

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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
- Accident prevention program
- Worker's compensation
- Employment practices
- Violence in the workplace prevention
- Training
- Dispatch issues
- Accident investigation and review
- Vehicle inspections
- Preventative maintenance
- Emergency management
- 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.

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](#)).

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.

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)** – 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)** – 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)**
 - Provides technical resources including a newly published Threat, Vulnerability and Emergency Preparedness Toolbox.
- **United We Ride (UWR) (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)** – 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)** – 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)** – 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)** – 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).

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.

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.

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

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.

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.

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 or 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.

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](#).

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.
- 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.

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.

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

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](#).

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.

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, or visit the FTA charter website at 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, 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.

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

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)

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.

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.

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.

Additional training may be available through the Washington State Transportation Training Coalition (WSTTC) website at 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 |

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.

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.

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.

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.

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

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.

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. 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](#).