the case of a confirmed positive test or refusal, the employee be removed immediately from the safety-sensitive function and be evaluated by a substance abuse professional?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>The consequences for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>The consequences for an employee who has:                             <ul style="list-style-type: none"> <li>a dilute negative result <input type="checkbox"/></li> <li>a dilute negative result that is <math>\geq 2</math> mg/dl and <math>\leq 5</math> mg/dl <input type="checkbox"/></li> </ul> </li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>A distinction between what portions of your organization's drug and alcohol testing program are operated under your own authority than those that are required under FTA regulations?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
655.15(i) RCW 46.25	<ul style="list-style-type: none"> <li>Does the organization employ CDL holders in their public transportation program? If yes,</li> </ul>	N/A <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Does the policy contain a statement that positive tests on CDL holders are reported to the Department of Licensing?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>
RCW 46.25.123(3)	<ul style="list-style-type: none"> <li>Does their agreement with the MRO and BAT contain the required language?</li> </ul>	Y <input type="checkbox"/>	N <input type="checkbox"/>

### FTA Drug and Alcohol Program Records Checklist

Years for Retention	Custody and Control Forms			
1	Negative tests		Y <input type="checkbox"/>	N <input type="checkbox"/>
5	Positive Tests (includes test refusals)	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
5	Documentation related to test result disputes	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Check all CCF for the following elements</b>				
	DER/DAPM contact listed		Y <input type="checkbox"/>	N <input type="checkbox"/>
	FTA Authority marked		Y <input type="checkbox"/>	N <input type="checkbox"/>
	Reason for test (pre-employ, post accident, etc.)		Y <input type="checkbox"/>	N <input type="checkbox"/>
	Donor Signature		Y <input type="checkbox"/>	N <input type="checkbox"/>
	"Ghosting" (carbon copy transfers illustrating incorrect procedure)		Y <input type="checkbox"/>	N <input type="checkbox"/>
	Current CCF used (OMB No. 0930-0158)		Y <input type="checkbox"/>	N <input type="checkbox"/>
	Employer copy of CCF		Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Alcohol Testing Form</b>				
1	Negative tests (check for attached printed result, or copy)		Y <input type="checkbox"/>	N <input type="checkbox"/>
5	Positive Tests (includes test refusals)	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
5	Documentation related to disputing test result	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Evidential Breath Testing (EBT) Device</b>				
2	Calibration Records		Y <input type="checkbox"/>	N <input type="checkbox"/>
2	Manufacturer's calibration schedule for the EBT		Y <input type="checkbox"/>	N <input type="checkbox"/>
2	Certification record for the calibrating technician		Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Education and Training Records</b>				
2	Attendance roster for Safety Sensitive Employees training		Y <input type="checkbox"/>	N <input type="checkbox"/>
2	Reasonable Suspicion training for Supervisors certification		Y <input type="checkbox"/>	N <input type="checkbox"/>
2	Dissemination of Policy to SS Employees		Y <input type="checkbox"/>	N <input type="checkbox"/>
2	Training materials on drug abuse awareness including agency policy		Y <input type="checkbox"/>	N <input type="checkbox"/>
2	Written notice of available D&A materials to every SS employee		Y <input type="checkbox"/>	N <input type="checkbox"/>
2	Written notice of available D&A materials to employee orgs (unions)	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Employee Evaluation and Referral</b>				
5	Records related to referral to SAP	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
5	Employee's compliance with the recommendation of the SAP	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
5	Report made to Department of Licensing (RCW 46.25.123)	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
5	Documentation of test refusal	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Post Accident</b>				
2	Decision document to conduct PA test – (review corresponding Federal CCF)	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
	*Accident Report	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
<b>Reasonable Suspicion</b>				
2	Decision to conduct RS test - (review corresponding Federal CCF)	N/A <input type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>

### FTA Drug & Alcohol Records Compliance Checklist Page 1 of 2

**FTA Drug and Alcohol Program  
Records Checklist**

<b>Return to Duty and Follow Up</b>		
	**Last Chance Agreement	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
5	Evidence of Treatment	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
<b>Random</b>		
2	Random selection process documentation	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>Pre-Employment</b>		
3	Previous employers' D&A records requests (correspondence Showing good faith efforts)	Y <input type="checkbox"/> N <input type="checkbox"/>
	<b>Does the records request include:</b>	
	Alcohol results above 0.04	Y <input type="checkbox"/> N <input type="checkbox"/>
	Verified positive drug tests	Y <input type="checkbox"/> N <input type="checkbox"/>
	Refusals to be tested (including verified adulterated or substituted)	Y <input type="checkbox"/> N <input type="checkbox"/>
	Other violations of USDOT drug and alcohol violations	Y <input type="checkbox"/> N <input type="checkbox"/>
	If positive, any records of successful completion of return to duty requirements.	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
<b>Certifications and Reviews</b>		
	Laboratory	Y <input type="checkbox"/> N <input type="checkbox"/>
	Medical Review Officer	Y <input type="checkbox"/> N <input type="checkbox"/>
	• MRO Questionnaire/Documented Review	Y <input type="checkbox"/> N <input type="checkbox"/>
	Substance Abuse Professional	Y <input type="checkbox"/> N <input type="checkbox"/>
	• SAP Questionnaire/Documented Review	Y <input type="checkbox"/> N <input type="checkbox"/>
	Breath Alcohol Technicians	Y <input type="checkbox"/> N <input type="checkbox"/>
	• BAT Questionnaire/Documented Review	Y <input type="checkbox"/> N <input type="checkbox"/>
	Screening Test Technicians (if applicable)	Y <input type="checkbox"/> N <input type="checkbox"/>
	• STT Questionnaire/Documented Review (if applicable)	Y <input type="checkbox"/> N <input type="checkbox"/>
	Urine Collectors	Y <input type="checkbox"/> N <input type="checkbox"/>
	• Collector Questionnaire/Documented Review	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>MIS Reports</b>		
5	MIS annual reports	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>Special Considerations</b>		
2	Medical Evaluation (shy breath, shy lung)	N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>

\*Accident reports are not a federal requirement for the FTA Drug and Alcohol Program. However, it is advisable to have a process to cross reference the accident that triggered FTA post accident testing thresholds.

\*\*Last Chance Agreements are not a federal requirement. However, for good measure these records should be retained as long as records pertaining to a positive test.

**FTA Drug & Alcohol Records Compliance Checklist**  
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# Appendix E

# Vehicle Disposition Schedule

The chart below is designed to assist with determining the length of time WSDOT will retain title to a vehicle purchased with grant funds.

### Minimum Service-Life Categories for Buses and Vans

Category	Typical Characteristics		Minimum Life Whichever Comes First		Example
	Length	Approx. GVW	Years	Miles	
Heavy-Duty Large Bus	35 to 48 ft and 60 ft articulated	33,000 to 40,000	12	500,000	
Heavy-Duty Small Bus	28 to 35 ft	26,000 to 33,000	10	350,000	
Medium-Duty Small Bus	< 35 ft	16,000 to 26,000	7	200,000	
Medium-Duty Truck Chassis-Built Cutaway	< 35 ft	16,000 to 26,000	7	200,000	
Light-Duty Van Chassis-Built Cutaway	20 to 35 ft	10,000 to 16,000	5	150,000	
Light-Duty Small Van Chassis-built Cutaways and Van	< 20 ft	6,000 to 14,000	4	100,000	
Specialty Vehicle not fitting in the above categories	Variable	Variable	Negotiable	Negotiable	



### **Abbreviations**

**ACCT** – Agency Council on Coordinated Transportation

**ADA** – Americans with Disabilities Act of 1990

**A&E** – Architecture and Engineering Services

**AMP** – Asset Management Plan

**CFR** – Code of Federal Regulations

**CDL** – Commercial Driver License

**CTA-NW** – Community Transportation Association of the Northwest

**DBE** – Disadvantaged Business Enterprise

**DOL** – Department of Licensing

**EEO** – Equal Employment Opportunity

**FHWA** – Federal Highway Administration

**FMCSA** – Federal Motor Carrier Services Administration

**FMVSS** – Federal Motor Vehicle Safety Standards

**FTA** – Federal Transportation Administration

**IFB** – Invitation for Bids

**JARC** – Job Access Reverse Commute

**MAP 21** – Moving Ahead for Progress in the 21st Century Act

**MPO** – Metropolitan Planning Organization

**NEPA** – National Environmental Policy Act

**NTI** – National Transit Institute

**OMB** – Office of Management and Budget

**OMWBE** – Office of Minority and Women Owned Business Enterprises

**OTC** – Over-the-counter (medications or drugs)

**RCW** – Revised Code of Washington

**RFP** – Request for Proposal

**RTAP** – Rural Transportation Assistance Program

**RTPO** – Regional Transportation Planning Organization

**RVCT** – Regional Vanpool Coordination Team

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

**SEPA** – State Environmental Policy Act

**STP** – Surface Transportation Program through the Federal Highway Administration (FHWA)

**TSI** – Transportation Safety Institute

**USDOT** – United States Department of Transportation

**VIN** – Vehicle identification number

**VIP** – Vanpool Investment Program

**VMP** – Vehicle Maintenance Plan

**VMT** – Vehicle miles traveled

**VT** – Vehicle trips

**WSDOT** – Washington State Department of Transportation

**WSRO VP** – Washington State Rideshare Organization Vanpool

**WSTIP** – Washington State Transit Insurance Pool

**WSTTC** – Washington State Transportation Training Coalition

**WUTC** – Washington Utilities and Transportation Commission

## Definitions

**ACCT** – This acronym is used in two ways. It can be used to describe a program designed to improve the coordination of transportation services for persons with special transportation needs, and it can be used to reference the council that has been created to oversee and promote the program.

1. **Agency Council on Coordinated Transportation (ACCT) Program** – The program is two-tiered. One tier addresses coordination issues at the state level and promotes coordination statewide. The second tier operates at the community level and consists of developing community coalitions to analyze local special transportation needs; develop a coordinated, special needs transportation plan; and to implement the transportation plan.
2. **ACCT Council** – Comprised of ten voting members and four nonvoting, legislative members, the council is responsible for implementing the ACCT Program and for serving as a forum for addressing coordination issues.

**Agreement number** – Number assigned by WSDOT and shown on the front page of a grant agreement.

**Altoona** – An FTA sponsored test facility in Altoona, PA where FTA required new bus model testing is performed prior to FTA funds expenditure (49 CFR Part 665).

**Americans with Disabilities Act of 1990 (ADA)** – The legislation defining the responsibilities of and requirements for transportation providers to make transportation accessible to individuals with disabilities. It's a federal civil rights law that ensures persons with disabilities have an equal opportunity to fully participate in society, the ability to live independently, and the ability to be economically sufficient.

**Approval of equals process** – A step in the Invitation for Bid process through which vendors may request that an organization consider acceptance of changes or substitutions to their vehicle specifications.

**Asset Management Plan (AMP)** – A public transit system plan required as a condition of receiving state funding. It describes an agency's preventative maintenance and asset management policies. Under MAP 21, the requirement is extended to non transit providers.

**Bid analysis process** – An analysis of all bids received that determines the lowest, most responsive and responsible bidder who has met all process requirements and submitted all required certifications.

**Biennium** – A two-year period.

**Broker** – The bodies authorized to coordinate services for elderly persons and persons with disabilities through the state's Medical Assistance Administration's transportation program.

**Brokerage System** – An association of transportation providers managed by a broker or agent who makes transportation arrangements for a specific clientele such as the elderly and persons with disabilities. The transportation providers in a brokerage system are typically social service agencies and taxicab operators. The broker may be the transit agency directly or the transit agency may contract with an individual or firm to operate the brokerage system.

**Buy America** – The requirement that federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the production is subject to a general waiver (49 USC 5323(j) and 49 CFR Part 661).

**Capital expenses** – The expenses related to the purchase of equipment. Equipment means an article of non-expendable tangible personal property having a useful life of more than one year and an acquisition cost which equals the lesser of \$5,000 or the organization's established capital threshold.

**Charter service** – A vehicle hired for exclusive use that does not operate over a regular route, on a regular schedule and is not available to the general public.

**Cognizant agency** – The federal or other agency responsible for reviewing, negotiating, and approving indirect cost proposals according to the OMB Circular No. A-87, Cost Principles for State, Local, and Indian Tribal Governments. Usually the agency that provides the majority of funding.

**Commercial Driver License (CDL)** – A licensing requirement for all drivers of vehicles that are designed to transport more than 15 persons (including the driver). Mechanics who drive the vehicles must also have a CDL.

**Common rule** – The administrative requirements set forth in the Code of Federal Regulations (CFR).

**Commuter service** – 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 central business district and outlying suburbs. Fixed-route bus systems that are primarily connecting outlying areas with a central city through bus service that operates with at least five miles of continuous closed-door service. This service typically operates using motorcoaches (aka over-the-road buses), and usually features peak scheduling, multiple-trip tickets, and multiple stops in outlying areas with limited stops in the central city.

**Complementary Paratransit Services** – Transportation service required by the Americans with Disabilities Act (ADA) for individuals with disabilities who are unable to use fixed route transportation systems. This service must be comparable to the level of service provided to individuals without disabilities who use the fixed route system and meet the requirements specified in Sections 37.123-137.133 of *Transportation Services for Individuals with Disabilities (Part 37), Code of Federal Regulations, Title 49, Volume 1*. The complementary services must be origin-to-destination service (demand response (DR)) or on-call demand response (DR) service to an accessible fixed route where such service enables the individual to use the fixed route bus (MB) system for his or her trip.

**Compliance** – A condition in which WSDOT has found that the subrecipient has met all the requirements of funding. See In Good Standing.

**Consolidated Grant Program** – A competitive biennial grant application program for state and federal public transportation funds.

**Cost allocation plan** – The documentation identifying, accumulating, and distributing the allowable costs of services provided by a grantee between projects.

**Cutaways** – A vehicle in which a bus body is mounted on the chassis of a van or light-duty truck. The original van or light-duty truck chassis may be reinforced or extended. Cutaways typically seat 15 or more passengers, and typically may accommodate some standing passengers.

**Demand Response** – A transit mode comprised of passenger cars, vans or small buses operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations. A demand response (DR) operation is characterized by the following:

1. The vehicles do not operate over a fixed route or on a fixed schedule except, perhaps, on a temporary basis to satisfy a special need; and,
2. Typically, the vehicle may be dispatched to pick-up several passengers at different pick-up points before taking them to their respective destinations and may even be interrupted en route to these destinations to pick up other passengers. The following types of operations fall under the above definitions provided they are not on a scheduled fixed route basis:
  - Many origins - many destinations
  - Many origins - one destination
  - One origin - many destinations, and
  - One origin - one destination.

**Depreciation** – The charges that reflect the loss in service value of the transit agency’s assets. Depreciated items have a high initial cost and a useful life of more than one accounting period. In order to account for the reduction in value (usefulness) of this type of asset, a portion of the cost is expensed each year of the asset’s life. Annualized, straight-line reduction in the purchase cost of capital assets.

**Desk Review** – Part of the site visit process that serves to update a grantee’s policies on file with WSDOT. The desk review usually happens in the second fiscal year of a grant period if the last in-person visit was satisfactorily closed and the grantee has no other risk factors necessitating an on-site review of records and practices.

**Deviated Fixed Route Service** – Transit service that operates along a fixed alignment or path at generally fixed times, but may deviate from the route alignment to collect or drop off passengers who have requested the deviation.

**Disadvantaged Business Enterprise (DBE) Report** – A required annual report that details the efforts made to meet DBE goals as established in the organization’s DBE Plan. For organizations not required to have a DBE plan, the report documents good faith efforts toward DBE inclusion.

**Facilities** – Fixed assets of land, buildings, and structures that the transit system owns, leases, or uses, including all offices, garages, terminals, stations, and park and ride lots.

**Fare Revenues** – All income received directly from passengers, paid either in cash or through pre-paid tickets, passes, etc. It includes donations from those passengers who donate money on the vehicle. It includes the reduced fares paid by passengers in a user-side subsidy arrangement.

**Federal Transit Administration (FTA)** – An agency of the United States Department of Transportation that administers federal programs of financial assistance for public transportation through the Federal Transit Act. It replaced the Urban Mass Transportation Administration (UMTA).

**FTA 5309** – A section of the Federal Transit Act authorizing discretionary and formula funding for capital purposes, and codified in 49 USC 5309.

**FTA 5310** – A section of the Federal Transit Act authorizing a capital assistance program for the elderly and persons with disabilities codified in 49 USC 5310.

**FTA 5311** – A section of the Federal Transit Act authorizing funding for public transportation in rural areas, and codified as 49 USC 5311.

**FTA 5316** – A section of the Federal Transit Act, Job Access and Reverse Commute Human Services Coordination (JARC), authorized grants designed to transport welfare recipients and low income individuals to and from jobs, and codified in 49 USC 5316. The FTA 5316 program was merged with FTA 5311 and 5307 programs under MAP-21.

**FTA 5317** – A section of the Federal Transit Act, New Freedom, authorizing funding to encourage services and facility improvements to address the transportation needs of persons with disabilities that go beyond those required by the Americans with Disabilities Act (ADA), and codified in 49 USC 5317. The 5317 program was merged into the FTA 5310 program under MAP-21.

**Federal fiscal year** – The period from October 1 through September 30.

**Federal funds** – Money appropriated by Congress to support a variety of programs and projects.

**Feeder service** – Local transportation service that provides passengers with connections to mainline public transportation services or transit centers.

**Fixed route service** – Transit service using rubber tired passenger vehicles provided on a repetitive, fixed schedule basis along a specific route with vehicles stopping to pick-up and deliver passengers to specific locations with each fixed route trip serving the same origins and destination.

**Good faith effort** – An action taken to achieve the objectives of the program and meet the funding and contractual requirements.

**Gross expenses** – Total expenses, including in-kind.

**Human Services Coordination** – A service that requires the cooperative participation of two or more entities and has the following characteristics:

1. The participating entities share responsibility for ensuring that customers can access transportation services.
2. There is a single entry process for customers to use to have trips arranged and scheduled so the customer does not have to contact different locations depending on which sponsoring agency is paying or providing the trip.
3. A process is in place so that when decisions are made by participants on facility citing or program policy implementation, the costs of transportation and the potential effects on transportation costs on other entities or programs are considered. Affected entities are given an opportunity to influence the decision if the potential impact is negative.
4. Open-market mechanisms give all providers an opportunity to participate in and allow for cost comparisons so that purchasers can select the least expensive trip that is most appropriate to the customers' needs.
5. There is flexibility in using the available vehicles in a community so that the ability to transport people is not restricted by categorical claims to vehicles.
6. There is maximum sharing of operating facilities and administrative services to avoid duplication of costly program elements.
7. Trip sponsors and service providers have agreed on a process for allocating costs and billing when they share the vehicles.
8. Minimum standards exist for safety, driver training, maintenance, and technology to eliminate barriers that may prevent sponsors from using each other's vehicles or serving each other's customers.

The resulting system of transportation services is user friendly, meaning that the coordination of eligibility, contracting, service delivery, payment, and funding structures does not negatively affect the customer's ability to access service.

**In Good Standing** – The grantee is in compliance with all the terms and conditions of the grant agreement with the state of Washington and instructions for sound grant management as specified in WSDOT’s *Guide to Managing Your Public Transportation Grant*.

**In-kind** – The value of non-cash charges for real property and equipment, and the value of goods and services directly benefiting and specifically identifiable to the project. To be eligible as match, the monetary value of the in-kind contributions must be documented and submitted to WSDOT in advance.

**Intercity bus service** – 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, and makes meaningful connections with scheduled intercity bus service to/from points that are more distant.

**Inter-Jurisdictional Service** – Projects that improve connectivity between counties and regional population centers.

**Linked Passenger Trip** – A trip from origin to destination on the transit system. Even if a person must make several transfers during a journey, the trip is counted as one linked trip on the system.

**Lobbying** – Directly or indirectly influencing or attempting to influence a member of Congress, state or local officials, or an officer or employee of any agency with a connection to the making of any federal contract, grant, or cooperative agreement. It is not considered lobbying to advocate for transit in general or to provide information to legislators about the services a recipient provides in the community.

**Local funds** – Money appropriated by local, general-purpose government, local municipal government as defined in RCW 35.58.272, local school districts, and/or by local private agencies for the purpose of supporting public transportation services.

**Local match** – Money or in-kind contributions provided by potential grant recipients to match requested funding from grant programs. Local match can come from local, state, or federal sources depending upon individual grant program requirements.

**Matching funds** – An organization’s share of project costs for a grant-funded project as specified in a grant agreement.

**Meaningful connections** – Coordinated schedules connecting with other service providers that stop at an intermodal facility.

**Metropolitan Planning Organization (MPO)** – Federally mandated regional organizations responsible for comprehensive transportation planning and programming for urbanized areas.

**Mid-construction factory visit** – A factory compliance inspection during various stages of your vehicle’s construction and which is required of organizations purchasing ten or more vehicles from a single bid. Also referred to as resident inspections.

**Minibus** – A small bus, usually with a passenger compartment built on a truck or van chassis, with a life expectancy of four to eight years and with a typical seating capacity of eight to 25 passengers.

**Minivan** – A light duty vehicle having a typical seating capacity of up to seven passengers plus a driver. A minivan is smaller than a full-sized van.

**Minimum service thresholds** – A minimum level of service expected for grant-funded vehicles (100 passenger trips or 100 service miles per week).

**Mode (Rural)** – Description of mode of service operated with subcategories for bus and demand response modes. Bus mode can be conventional bus fixed route service, bus deviated fixed route service, or intercity bus service. Demand response can be the usual service (no standing reservations) or subscription demand response where there are on-going reservations for scheduling consistent passenger trips. These subscription services are for categorical programs, such as Medicaid, Meals-on-Wheels, sheltered workshops, independent living centers and any social service agency programs. Sub-recipients of § 5311 funds may report these programs to the extent that services are provided in coordination with public transit trips; i.e., they are included in a coordinated public transit -human services transportation system.

**Net expenses** – Gross expenses less fare, donations, and ineligible expenses.

**Operating costs/expenses** – Those costs directly related to system operation. They include employee wages and salaries, operating supplies such as fuel and oil, contractors' charges for services, taxes, repair, and maintenance services, parts and supplies, marketing, and insurance. They usually exclude fixed costs such as depreciation on plant and equipment as well as interest paid on loans on capital equipment.

**Operating deficit** – Net operating expenses less total operating revenues.

**Operating expenses by service type** – One of the required quarterly progress reports for organizations receiving an operating grant.

**Owned rolling stock inventory and verification of continued use** – One of the annual reporting requirements for organizations that have vehicles in their fleet for which WSDOT holds title.

**Paratransit** – Types of passenger transportation which are more flexible than conventional fixed-route transit but more structured than the use of private automobiles. Paratransit includes demand response (DR) transportation services, shared-ride taxis, car-pooling and vanpooling (VP), and jitney (JT) services. Most often refers to wheelchair-accessible, demand response (DR) service.

**Paratransit/special needs (as defined by the state of Washington)** – Specialized transportation that provides access to transportation for persons who are unable to provide their own transportation due to age, disability, or income status.

**Paratransit/Special needs program** – Washington state funding program to sustain and expand services to special needs populations.

**Park and ride lot** – Lots usually located along a key transportation corridor acting as intermodal hubs for the public to transfer from single occupancy modes to higher occupancy modes of transportation.

**Part-time service vehicle** – A vehicle no longer available for service exceeding 30 percent of prior use.

**Passenger trips (also referred to as unlinked passenger trips)** – The number of passengers who board public transportation vehicles. A passenger is counted each time he/she boards a vehicle even though he/she may be on the same journey from origin to destination.

**Per diem** – “For the day,” an allowance made to employees for travel expenses when on official business.

**Piggybacking** – A purchase from a contract awarded by another organization that has available option vehicles.

**Post-delivery audit** – A post-delivery review of the vehicle and the accompanying documents to verify that the vehicle is acceptable. At a minimum, the post-delivery audit consists of a visual inspection, post-delivery Buy American Certification, FMVSS report, road test, and Post-Delivery Purchaser’s Requirements Certification.

**Pre-award audit or pre-award review** – A review to verify that your apparent successful bidder is able to construct the vehicle in accordance with your specifications and to ensure the manufacturer is able to comply with all applicable requirements including Altoona Bus Testing, Buy American, and FMVSS requirements.

**Pre-award factory visit** – An optional visit to the successful bidder’s vehicle manufacturing factory prior to contract award as part of the pre-award review. Expenses are not eligible for grant reimbursement unless your agency is purchasing ten or more vehicles. If your organization is purchasing ten or more vehicles from a single bid, this refers to the first visit in a series of required factory compliance inspections during various stages of your vehicle’s construction.

**Program development** – Planning, coordination, and marketing activities.

**Program income** – Non-farebox gross income received by the grantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period.

**Project** – The activity or activities (task or tasks) listed in the scope of work portion of the grant agreement and/or attached appendix.

**Public Transportation** – As defined in the Federal Transit Act, “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 the entity.

**Public Transportation Management System (PTMS) Asset Inventories** – An inventory system required to satisfy the State Asset Management Inventory component and Federal Transit Administration’s regulations.

**Public Transit Human Services Transportation Plan** – A plan required by FTA and WSDOT for competitive public transportation grants that provides a “unified, comprehensive strategy for public transportation service delivery that identifies the transportation needs of individuals with disabilities, older adults, and individuals with limited income; laying out strategies for meeting these needs; and prioritizing services.”

**Reasonable accommodation** – Minor equipment purchase and/or facility modifications that enable an employee to work.

**Recipient** – The agency to whom financial assistance from FTA is directly extended.

**Regional Mobility Program** – Helps local governments, transit agencies, and ports fund transit mobility projects.

**Regional Transportation Planning Organization (RTPO)** – Organizations formed through a voluntary association of local governments within a county or contiguous counties with members including cities, counties, WSDOT, tribes, ports, transportation service providers, private employers, and others.

**Reimbursement request** – A form used by grantees to request reimbursement for eligible expenses incurred under the grant agreement.

**Requests for clarifications, interpretations, and proposed substitutions** – Vendor requests for clarification of or changes or substitutions to vehicle specifications.

**Reserve accounts** – Accounts or funds established by board resolution to fund specific purposes, including restrictions and covenants for use. Reserve account balances are identified in the cash flow statement and not included as available cash.

**Retire from service** – When a vehicle is sold, placed in backup service, placed in part-time service (no longer available for service exceeding 30 percent of prior use) or otherwise disposed of.

**Revenue vehicles** – Rolling stock in registered ownership of, leased by, or contracted by the transit system available for maximum fixed and/or deviated route, demand response, and/or vanpool service. This includes spare vehicles, but does not include equipment designated for charter or leased service only.

**Revenue vehicle hours** – The number of hours all vehicles travel while in scheduled revenue service over the course of a year. A transit vehicle is in revenue service only when it is available to the public and there is a reasonable expectation for carrying passengers who either directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. This does not imply that a cash fare must be paid. Revenue service excludes deadhead, exclusive school bus, and charter service, but includes purchased transportation service. Travel between the destination of a paratransit client and the pick-up location of the next paratransit client is considered revenue hours.

**Revenue vehicle miles** – The number of miles a vehicle travels while in scheduled revenue service over the course of a year. A transit vehicle is in revenue service only when the vehicle is available to the public and there is a reasonable expectation for carrying passengers who either directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. This does not imply that a cash fare must be paid. Revenue service excludes deadhead, exclusive school bus, and charter service, but includes purchased transportation service. Travel between the destination of a paratransit client and the pick-up location of the next paratransit client is considered revenue hours.

**Rolling stock** – Vehicles used primarily for the transporting of passengers.

**Route-deviated service** – A type of transit service that operates as conventional fixed route bus (motorbus) service along a fixed alignment or path with scheduled time points at each terminal point and key intermediate locations. Route deviation service is different than conventional fixed route bus (motorbus) service in that the bus (motorbus) may deviate from the route alignment to serve destinations within a prescribed distance (e.g., ¾ mile) of the route. Following an off route deviation, the bus must return to the point on the route it left.

**Rural areas** – Incorporated and unincorporated communities and unincorporated areas in a county outside of a designated urbanized area (50,000 population).

**Rural Mobility Program** – State funding program to support rural and small urban areas statewide.

**Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users – SAFETEA-LU** is the authorizing legislation which funds all of the surface transportation programs of the United States Department of Transportation for federal fiscal years 2005-2009.

**Scope of work** – The section of the grant agreement with WSDOT that describes the funded activity.

**Seating capacity** – The number of seats that are actually installed in the vehicle.

**Service animal** – Any guide dog, signal dog, or other animal trained to work or perform tasks for an individual with a disability.

**Site visit** – A visit by WSDOT staff at the project location to provide an opportunity for consultation and technical assistance with grantee staff as well as verify compliance with regulations, conduct capital vehicle and equipment inspections, and review records, processes, and policies.

**State consolidated vehicle procurement** – A vehicle purchase process coordinated by WSDOT for numerous transportation agencies that make similar capital vehicle purchases. This process streamlines the administrative process and takes advantage of potential quantity purchase discounts.

**State funds** – Money appropriated by the Washington State Legislature to support a variety of programs and projects.

**Statistical Summary by Service Type** – One of the required quarterly progress reports for organizations receiving an operating grant.

**Subrecipient** – Any entity that receives state or federal financial assistance through a primary recipient. In the case of WSDOT's Consolidated Grant program, all grantees are subrecipients.

**Title VI** – From the Civil Rights Act of 1964, a protection requiring organizations to take measures to ensure there is no discrimination against persons on the grounds of race, color, or national origin.

**Transit** – Transportation by a conveyance, either publicly or privately owned, that provides regular and continuing general or special public transportation to the public. It does not include school bus, charter, or sightseeing transportation. The term transit also includes mass transportation and public transportation.

**Useful life** – The estimated number of years that an asset will be able to carry out its intended purpose before being replaced. Also referred to as the vehicle retention schedule or vehicle disposition schedule.

**Vanpool Investment Program** – State grant program that provides funding assistance to transit agencies for the purchase of expansion and replacement vanpool vehicles for agency vanpool programs in order to promote the growth of vanpooling throughout the state.

**Vehicle Maintenance Plan (VMP)** – An agency adopted scheduled preventative maintenance plan required of all non-transit capital grant recipients that covers all vehicles purchased with federal or state grant funds.

**Vendor ID Number** – The number assigned to an organization by the Washington State Department of Transportation.

This appendix contains links to many of the federal regulatory documents that apply to projects funded by the Federal Transit Administration (FTA) and best practices for state funded projects. It is divided into the following sections:

- Section 1 OMB Circulars and Contract Cost Principles
- Section 2 The Common Rule
- Section 3 Employment for People With Disabilities, Americans with Disabilities Act, Public Accommodations, Title VI, and Equal Employment Opportunity
- Section 4 Charter Service and School Bus Operations
- Section 5 Fair Labor Standards Act and Contract Work Hours
- Section 6 FTA Purchasing Guidelines
- Section 7 Other State Laws
- Section 8 Capital Construction
- Section 9 5333(B) Labor Protection
- Section 10 Drug and Alcohol References

Federal regulations are included in this appendix. Federal funding is currently in the process of reauthorization. This reauthorization could result in changes to the reference documents included in this manual. The most current documents are available for your reference at the following websites:

- Office of Management and Budget Circulars  
[www.whitehouse.gov/omb/circulars\\_default](http://www.whitehouse.gov/omb/circulars_default)
- Code of Federal Regulations  
[www.ecfr.gov](http://www.ecfr.gov)
- United States Codes  
<http://uscode.house.gov>
- Fair Labor Standards Act  
[www.dol.gov/whd/flsa/index.htm](http://www.dol.gov/whd/flsa/index.htm)
- Revised Code of Washington  
<http://apps.leg.wa.gov/rcw>

## Section 1 OMB Circulars and Contract Cost Principles

The Office of Management and Budget (OMB) issues circulars that set the basic regulations for managing federally funded projects. Contractors and grantees are required to comply with the administrative requirements set forth in the Code of Federal Regulations (CFR). This section contains links to the following circulars and regulations:

- 48 CFR Part 31 – Contract Cost Principles and Procedures  
[www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title48/48cfr31\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title48/48cfr31_main_02.tpl)
- OMB Circular A-87 – Cost Principles for State, Local, and Indian Tribal Governments [www.whitehouse.gov/omb/circulars\\_a087\\_2004](http://www.whitehouse.gov/omb/circulars_a087_2004)
- OMB Circular A-122 – Cost Principles for Non-profit Organizations  
[www.whitehouse.gov/omb/circulars\\_a122\\_2004/](http://www.whitehouse.gov/omb/circulars_a122_2004/)
- OMB Circular A-133 – Audits of States, Local Governments, and Non Profit Organizations [www.whitehouse.gov/omb/circulars\\_a133-lead](http://www.whitehouse.gov/omb/circulars_a133-lead)

## Section 2 The Common Rule

This section contains links to the administrative requirements set forth in the CFRs, also known as the “Common Rule.” The following CFRs apply:

- 49 CFR Part 18 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments [www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=49:1.0.1.1.12&idno=49](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=49:1.0.1.1.12&idno=49)
- 49 CFR Part 19 – Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations  
[www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr19\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr19_main_02.tpl)

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**Note:** Contractors and grantees that are private for profit organizations should follow the OMB circulars and CFRs that apply to non-profit organizations.

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## Section 3 Employment for People With Disabilities, Americans with Disabilities Act (ADA), Public Accommodations, Title VI, and Equal Employment Opportunity (EEO)

Compliance with the ADA and Washington State public accommodations requirements can be challenging. This section contains the primary federal regulations and the Revised Code of Washington (RCW) laws vital to ensuring compliance. For additional information, refer to Chapter 1. This section contains links to the following regulations:

- 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance  
[www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr27\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr27_main_02.tpl)
- 49 CFR Part 37 – Transportation Services for Individuals With Disabilities (ADA)  
[www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr37\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr37_main_02.tpl)
- RCW 49.60.030 – Freedom From Discrimination – Declaration of Civil Rights  
<http://apps.leg.wa.gov/rcw/default.aspx?cite=49.60.030>

- Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients [www.fta.dot.gov/civilrights/12328.html](http://www.fta.dot.gov/civilrights/12328.html)
- EEO Program Guidelines for Grant Recipients [www.fta.dot.gov/civilrights/12327.html](http://www.fta.dot.gov/civilrights/12327.html)

## Section 4 Charter Service and School Bus Operations

This section contains links to the federal regulations associated with charter service and school bus organizations. If your organization is considering providing either type of service, the following regulations should be reviewed:

- 49 CFR Part 604 –Charter Service  
[www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr604\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr604_main_02.tpl)
- 49 CFR Part 605 – School Bus Operations  
[www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr605\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr605_main_02.tpl)

## Section 5 Fair Labor Standards Act and Contract Work Hours

This section contains links to regulations that pertain to the Fair Labor Standards Act and the Contract Work Hours and Safety Standards Act. These regulations include:

- WH Publication 1282 – Employment and Standards Administration Wage and Hour Division [www.dol.gov/whd/regs/compliance/wh1282.pdf](http://www.dol.gov/whd/regs/compliance/wh1282.pdf)
- 40 U.S. Code Section 37 – Contract Work Hours and Safety Standards  
<http://uscode.house.gov/pdf/2006/2006usc40.pdf>

## Section 6 FTA Purchasing Guidelines

This section contains an link to the purchasing guidelines issued by FTA – Circular 4220.1F – Third Party Contracting Requirements. Contractors and grantees that are either private non-profit or private for profit entities must follow these guidelines when making large purchases using FTA funds.

- FTA Circular 4220.1F, revised March 13, 2013  
[www.fta.dot.gov/legislation\\_law/12349\\_8641.html](http://www.fta.dot.gov/legislation_law/12349_8641.html)

## Section 7 Other State Laws

This section contains links to the other laws and amendments vital to ensuring compliance. This section includes:

- Substitute House Bill 1266 (updating laws on drug and alcohol use by commercial drivers) <http://apps.leg.wa.gov/documents/billdocs/2005-06/pdf/bills/house%20passed%20legislature/1266-s.pl.pdf>
- Substitute Senate Bill 5105 (regarding certification of entities regulated by the Utilities and Transportation Commission) <http://apps.leg.wa.gov/documents/billdocs/2005-06/pdf/bills/senate%20passed%20legislature/5105-s.pl.pdf>
- RCW 9.91.025 – *Unlawful Bus Conduct*  
<http://apps.leg.wa.gov/rcw/default.aspx?cite=9.91.025>
- RCW 46.25 – *Uniform Commercial Driver's License Act*  
<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.25>

## Section 8 Capital Construction

This section contains links to key resources for capital construction compliance. This section includes:

- Governor's Executive Order 05-05 – *Archaeological and Cultural Resources*  
[www.dahp.wa.gov/governors-executive-order-05-05](http://www.dahp.wa.gov/governors-executive-order-05-05)
- *Standard Specifications for Road, Bridge, and Municipal Construction* M 41-10  
[www.wsdot.wa.gov/publications/manuals/m41-10.htm](http://www.wsdot.wa.gov/publications/manuals/m41-10.htm)
- *Environmental Procedures Manual* M 31-11  
[www.wsdot.wa.gov/Publications/Manuals/M31-11.htm](http://www.wsdot.wa.gov/Publications/Manuals/M31-11.htm)
- *Design Manual* M 22-01  
[www.wsdot.wa.gov/Publications/Manuals/M22-01.htm](http://www.wsdot.wa.gov/Publications/Manuals/M22-01.htm)

## Section 9 5333(b) Labor Protection

This section contains a link to the *Rural Transportation Employee Protection Guidebook*. The guidebook provides detailed information regarding the labor protection requirements that apply to rural public transportation providers. The FTA regulation can be found under 49 U.S. Code Section 5333(b) (formerly known as Section 13c Special Warranty).

- *Rural Transportation Employee Protection Guidebook* <http://www.wsdot.wa.gov/NR/rdonlyres/D4E7E802-BC3C-4618-8E21-B97692951210/0/employeeprotection.pdf>

## Section 10 Drug and Alcohol References

This section contains links regarding drug and alcohol requirements.

- 49 CFR Part 40 – *Procedures for Workplace Drug and Alcohol Testing Programs*  
<http://www.ecfr.gov/cgi-bin/searchECFR>
- 49 CFR Part 655 – *Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations* [www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=f9876c1cf8d97b42f20a5894216186d6&ty=HTML&h=L&n=49y7.1.2.1.16&r=PART](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=f9876c1cf8d97b42f20a5894216186d6&ty=HTML&h=L&n=49y7.1.2.1.16&r=PART)
- Substance Abuse and Mental Health Services Administration  
[www.samhsa.gov](http://www.samhsa.gov)
- Certified List of Laboratories (check list to see if your laboratory is certified)  
[www.workplace.samhsa.gov/drugtesting/level\\_1\\_pages/certifiedlabs.html](http://www.workplace.samhsa.gov/drugtesting/level_1_pages/certifiedlabs.html)
- Conforming Products List for Evidential Breath Alcohol Measurement Devices (3/11/10) [www.gpo.gov/fdsys/pkg/FR-2012-06-14/pdf/2012-14581.pdf](http://www.gpo.gov/fdsys/pkg/FR-2012-06-14/pdf/2012-14581.pdf)
- Office of Drug and Alcohol Policy Compliance  
[www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc)