

**Program Management and Recipient Coordination Plan**  
**for the Milwaukee Urbanized Area's**  
**Section 5310 Enhanced Mobility of Seniors and Individuals**  
**with Disabilities Program**

Southeastern Wisconsin Regional Planning Commission

and

Milwaukee County

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## Table of Contents

1. Section 5310 Program Overview.....	3
2. Roles and Responsibilities .....	9
3. Project Selection Process and Criteria .....	11
4. Private Sector Participation.....	14
5. Civil Rights.....	15
6. Maintenance .....	18
7. Section 5310 Program Management .....	19
8. Project Monitoring and Reporting .....	21
9. Other Provisions .....	23
Appendix A – Recipient Designation Letter.....	25
Appendix B – References .....	26
Appendix C – Index of Program Management Plan Requirements.....	27

## 1. Section 5310 Program Overview

### **Section 5310 Program: Enhanced Mobility of Seniors and People with Disabilities Program**

Section 5310 **Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310 Program)** provides funding through the Federal Transit Administration (FTA) to enhance mobility for seniors and people with disabilities. This program provides Federal funding for capital and operating expenses for transportation projects that meet the special needs of seniors and people with disabilities.

Under the provisions of the Fixing America's Surface Transportation (FAST) Act, project eligibility for the Section 5310 program includes the purchase of specialized transit vehicles used to serve seniors and people with disabilities, mobility management, non-vehicle capital purchases, operating expenses for transportation projects that exceed the requirements of the Americans with Disabilities Act of 1990 (ADA), improving access to fixed route transit service to decrease reliance by people with disabilities on complementary paratransit, and providing alternatives to public transportation that assist seniors and people with disabilities.

For large urbanized areas, like the Milwaukee Urbanized Area (MUA), a public entity must be designated as the recipient of Section 5310 funding. For the MUA, Milwaukee County has been selected as the designated recipient. The County is responsible for receiving and administering the Section 5310 funds and will work with the successful applicants on executing and managing grant agreements.

### **Eligible Activities**

Projects must carry out the Section 5310 program's goal of enhancing mobility for seniors and people with disabilities and must be consistent with the locally developed coordinated public transit – human services transportation plan. The FAST Act requires at least 55 percent of the Section 5310 Program funding apportionment must be used for capital expenses for public transportation projects that are planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities (i.e. traditional Section 5310 capital projects). Projects must directly serve and have a specific benefit to seniors and individuals with disabilities. Mobility management expenses, previously eligible under Section 5317, are eligible and qualify for this traditional Section 5310 project requirement. Eligible activities include:

- Capital expenses for public transportation services planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities
- Mobility management services
- Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA)
- Projects that improve access to fixed-route transit service and decrease reliance on paratransit service
- Alternatives to public transportation that assist seniors and people with disabilities with transportation

The remaining 45 percent of the funds may be used for operating or capital expenses associated with:

- Public transportation projects (capital and operating) that exceed the requirements of the ADA
- Public transportation projects that improve access to fixed route transit service and decrease reliance by individuals with disabilities on complementary paratransit
- Alternatives to public transportation that assist seniors and individuals with disabilities

These eligible activities are addressed by submitting applications for the following project types:

- Vehicle Capital Projects fund new and replacement rolling stock, including leased vehicles.
- Mobility Management projects are intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service.
- Operating projects fund costs to operate, maintain, and manage a public transportation system. Operating expenses usually include such costs as driver salaries, fuel, and items having a useful life of less than one year.
- Non-Vehicle Capital projects include accessibility improvements to bus stops and vehicles, dispatch software, and software upgrades.

More information and additional examples of Vehicle, Mobility Management, Operating, and Non-Vehicle Capital projects are found in the [Section 5310 Application Guidelines](#) for Human Service Vehicle requests and Section 5310 Application Guidelines for Mobility Management or Operating Assistance requests published by the Wisconsin Department of Transportation (WisDOT).

Examples of ineligible expenses include, but are not limited to, emergency vehicles, charter service, school bus service, depreciation expenses, private for-profit taxi service that is not shared-ride, voucher programs for rides on transit systems receiving Federal funding, planning and application expenses for projects, customer service trainings, and projects not targeted to seniors or individuals with disabilities.

### **Funding for Projects and Program Administration**

Section 5310 Program funds will be awarded through a two-year cycle that covers projects in 2021 and 2022. The Section 5310 Program can generally fund up to 80 percent of a project’s capital costs (in some limited cases up to 90 percent) and up to 50 percent of a project’s operating costs. Administrative costs necessary for the designated recipient to coordinate the Section 5310 Program (up to 10 percent of the Federal apportionment to each urbanized area) are funded at 100 percent Federal share. Eligible administrative expenses include general overhead costs, planning, technical services, and other eligible costs described in the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#) (2 CFR Chapter I, and Chapter II, Parts 200, 215, 220, 225, and 230).

The designated recipient is eligible to be reimbursed for Section 5310 administrative costs. Subrecipients will not be reimbursed for administrative costs related to application development, program reporting, or other activities.

The remaining costs (typically the required match for the Federal funds) can be covered by:

- Other Federal (non-DOT) transportation funding sources
- State and local funding sources
- Private funding sources

It is the responsibility of the subrecipient—those who apply for Section 5310 funding—to secure and administer funds outside the 5310 program. In-kind match cannot be used for the purchase of vehicles or any non-vehicle capital item.

### **Purpose of the Program Management and Recipient Coordination Plan**

FTA Circular 9070.1G Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions provides guidance for Section 5310 projects. It covers project requirements, Program Management and Recipient Coordination Plan

administration procedures, and other relevant components of the Federal Section 5310 Program. [FTA Circular 9070.1G](#) requires that a Program Management and Recipient Coordination Plan (PMRCP) be designed to identify the policies and procedures for administering the Section 5310 Program in a large urbanized area. These policies and procedures are based on program requirements issued by the FTA. The PMRCP serves as a local companion to FTA Circular 9070.1G by describing the roles and mechanisms for carrying out policies and procedures in the MUA and meeting the FTA requirement for a Program Management Plan.

### **Roles and Responsibilities of the Designated Recipient and the Commission for the Section 5310 Program**

As outlined in FTA Circular 9070.1G, the governor of each state or an official designee and responsible local officials must designate a public entity in a large urbanized area with a population of 200,000 or more to be the recipient for Section 5310 funds. The designated recipient must have the requisite legal, financial, and staffing capabilities to receive and administer Federal funds under this program, which involves managing grant agreements with subrecipients, applying for Federal funds, ensuring compliance with all Federal and State requirements, and completing grant reporting to the FTA.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC), the Metropolitan Planning Organization (MPO) for the seven counties in Southeastern Wisconsin, worked with representatives from the four counties and the five transit operators within the MUA and the Wisconsin Department of Transportation (WisDOT) to determine the designated recipient and a process for distributing the funds in the MUA. Based on written agreement among the four counties and five transit operators, Milwaukee County was selected to be the designated recipient for Section 5310 Program funds in the MUA because of the County's experience with similar Federal funding programs, including the Urbanized Area Formula Program (Section 5307) and Bus and Bus Facilities Program (Section 5339). The State of Wisconsin designated Milwaukee County as the recipient of the MUA's Section 5310 Program funds via a letter from the Governor to FTA, dated December 9, 2013.

To distribute Section 5310 Program funds within the MUA, the Commission staff will manage a competitive selection process. The Commission staff is responsible for ensuring a fair distribution of Section 5310 Program funds to subrecipients throughout the MUA by managing a competitive process for selecting and prioritizing projects for funding. The Commission staff will also prepare and maintain the PMRCP in cooperation with Milwaukee County. The process for selecting projects is further described in Section 3.

The designated recipient is primarily responsible for applying to FTA for Section 5310 grants on behalf of itself and/or subrecipient(s). In addition, the designated recipient is responsible for the development of a Program of Projects (POP), which identifies the subrecipients and projects for which the recipient is applying for financial assistance. In the MUA, the Commission staff will prepare the POP for submission to the FTA by the designated recipient. In addition, the designated recipient manages all aspects of grant distribution, including reporting to the FTA.

### **Eligible Subrecipients**

Eligible subrecipients are entities that are allowed to apply for and receive funds through the Section 5310 Program. Subrecipients include those entities that provide traditional Section 5310 projects – capital projects such as the purchase of an accessible vehicle to serve seniors and people with disabilities – and those who provide other capital, operating, and mobility management services.

The eligible subrecipients within the MUA for traditional Section 5310 projects are:

- State or local government authorities who are either approved by WisDOT to coordinate services for seniors and individuals with disabilities or certify that there are no non-profit organizations readily available in the area to provide the service
- Private non-profit organizations that provide transportation services targeted to seniors and people with disabilities

The eligible subrecipients within the MUA for other capital, operating, and mobility management projects are:

- State or local government authorities
- Private non-profit organizations
- Operators of public transportation that receive a Section 5310 grant indirectly through a recipient

### **Section 5310 Program Goals and Objectives**

Before a project can be awarded funds, the project must be certified by the designated recipient that it is included in a locally developed coordinated public transit – human services transportation plan. The Commission has prepared and published a [2016 Public Transit – Human Services Transportation Coordination Plan](#) for each of the seven counties in Southeastern Wisconsin. These plans identify steps to improve regional human services transit coordination, identify unmet needs or service gaps, and prioritize strategies to meet those needs. The Coordination plans for each of the counties of Milwaukee, Ozaukee, Washington, and Waukesha list several unmet needs and strategies which articulate the regional goals and objectives of the Section 5310 Program. The Commission will update the Public Transit – Human Services Transportation Coordination Plans in the second half of 2020. Until the updated plans are approved, the 2016 plans remain in effect for the current funding cycle.

Some of the identified unmet needs and strategies for addressing unmet needs between Counties that would be eligible for Section 5310 funds include:

### **Unmet Needs between Counties**

- Limited transportation options between counties—especially for seniors, people with disabilities, low-income residents, and households with no vehicle available—for travel to jobs, medical facilities, veterans services, and social and recreational activities.
- Need to enable more transportation services to provide inter-county and interstate transit options in the Region.
- Lack of transportation services for travel from suburb to suburb.
- Lack of coordination between transit agencies on fares, service hours, and days of operation, which causes inconveniences for transit users.
- Lack of coordination between paratransit services in the Region.
- Need to increase public transit and other transit services that connect workers to jobs between counties.
- Need for job seekers to be informed about job-ride programs that would connect them to jobs in other counties.
- Need to make transit services more convenient by increasing the frequency of transit services or reducing the amount of time needed for making reservations.
- Lack of regional partnerships among healthcare providers to reduce fares for rides to medical facilities in the Region.
- Lack of transit services during evening and weekend hours.
- Need for all transportation services to be accessible to people with disabilities.

### **Strategies for Addressing Unmet Needs between Counties**

- Encourage coordination between large employers and medical providers to better assess transportation needs of employees and patients.
- Encourage transit providers to serve more senior centers and nursing homes.
- Purchasing new accessible vehicles, vans, and buses for all transportation services.
- Consistent service hours should be established for transit providers that cross county lines.
- Increasing non-urgent medical transportation options for individuals not eligible for Medicaid.
- Increasing funding for mobility managers to assist them in coordinating across county lines.
- Increasing the availability of demand response services outside of Milwaukee, Ozaukee, and Washington Counties.

Each county within the region also had its own specific unmet needs and strategies to address unmet travel needs within the county. Some of the identified unmet needs had strategies that would be eligible for Section 5310 funds include:

### **Milwaukee County**

- Lack of coordination in the distribution of information on the available transportation services.
- More accessible bus stops.
- Need for more transportation services to senior living facilities and for non-medical activities.
- Improve access to information on the available transportation services and improve the dissemination of information by supporting and expanding travel training program and developing a coordinated call center that provides information on all transportation services within the County.
- Extend the service area and days and hours of operation for transportation services.
- Provide more frequent service on MCTS bus routes.
- Provide customer service training to bus drivers, human services providers, and taxi cab drivers to better meet the needs of users of these services.
- Improve the accessibility of transportation services to seniors and people with disabilities by using more accessible vehicles, removing physical barriers that impede access to transportation, and making accessibility improvements at bus stops.
- Continue to fund a mobility manager position with MCTS or the County to gather and analyze data to evaluate transportation options for seniors and persons with disabilities.
- Provide transportation services for low-income and disabled job seekers enrolled in job skills training or transitional jobs programs.

### **Ozaukee County**

- There is a need for more door-through-door services from transportation providers.
- Lack of accessible vehicles used by the transportation providers.
- Improve the availability of the County's Shared-Ride Taxi service at peak times through the expansion of the taxi fleet and increasing driver hours.
- Increase the capacity of the vehicle fleet and the number of volunteer drivers utilized by human service providers to expand the availability of their services.
- Provide funding for a mobility manager position to gather and analyze data to evaluate transportation options for seniors and persons with disabilities.

### **Washington County**

- There is a need to expand volunteer driver programs.
- Provide funding for a mobility manager position for Washington County to gather and analyze data to evaluate transportation options for seniors and persons with disabilities.
- Apply for Federal Section 5310 and Section 5339 funding for buses and other accessible vehicles that establish or expand the vehicle fleets of public transit and human services providers.
- Establish a fixed route minibus service that connects seniors and people with disabilities to key destinations in the County.

**Waukesha County**

- Need for an expanded service area for transit that serves communities in the County with little to no existing transit service.
- Need to increase collaboration public transit and human services providers to identify additional connections between their services.
- Continue to fund a mobility manager position with the County to gather and analyze data to evaluate transportation options for seniors and persons with disabilities.
- Improve the availability, convenience, safety, and security of transportation services.
- Establish or expand transportation services. Examples include:
  - Shuttle bus routes
  - Flexible transit services
  - Volunteer driver programs
  - Subsidized shared-ride taxi services to provide demand-responsive transit service where feasible

## **2. Roles and Responsibilities**

Although Milwaukee County is the designated recipient for the MUA's Section 5310 Program, the program is co-administered by SEWRPC and Milwaukee County. Each entity's administrative roles and responsibilities are summarized below.

### **Milwaukee County Roles and Responsibilities**

- Develop, execute, manage, and amend grant agreements with subrecipients
- Apply for Federal funds on behalf of eligible subrecipients as identified by the Commission and manage the program's Federal grants
- Complete program grant reporting to the FTA on a quarterly and annual basis
- Work with subrecipients and WisDOT to procure capital items and ensure compliance with all applicable State and Federal requirements
- Process payments, draw down federal funds, complete financial audits, and complete grant closeouts
- Collect and maintain financial reports, operating statistics, and vehicle data from subrecipients
- Monitor subrecipient compliance with Federal requirements (Section 504, ADA, etc.)
- Conduct on-site inspections of subrecipient projects, if needed
- Amend the Milwaukee County Transit System's Title VI Program, Equal Employment Opportunity (EEO) Plan, Disadvantaged Business Enterprise (DBE) Goals, and other applicable documents to include the Section 5310 Program
- Review subrecipients' Title VI, EEO, and DBE programs
- Investigate and address Title VI, EEO, and DBE complaints
- Monitor subrecipients' adherence to maintenance plans and safety standards
- Participate in the roles and responsibilities of eligible subrecipients for project applications on behalf of Milwaukee County

### **Commission Staff Roles and Responsibilities**

- Develop and revise the program's Program Management and Recipient Coordination Plan (PMRCP)
- Develop and approve the annual Program of Projects (POP) and ensure that the Transportation Improvement Program (TIP) is amended as necessary
- Develop and revise the Public Transit – Human Services Transportation Coordinated Plans for Milwaukee, Ozaukee, Washington, and Waukesha Counties at least every four years
- Notify eligible subrecipients of application cycles and distribute project application materials
- Determine subrecipient and project eligibility
- Maintain a list of eligible subrecipients
- Provide technical assistance to eligible subrecipients
- Develop and conduct the project selection process, which includes:
  - Develop the application form to distribute to eligible subrecipients

- Release a solicitation for project applications to eligible subrecipients
- Assist eligible applicants with using the application form that will be used for submitting applications
- Receive and review project applications from subrecipients
- Provide project selection criteria
- Create an evaluation committee to score and select projects for funding
- For local public bodies that have been awarded vehicle or mobility management projects, ensure that they complete a certification letter that certifies no written comments or objections were received from private non-profit organizations during the application process.
- Present project funding recommendations to the program's advisory committee (the Commission's Advisory Committee on Transportation System Planning and Programming for the MUA). Utilize the TIP process to provide the public and private transportation providers with notice and an opportunity to comment on projects selected for funding.
- Notify successful subrecipients of their award amounts and reporting requirements
- Ensure compliance with Section 5310 Program requirement that at least 55 percent of the Federal funding apportionment is used for traditional 5310 capital projects
- Provide demographic data to help subrecipients comply with Title VI requirements upon request.

### **Subrecipient Roles and Responsibilities**

- Inform Commission staff of intention to apply for Section 5310 Program funds, complete and submit application(s) using the application form, provide project description(s) and funding information, provide follow-up information, and participate in interviews and/or on-site visits if conducted
- As a successful applicant, address and meet all of the grantee responsibilities as outlined in the Section 5310 Application Guidelines developed by SEWRPC and WisDOT. Work with Milwaukee County and WisDOT to procure capital items and assure the procurement regulations are met
- Develop and maintain a Maintenance Plan to be held on file with Milwaukee County
- Inspect, insure, and maintain all vehicles funded through the program
- Complete and submit acceptance certifications to Milwaukee County upon vehicle delivery
- Deliver the project as described in the grant project application, including local management and administration
- Provide financial management of the project, including provision of matching funds as outlined in Section 1 and assurance that Section 5310 funds are used for the project identified in the project application
- Submit financial reports, operating statistics, and vehicle data to Milwaukee County
- Maintain a Title VI program and comply with Federal Title VI requirements
- Submit to on-site inspections as requested by Milwaukee County and the Wisconsin State Patrol
- Comply with private sector participation requirements in Section 4
- Maintain a Data Universal Numbering System (DUNS) profile and provide the DUNS number to Milwaukee County. DUNS numbers can be requested at no charge at [www.dnb.com](http://www.dnb.com).
- If necessary, register your organization with the System for Award Management (SAM)
- Comply with all applicable State and Federal requirements

### **3. Project Selection Process and Criteria**

#### **Project Planning and Coordination**

Planning for Section 5310 Program projects is included in the four-year Public Transit – Human Services Transportation Coordination Plan for Milwaukee, Ozaukee, Washington, and Waukesha counties. This planning process is conducted within the framework of the Commission’s year 2050 Regional Land Use and Transportation Plan (VISION 2050) and the Transit Development Plans for each of the four counties in the MUA.

Funding for the two-year cycle will use a competitive process as outlined by WisDOT’s Section 5310 Application Guidelines and the Commission’s Section 5310 Application Guidelines for Vehicle Purchase, Mobility Management, Operating, and Non-Vehicle Capital Purchase Projects. The Commission will solicit project applications from eligible subrecipients based on a timeline that is established by WisDOT.

#### **Project Application Process**

The application process will be led by the Commission staff. The two-year application cycle will have guidance, application forms, specific tasks, deadlines, and meeting dates that will be identified in the materials that are distributed to eligible subrecipients as appropriate.

1. Commission staff informs eligible subrecipients of the upcoming two-year application cycle
2. Eligible subrecipients notify Commission staff of intention to apply
3. Completed applications and supporting documents are due to Commission staff
4. The evaluation committee reviews and scores the eligible projects to determine which projects receive funding
5. Commission staff prepares a draft Program of Projects (POP) for review by the Advisory Committee on Transportation System Planning and Programming for the MUA
6. The Commission considers the Advisory Committee’s list of recommended projects for Section 5310 Program funding
7. Commission staff notifies applicants of the Commission’s approval of projects for Section 5310 Program funding
8. Applicants receiving Section 5310 funding work with Milwaukee County to develop project agreements
9. Milwaukee County applies to the FTA for funding for the projects on behalf of the subrecipients

Applicants that are approved for capital funds should contact Milwaukee County as soon as possible to begin the procurement process. Applicants that are approved for operating funds should contact Milwaukee County as soon as possible to develop project agreements.

#### **Project Selection Criteria**

Eligible projects for the MUA’s Section 5310 Program funds must fulfill the general funding priorities and address specific service needs identified in the Public Transit – Human Services Transportation Coordination plans that were developed for each county. Projects also need to address the evaluation criteria developed by the Wisconsin Department of Transportation (WisDOT), which will be used during the competitive process to determine project selection:

- Demonstrate Need and Project Benefits
  - Clearly describe the project and how it meets the eligibility requirements.
  - Describe the services and benefits to be provided with the vehicle or by the project. Describe results if request is not funded. Responses should be supported by data.
  - For a replacement vehicle: Explain why your current fleet cannot meet current needs. Explain why the specific vehicle has been chosen to be replaced.
  - For a service expansion vehicle: Describe the planned service expansion and how the need for the expanded service was determined.
  - Describe how the project will help meet transportation needs of seniors and people with disabilities. Identify specific services and activities that the project will provide. Responses should be supported by data and should discuss how data was determined.
  - Describe what will happen if the project is not awarded.
- Promote the Development of a Coordinated Network
  - Identify project partners and stakeholders and their role in providing service.
  - Identify existing available transportation services and describe how the proposed project will complement, rather than duplicate, those services.
  - Describe how the proposed project will ensure service coordination.
- Financial and Technical Capacity
  - Describe all transportation-related services provided by your organization to seniors and people with disabilities.
  - Describe your organization's ability to manage the vehicle or project and comply with all Federal and state requirements for the full useful life of the vehicle or during the life of the grant.
  - Describe source of local match.

The applications received from eligible subrecipients are reviewed by Commission staff and the evaluation panel. The evaluation panel organized by the Commission will review and score eligible projects based on these criteria and will forward a recommended list of projects for Section 5310 Program funding to the Commission's Advisory and Executive Committees for review and approval.

### **Annual Program of Projects Development, Approval, and Amendment Process**

Upon approval by the Commission, the Commission staff will develop and amend the Program of Projects (POP) since it prepares the Transportation Improvement Program (TIP) for Southeastern Wisconsin. The POP must be consistent with the TIP in that all the projects in the POP must also be included in the TIP. The total Section 5310 Program funding programmed in the TIP in each year cannot exceed the annual allocation of Section 5310 Program funds for that year. The requirements for the POP include:

- The total number of subrecipients
- Identification of each subrecipient, including whether they are governmental authorities, private non-profit agencies, or Indian tribal governments or tribal transit agencies
- A description of each project
- The total project cost and the Federal share
- Whether each project is a capital or an operating expense and whether or not it meets the requirements for a "traditional Section 5310 capital" project

Commission staff and the evaluation panel may recommend that a project receive only part of the funding requested in an application due to limited Section 5310 Program funding available to the MUA. This may result in a reduced Federal share for a project, or only part of the project being implemented.

Following review by the Commission's Advisory Committee and the Commission, applicants are notified of the action by Commission staff. The approved POP is then forwarded to Milwaukee County, which forwards it to the FTA and works with subrecipients to implement. Amendments to the POP are conducted as needed using the same process.

### **Appeals of Project Selection Process**

Should an applicant feel that the project selection process was unfair or inappropriate, they can submit a formal appeal of the process to the Section 5310 Program Manager at the following address:

Section 5310 Program Manager  
Southeastern Wisconsin Regional Planning Commission  
P.O. Box 1607  
Waukesha, WI 53187-1607

A review of the process will be completed within two weeks of the receipt of the appeal, and the applicant will be contacted with the results of the appeal.

### **Project Changes**

If the subrecipient requires a change to the project, please contact Commission staff to determine how to address the change. Since most changes are unique to each situation, subrecipients should be prepared to submit a formal letter to Commission staff that describes the reason for the change request, the potential budget impact, and how the change could impact the provision of service as awarded.

### **Application Requests**

Application materials, including evaluation summaries, may be requested by the public or others. Commission staff, in consultation with Milwaukee County, will make materials available upon request.

#### **4. Private Sector Participation**

The FTA requires that local recipients provide private for-profit transit and paratransit operators a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of proposed transportation services. Therefore, each applicant for the MUA's Section 5310 Program funding must make efforts to comply with this policy and provide documentation of these efforts in its application.

Applicants who utilize in-house resources or other methods to deliver projects must demonstrate that they made reasonable efforts to include participation by private for-profit operators if applicable.

## 5. Civil Rights

Recipients of the MUA's Section 5310 Program funds are required to meet civil rights requirements under Title VI, as well as Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) regulations.

The Commission maintains a record of funding requests for the MUA's Section 5310 Program funding received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record identifies those applicants that would use grant program funds to provide assistance to predominantly minority and low income populations. The record shall also indicate which applications were rejected and accepted for funding.

### **Title VI**

The elements of a Title VI Program are determined by FTA Circular 4702.1B and include, but are not limited to:

- Title VI notice to the public, including a list of locations where the notice is posted
- Title VI complaint procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint) and Title VI complaint form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public participation plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program.

The Milwaukee County Transit System prepares a Title VI Program Update for submission to the FTA every three years.

Subrecipients of the MUA's Section 5310 Program funding must submit their Title VI Programs to Milwaukee County, which will develop a schedule that outlines the frequency with which subrecipients must submit their Title VI programs. A subrecipient's Title VI program must be approved by the subrecipient's appropriate governing entity or official(s) responsible for policy decisions (e.g., board of directors, mayor, tribal executive, city administrator, etc.). Subrecipients must submit a copy of the board resolution, meeting minutes, or similar documentation as evidence of approval.

Contractors and subcontractors are not required to submit a Title VI report. However, they are responsible for complying with the Title VI Program of the recipient with whom they are contracting. Recipients and subrecipients are responsible for ensuring that their contractors are complying with their Title VI Program and Title VI regulations.

Milwaukee County, the Commission staff, and WisDOT are available to assist subrecipients with Title VI compliance. Milwaukee County will provide sample notifications, forms, and program language to subrecipients upon request. The Commission staff will provide demographic data to assist subrecipients in conducting their analysis and subsequently developing their Title VI Program.

Milwaukee County oversees subrecipient compliance with Title VI as follows:

- **Grant Agreements** – Through annual grant agreements, the subrecipient agrees to comply with applicable civil rights statutes and regulations, including Title VI of the Civil Rights Act, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE). As subrecipients to Milwaukee County, Section 5310 Program subrecipients must comply with the FTA's Annual List of Certifications and Assurances signed annually by Milwaukee County.
- **Review of Subrecipient's Title VI Program** – Milwaukee County reviews the contents of Title VI Program materials as submitted by subrecipients, including public notification language, LEP, complaint procedures and complaint form, and public participation and outreach. Milwaukee County provides sample materials and technical assistance to subrecipients in developing a compliant Title VI Program.
- **Investigation and Monitoring of Title VI Complaints (or potential complaints and/or lawsuits)** – As part of its annual application, Milwaukee County requires subrecipients to report any Title VI complaints or lawsuits. Subrecipients may contact Milwaukee County at any time during the year to report Title VI complaints, potential complaints, and/or lawsuits. Milwaukee County may also receive complaints regarding subrecipients or their contractors directly from the public.
- **On-Site Visits** – Milwaukee County staff may conduct on-site visits as necessary to monitor subrecipient compliance. During on-site visits, staff will verify the location of the public notification language as stated in the subrecipient's Title VI Program. During this time, staff may also discuss with the subrecipient any new or potential opportunities for public participation and public outreach that may present themselves since the previous submission of the subrecipient's Title VI Program.

### **Disadvantaged Business Enterprise (DBE)**

The objectives of the US Department of Transportation's (DOT's) DBE regulations, as specified in 49 CFR Part 26, are to:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts
- Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs
- Help remove barriers to the participation of DBEs in DOT assisted contracts
- Assist the development of firms that can compete successfully in the market place outside the DBE Program

Milwaukee County has developed and administers its DBE Program. The program outlines policies and procedures established to satisfy the DBE requirements. Milwaukee County's DBE Program is on file with the FTA. Any plan

updates with significant changes are submitted to FTA. All DBE submissions to the FTA, including the DBE Program and all required reporting, are completed by Milwaukee County staff.

Milwaukee County staff works closely with subrecipients to address DBE requirements. In goal setting, three-year goals are established based on anticipated FTA-funded contracting opportunities by both subrecipients and Milwaukee County. Contract-specific goals may also be established, and these goals may require a greater amount of subrecipient technical assistance from Milwaukee County and/or the Commission staff. Work with subrecipients also includes the ongoing collection of data for contract monitoring and reporting on FTA-funded contracts.

Prior to awarding Section 5310 Program funds, subrecipients may be asked to identify potential contracting and procurement opportunities and Milwaukee County staff works with subrecipients to identify potential DBE participation. Milwaukee County staff also ensures that subrecipients use appropriate DBE contract language in their solicitations. WisDOT's Office of Business Opportunity and Equity Compliance (OBOEC) provides assistance to potential DBEs to become certified and maintains the Unified Certification Program Directory. Subrecipients must report to Milwaukee County as required on DBE goal achievement on all FTA-funded contracting.

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

Milwaukee County and Section 5310 Program subrecipients must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to, discrimination in employment under any project, program, or activity receiving Federal financial assistance under the Federal transit laws.

Each Section 5310 Program contract between Milwaukee County and a subrecipient for the provision of FTA funding shall contain language that requires the subrecipient to comply with FTA regulations related to EEO. In addition, private providers under contract with subrecipients are required to comply with these regulations.

If a subrecipient's transit-related staff reaches 15 or more and/or the dollar threshold for capital, operating, or planning assistance is met, Milwaukee County will require the subrecipient to submit a formal Affirmative Action (AA) / EEO Plan to Milwaukee County for review and approval. Milwaukee County will withhold the approval of future grants until it receives the AA / EEO Plan from the subrecipient. The Equal Employment Opportunity Act by definition explicitly exempts Indian tribes from its provisions.

### **Certifications and Assurances**

Milwaukee County annually signs the FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements, which binds Milwaukee County to all civil rights requirements.

Through annual grant agreements, subrecipients agree to comply with all applicable civil rights statutes and regulations. These include Title VI of the Civil Rights Act, Equal Employment Opportunity, and Americans with Disabilities Act. As subrecipients to Milwaukee County, Section 5310 Program subrecipients must comply with the FTA's Annual List of Certifications and Assurances as stated in their grant agreements with Milwaukee County.

## 6. Maintenance

Consistent with Federal requirements, each subrecipient must maintain its facilities (and substantial facility components), vehicles, and other substantial assets.

Subrecipients are required to develop maintenance plans covering their Federally-funded vehicles and facilities and to provide Milwaukee County with a copy of their plan(s). Subrecipients must maintain all Federally-funded property in good operating order and maintain ADA accessibility features.

Subrecipients are expected to develop their own maintenance plans, although WisDOT provides extensive written guidance on developing maintenance plans as well as sample plans upon request. Once adopted, subrecipients are monitored for adherence to the plans by Milwaukee County staff for compliance during on-site visits.

Milwaukee County requires subrecipients to design and operate maintenance programs that include:

- Preventative maintenance practices and schedules for vehicles
- Preventative maintenance practices for accessibility equipment
- Preventative maintenance practices for facilities
- A system for recording maintenance and repair activities
- A process for authorizing and controlling maintenance activities and costs
- Quality control for outsourced maintenance
- A procedure for pursuing warranty recoveries

Milwaukee County must have an up-to-date maintenance plan on file from Section 5310 Program subrecipients prior to applying for grants from the FTA. Subrecipients will not be required to resubmit maintenance plans with each application cycle, but are required to submit updated plans when necessary, e.g., when they have acquired new vehicles or other substantial assets not addressed in previously submitted plans or when the plan on file is out-of-date.

All transit vehicles are required to meet safety standards and undergo inspections based on program and/or vehicle capacity. WisDOT and Milwaukee County require that all vehicles purchased with Section 5310 Program funds be registered as human service vehicles (HSVs) or municipal vehicles, and be plated accordingly. All vehicles are considered HSVs and are subject to annual HSV inspections conducted by the Wisconsin State Patrol per Wisconsin State Statutes Section 110.05 and Wisconsin Administrative Code Trans 301. Upon request, State Patrol also will conduct initial inspections right after vehicle delivery. These inspections cover the integrity of vehicle safety and mechanical features.

Wisconsin Administrative Code Trans 301 addresses equipment and safety standards for HSVs. It adopts all Federal regulations from 49 CFR 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR 571 (Federal Motor Vehicle Safety Standards), and 36 CFR 1192 (Americans with Disabilities Act [ADA] Accessibility Guidelines for Transportation Vehicles). Trans 301 also provides additional equipment standards and requirements and provides inspection and enforcement standards.

## **7. Section 5310 Program Management**

### **Vehicle Procurement**

Although Milwaukee County is the designated recipient for the MUA's Section 5310 Program, all procurement activities are handled by the WisDOT Bureau of Transit through its statewide procurement process. Subrecipients will work with Milwaukee County and WisDOT to arrange procurement of vehicles that meet the needs of the project. All grant agreements require subrecipients to comply with all relevant Federal procurement laws and regulations and submit all third party contracts to Milwaukee County for review.

WisDOT Transit procedures require staff to review all Federally funded third party contracts to ensure Federal contract clauses are included. WisDOT provides toolkits for assisting subrecipients with common procurements. Technical assistance for Federal procurements is available from transit project managers or a WisDOT designated agent (e.g. a contractor). WisDOT maintains a [subrecipient procurement assistance web page](#) that contains links to:

- The WisDOT procurement manual.
- FTA-compliant toolkits for micro and small purchases.
- FTA-compliant toolkit for shared-ride taxi requests for proposals.
- System for Award Management (SAM).

WisDOT also has a toolkit for procuring architecture and engineering services according to Brooks Act requirements, and WisDOT Transit provides opportunities for training on Federal procurement regulations.

### **Buy America and Pre-award and Post-delivery Reviews**

WisDOT's HSV procurement solicitations detail Federal Buy America requirements and impose Buy America pre-award certification requirements on all vendors submitting bids. For each vehicle type a vendor bids on, it must submit a "Certification of Compliance with 49 U.S.C. 5323(j)." If a vendor is unsure whether an offered vehicle is compliant with Buy America requirements, it may submit a "Certification of Non-Compliance with 49 U.S.C. 5323(j)" with its bid; however, it must provide documentation of an FTA-approved exception before WisDOT will consider the bid.

In addition to the pre-award certification, the solicitations require bidders to provide certification and a detailed list of all major vehicle components and subassemblies and their respective calculated percentages of total manufacturer's cost made in the United States. WisDOT reviews the Buy America information submitted by bidders and provides a pre-award certification.

For each delivered FTA-funded vehicle, Milwaukee County requires the vehicle recipient to complete a post-delivery Buy America compliance certification that declares it has received and reviewed appropriate Buy America documentation. Milwaukee County will not pay the vendor until it receives this certification.

WisDOT's procurement manual details Buy America requirements and provides instructions for completing pre-award and post-delivery certifications for FTA subrecipients conducting their own procurements. Milwaukee County, with WisDOT's assistance, provides technical support to subrecipients needing assistance with this or other aspects of their procurements.

## **Financial Management**

Milwaukee County is responsible for managing grants, contracts, and interagency agreements to ensure that expenditures comply with Federal rules and regulations for all FTA grant programs. Financial management responsibilities include:

- Investigating and resolving accounting problems to ensure compliance with State and Federal rules.
- Managing the documentation associated with individual grants, contracts, and interagency agreements.
- Submitting Federal financial reports.
- Rectifying and closing out FTA grants when projects are completed.

Milwaukee County uses the Electronic Clearing House Operation System (ECHO Web) process to request FTA grant awards so that transactions are processed in a timely manner and accounts are balanced and documented.

Milwaukee County maintains records for vehicles, facilities, and other substantial assets purchased with Section 5310 Program funds. Milwaukee County ensures that all equipment used by subrecipients that is purchased with Federal funds through the Section 5310 Program is used for the program or project for which it was acquired. Records are updated and appropriate equipment use is assured through reporting by subrecipients and on-site reviews (see Section 9, Project Monitoring and Reporting).

## **Disposition of Assets**

In the event that a subrecipient no longer needs equipment purchased with Federal funds through the Section 5310 Program and useful life remains, the equipment is transferred in accordance with Milwaukee County, WisDOT, and FTA requirements and guidelines.

In the event a vehicle or other substantial asset has reached the end of its useful life, the subrecipient must receive approval from Milwaukee County to dispose of the asset.

## **Accounting Systems**

Subrecipients establish a set of accounts in which all transit-related costs, revenues, and operating sources are recorded and clearly identified, easily traced, and substantially documented. Accounting practices and records must be in accordance with Generally Accepted Accounting Principles.

Milwaukee County uses the same accounting system for the Section 5310 Program that it uses for its other State and Federal grant programs.

Milwaukee County uses the information contained in the quarterly reports to monitor subrecipients' fiscal and operational activities. Requests for reimbursement are approved by Milwaukee County before being processed for payment.

## 8. Project Monitoring and Reporting

The goal for monitoring and reporting for Section 5310 Program funds is to ensure effective use of program funds, provide useful information for the planning and prioritization of future projects, and fulfill Federal requirements without placing an excessive burden on the designated recipient or subrecipients.

### **Milwaukee County Reporting**

Milwaukee County will submit required Section 5310 reports to the FTA by October 31 of each year, covering a 12-month period ending on September 30, as well as quarterly reports, as required by the FTA. Subrecipients are required to submit required information to Milwaukee County so that Milwaukee County can consolidate the information to include in the report to the FTA. Milwaukee County will act as a liaison between the FTA and subrecipients during audits. Annual reports filed by Milwaukee County will include:

- An updated Program of Projects (POP prepared by Commission staff)
- Civil rights compliance issues (such as Title VI, EEO, or DBE complaints)
- A milestone activity report
- A Federal Financial Report
- Program measures, including:
  - Gaps in service filled by Section 5310 projects
  - Ridership
  - Physical improvements (such as sidewalks, transportation facilities, or technology)

In addition, Milwaukee County will fulfill National Transit Database (NTD) reporting requirements.

### **Reporting Requirements for Subrecipients**

**Quarterly Reports.** Quarterly reports are due to Milwaukee County 10 business days following the end of each quarterly period – January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. The following data must be submitted to Milwaukee County on a quarterly basis for each vehicle, transportation program, or other service funded through the MUA's Section 5310 Program:

- A narrative describing accomplishments and/or problems and changes to milestones and budgets
- A copy of all recorded civil rights or Title VI complaints
- The actual or estimated number of one-way unlinked passenger trips (if applicable), and the categorical purpose of each trip (if known, optional)
- The actual or estimated statistics related to delivering mobility management, fixed-route orientation, client eligibility, or similar services; such as contacts through call centers, website visits, and training sessions
- The number of individual clients served
- Physical improvements completed (such as sidewalks, transportation facilities, or technology)
- Quarterly revenues and sources of revenue for the project
- Quarterly capital and operating costs (separated)

- Quarterly actual or estimated vehicle revenue miles (required) and hours (if known)
- Fleet summary including year, mileage, make/model, and relevant features
- Inventory of related facilities

**Annual Reports.** Milwaukee County will submit required annual Section 5310 reports to the FTA by October 31 of each year, covering a 12-month period ending on September 30. Milwaukee County will be responsible for consolidating this data from monthly reports and may request additional information from subrecipients.

**National Transit Database (NTD) Reporting.** Subrecipients must provide Milwaukee County with information necessary for Milwaukee County to file annual NTD reports, if and when applicable. The necessary information, which commonly includes vehicle miles and hours, passenger trips, and financial information, will vary depending on the project and subrecipients must coordinate with Milwaukee County to determine what is necessary. NTD information is due to Milwaukee County by March 15 annually.

Milwaukee County will use these reports to monitor subrecipient fiscal and operational management and to satisfy Federal reporting requirements.

Milwaukee County will schedule on-site visits with subrecipients on a triennial cycle to review operations and maintenance records. In addition, to improve subrecipient monitoring procedures, Milwaukee County staff may request and review supporting documentation, including local match documentation, for one subrecipient's reimbursement request per quarter. Selection of the reimbursement request will be based on either a risk assessment or random selection.

### **Section 504 and ADA Reporting**

The annual Federal Certifications and Assurances for FTA Assistance, which is signed by all subrecipients, contains the ADA certification. Milwaukee County staff verifies compliance with Section 504 and ADA requirements while reviewing annual grant applications and during on-site visits.

## **9. Other Provisions**

### **Environmental Protection**

Most projects and activities funded through the Section 5310 Program do not involve significant environmental impacts. Typically, projects are considered categorical exclusions because they are types of projects that have been “categorically” (i.e., previously) excluded in regulations from the requirements to conduct environmental reviews and prepare environmental documentation.

FTA classifies categorical exclusions (CE) into two groups:

- CE under 23 CFR 771.117(c) – activities and projects which have very limited or no environmental effects at all (e.g., planning studies, preliminary design work, program administration, operating assistance and the purchase of transit vehicles).
- CE under 23 CFR 771.117(d) – activities and projects involving construction and/or have a greater potential for off-site environmental impacts (e.g., construction of transit facilities, parking, etc.). These projects may be designated CE after review of documentation. In order to receive a documented CE, a subrecipient must complete a CE checklist, including an Environmental Justice (EJ) analysis. WisDOT will first review the completed checklist before sending it to FTA, which has final authority to grant the CE. For a copy of the checklist and more detail on the review process, see the WisDOT Transit Procedures and Oversight Manual.

Even if a project is determined to be a CE, there may be other relevant State and Federal environmental protection requirements that must be satisfied (depending on the project’s type and location).

For projects with environmental impacts that are determined not to be a CE, FTA requires the preparation of an environmental assessment (EA) for public comment and FTA review. In the unlikely event that significant environmental impacts are identified with a project, an environmental impact statement (EIS) is required.

### **School Transportation**

Consistent with Federal laws, Section 5310 Program funds may not be used for exclusive school bus service. The Federal Certifications and Assurances for FTA grants require the subrecipient to certify compliance with each annual sub-grant agreement.

Milwaukee County oversees compliance with the prohibition by monitoring route schedules submitted with application materials, on websites, and/or in promotional materials with route schedules. County staff also looks for signs that might indicate exclusive school bus service (e.g., a school route only) during vehicle inspections.

### **Drug and Alcohol Testing**

Subrecipients that receive Section 5310 Program funds are not subject to FTA’s drug and alcohol testing rules. However, these subrecipients must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold commercial driver’s licenses (49 CFR Part 382).

## **Staff Contacts**

<b>Agency</b>	<b>Name</b>	<b>Phone</b>	<b>Email</b>
Southeastern Wisconsin Regional Planning Commission Staff	Joe Delmagori	(262) 953-3254	jdelmagori@sewrpc.org
	Jennifer Sarnecki	(262) 953-3202	jsarnecki@sewrpc.org
Milwaukee County	John Rodgers	(414) 257-5968	john.rodgers@milwaukeecountywi.gov
Wisconsin Department of Transportation (WisDOT)	John Swissler	(608) 264-9532	john.swissler@dot.wi.gov

**Appendix A – Recipient Designation Letter**



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. BOX 7863  
MADISON, WI 53707

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December 9, 2013

Ms. Marisol Simon  
Regional Administrator  
Federal Transit Administration, Region V  
200 West Adams Street, Suite 320  
Chicago, IL 60606

Dear Ms. Simon:

I am pleased to notify you that pursuant to 49 U.S.C. Section 5310 I have appointed the following entities as Designated Recipients of Federal Transit Administration formula funds for the Transportation Management Areas (TMAs) listed below:

<u>Designated Recipient</u>	<u>TMA</u>
Valley Transit	Appleton, WI
Green Bay Metro	Green Bay, WI
Madison Metro	Madison, WI
Milwaukee County	Milwaukee, WI

Attached are the resolutions from each area’s planning commission, identifying these entities as the Designated Recipients of 5310 funds for their respective TMA.

If you have any questions, please feel free to contact John Alley, transit section chief, Wisconsin Department of Transportation, at (608) 266-0189.

Sincerely,

Governor Scott Walker

Enclosures

## Appendix B – References

- [Fact Sheet - Enhanced Mobility of Seniors and Individuals with Disabilities Section 5310 \(FTA\)](#)
- [FTA Circular 9070.1G Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions \(FTA\)](#)
- [Transit Procurement Procedures \(WisDOT\)](#), includes links to:
  - [Procurement Manual \(WisDOT\)](#)
  - [Best Practices Procurement Manual \(FTA\)](#)
  - Toolkits and other resources for procurement and contracting
- [Americans with Disabilities Act \(US Department of Justice\)](#)
- [Fiscal Year 2020 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements \(FTA\)](#)
- [FTA Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients \(FTA\)](#)
- [Wisconsin State Statutes \(Legislative Reference Bureau\)](#)
- [Wisconsin Administrative Code \(Legislative Reference Bureau\)](#)
- Wisconsin state-wide [Elderly and Disabled Transportation Capital Assistance \(WisDOT\)](#)
- [Title VI of the Civil Rights Act of 1964 \(US Department of Justice\)](#)
- [49 CFR Part 26 Sample Disadvantaged Business Enterprise Program \(US DOT\)](#)
- [ECHO-Web User Manual \(FTA\)](#)

## Appendix C – Index of Program Management Plan Requirements

FTA Circular 9070.1G Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions specifies that the Project Management Plan should address the following topics. The reference page numbers of the topics are shown at the right.

a. Program Goals and Objectives .....	6
b. Roles and Responsibilities .....	9
c. Coordination .....	11
d. Eligible Subrecipients .....	5
e. Local Share and Local Funding Requirements .....	4
f. Project Selection Criteria and Method of Distributing Funds .....	11
g. Annual Program of Projects Development and Approval Process .....	12
h. State Administration, Planning and Technical Assistance (use of administrative costs) .....	4
i. Transfer of Funds (applies to State Management Plans) .....	N/A
j. Private Sector Participation .....	14
k. Civil Rights .....	15
l. Section 504 and ADA Reporting .....	22
m. Program Measures (method for collecting and reporting data) .....	21
n. Program Management .....	19
o. Other Provisions .....	23

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#253788 – Section 5310 - Program Management Plan 2021-2022  
KJM/JBS/JMD  
6/10/2020