



OZARKS TRANSPORTATION ORGANIZATION  
A METROPOLITAN PLANNING ORGANIZATION

# OTO Section 5310 Program Management Plan

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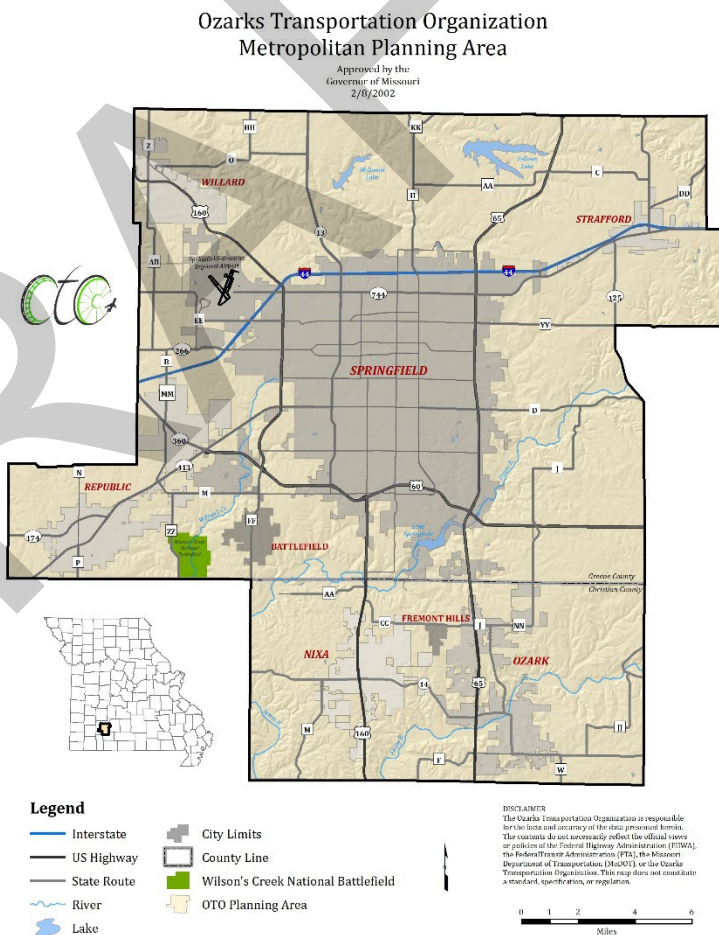
## Introduction

The Ozarks Transportation Organization (OTO) is the Metropolitan Planning Organization (MPO) for the Springfield, Missouri Metropolitan Area, serves as the planning authority for transportation related issues for communities within the Metropolitan Area. OTO including the cities of Battlefield, Nixa, Ozark, Republic, Springfield, Strafford and Willard and parts of Christian and Greene counties.

In 2024, the governor of Missouri designated City Utilities (CU) Transit of Springfield and the OTO as the direct recipients of Federal Transit Administration (FTA) Section 5310 program funds for the Springfield metropolitan area. Through this action, OTO must develop a Program Management Plan (PMP), which outlines how the OTO and CU Transit administer the 5310 program.

## Summary

FTA's Section 5310 program is regulated under Title 49 U.S.C. 5310. The program is a federal formula grant program for the *Enhanced Mobility of Seniors and Individuals with Disabilities* grant. FTA publishes federal guidance documents providing instructions and guidance on program administration and the grant application process. These guidance documents establish the development of a Program Management Plan (PMP). The PMP shall describe the designated recipient's policies and procedures for administering the *Enhanced Mobility of Seniors and Individuals with Disabilities* program in OTO Study Area. This plan addresses the following content as outlined under the Management Plan Content and ensures FTA requirements are being met by the designated recipient(s). A final copy of this PMP shall be on file with the Federal Transit Administration Region VII.



## Purpose

The purpose of this Program Management Plan is for documentation of the designated recipient(s) administrative activities of the 5310 program. To continue

to create and maintain a safe, accessible, and energy efficient metropolitan area transit system that will enhance the region's livability and assure its economic vitality.

## Definitions

- I. Administered Funding: Administered funding refers to how Section 5310 funds covered by this Program Management Plan are divided and managed between the Ozarks Transportation Organization (OTO) and CU Transit. The term identifies which entity is responsible for overseeing the process for a given portion of the funding. Typically, OTO administers funding for traditional projects and CU Transit administers funding for non-traditional projects; however, if CU Transit elects not to utilize its portion, OTO will assume administration and oversight of those non-traditional funds.
- II. Coordinated Public Transit-Human Services Transportation Plan/ Transit Coordination Plan: A locally developed, coordinated transportation plan that identifies the transportation needs of individuals with disabilities, seniors, and people with low incomes, provides strategies for meeting those needs, and prioritizes transportation services for funding and implementation.
- III. Designated Recipient: (A) An entity designated, in accordance with the planning process under 49 U.S.C. 5303 and 5304 by the governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under Section 5336 to urbanized areas of 200,000 or more in population or (B) a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation(49 U.S.C. 5302).
- IV. Direct Recipient: An entity that receives funding directly from FTA.
- V. Disability: The term "disability" has the same meaning as in Section 3(1) of the Americans with Disabilities Act of 1990, 42 U.S.C. 12102. The term "disability" means, with respect to an individual: (1) a physical or mental impairment that substantially limits one or more major life activities of such individual, (2) a record of such an impairment, or (3) being regarded as having such an impairment. In this circular, the terms "person with a disability" or "people with a disability" have the same meaning as "individual(s) with a disability."
- VI. Federal Guidance: The term "federal guidance" refers to all applicable federal laws that govern FTA Section 5310 program and related activities. This includes but is not limited to Title 49 of the U.S. Code, the current authorizing legislation for surface transportation or FTA Section 5310 circulars such as Section 5310 Circular (9070.1H) or renewed guidance.
- VII. Human Services Transportation: Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, seniors, and people with low incomes.
- VIII. Metropolitan Planning Organization (MPO): The policy board of an organization designated by agreement between the governor and units of general-purpose local government to carry out the metropolitan planning process, including development of long-range transportation plans and Transportation Improvement Programs (TIP) for metropolitan planning areas of a State (49

U.S.C. 5303). The process and requirements of MPO designation are described at 23 CFR 450.310.

- IX. Nonprofit Organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c), which is exempt from taxation under 26 U.S.C. 501(a), or one which has been determined under State law to be nonprofit and for which the designated State agency has received documentation certifying the status of the nonprofit organization.
- X. Program of Projects (POP): A list of projects to be funded in grant applications submitted to FTA by a Designated Recipient, State or local government. The POP lists the recipients and subrecipients and indicates whether they are private nonprofit agencies, governmental authorities, or private providers of transportation service. The POP also designates the areas served (including rural areas, as applicable) and identifies any tribal entities. In addition, the POP includes a brief description of the projects, the total project cost, the Federal share for each project, and the amount of funds used for program administration from the allowed percentage.
- XI. Senior: An individual who is 65 years of age or older (49 U.S.C. 5302).
- XII. Subrecipient: An entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal Award. A subrecipient does not include an individual that is a recipient of such Award; however, a subrecipient may also be a recipient of other Federal Awards directly from a Federal awarding agency (2 CFR 200.1).
- XIII. Traditional Section and Non-traditional Section 5310 Projects:
  - a) Traditional projects are capital projects specifically designed to meet the transportation needs of seniors and individuals with disabilities when existing public transportation is insufficient, unavailable, or inappropriate. Under this Program Management Plan, traditional projects are limited to the purchase of vehicles used to provide these specialized transportation services. At least 55 percent of available Section 5310 funds must be used for traditional projects.
  - b) Non-traditional projects are eligible transportation projects that improve mobility for seniors and individuals with disabilities beyond the required traditional project category. These may include projects that enhance accessibility, improve access to fixed-route transit, or provide other transportation options that reduce transportation barriers.
- XIV. Transportation Improvement Program: Each metropolitan planning organization (MPO) is required, under 49 U.S.C. 5303(j), to develop a Transportation Improvement Program (TIP)—a list of upcoming transportation projects—covering a period of at least four years. The TIP must be developed in cooperation with the state and public transit providers.

## Program Management Plan Content

The content of the PMP follows the order the different topics are listed in the federal guidance to assure each topic is addressed and easily comparable to the federal guidance. This plan addresses the following topics A-O, providing information for each topic as listed below.

### A. Program Goals and Objectives

The goal of this program is to improve mobility for seniors and individuals with disabilities. It is OTO's goal to fully support this program by providing local agencies with an opportunity to participate in this program throughout the Metropolitan Planning area. FTA provides financial assistance for transportation services planned, designed, and carried out that meet the special transportation needs of elderly individuals and individuals with disabilities in all areas-urbanized, small urban, and rural.

### B. Roles and Responsibilities

The Missouri Governor is responsible for designating the agencies responsible for administration of this program. A Memorandum of Understanding (MOU) attached as **Appendix-A** has been established between the Ozarks Transportation Organization (OTO), and the City Utilities (CU) Transit of Springfield.

It is understood that OTO will be responsible for notifying entities of funding availability, developing the selection process, determining eligibility, and developing the program of projects. OTO will present the prioritized projects for inclusion in the Transportation Improvement Program (TIP) and the State Transportation Improvement Program (STIP). In addition, OTO will certify that projects selected for funding were included in a locally developed coordinated public transit-human services plan, a plan developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, nonprofit transportation and human services providers and other members of the public.

It is understood that CU Transit and OTO will administer portions of this program as listed below:

**RECIPIENT DESIGNATION:** In 2024, the Governor of Missouri made a joint designation of the recipients for FTA Section 5310 program. City Utilities (CU) Transit will be the designated recipient for non-traditional type of projects and OTO will be the designated recipient for traditional 5310 type projects. OTO will administer funding for all subrecipients (this does not include CU Transit).

**FUNDING ALLOCATIONS:** The respective percentages and amounts of funding to be administered by OTO and CU Transit in any given year will be 55% to OTO for traditional section 5310 projects, 35% to CU Transit for non-traditional section projects and 10% for program administration funds. The funding split will be communicated annually to FTA in a joint letter from the designated recipients, OTO and CU Transit.

**PROJECT SELECTION:** For traditional section funding, OTO will be responsible to conduct a fair and impartial project selection process by publishing a notice of funding, soliciting applications and selecting projects based upon pre-approved selection criteria approved by the Local Coordinating Board of Transit (LCBT) that is consistent with the approved Human Service Coordinated Plan and FTA Section 5310 program guidance. The OTO Board of Directors will award the funding following the selection process. Funding for non-traditional funding will be allocated to CU Transit as outlined in the MOU and in the above section. CU Transit will provide

a proposed project to LCBT, which will ensure that the proposed project is included in the coordinated public transit-human services plan and the OTO Board of Directors will review the final project. If CU Transit chooses not to utilize their allocated funding, OTO will determine how the funding will be allocated through a fair and impartial project selection process.

**PROGRAM OF PROJECTS:** OTO will publish an approved Program of Projects (POP) for all Section 5310 projects as required by the United States Department of Transportation (USDOT). OTO will publish the POP as part of its Transportation Improvement Program (TIP).

**PERFORMANCE MEASURES:** CU Transit will be responsible for reporting performance indicators to OTO for the measures outlined by the USDOT for monitoring performance of transit systems. OTO will be responsible for collecting data from area subrecipients for performance reporting.

**PROGRAM MANAGEMENT PLAN AND COORDINATION PLANNING:** OTO will be responsible to document the program procedures in a local Program Management Plan and to publish a Human Services Coordination Plan.

**PLANNING:** OTO will be responsible for planning for future public transportation needs and ensure integration and coordination among diverse transportation modes and providers.

**GRANT MANAGEMENT:** OTO will be responsible for grant management responsibilities for all OTO area subrecipient other than those grants administered by CU Transit. Examples of grant management responsibilities include determining eligibility, ensuring that subrecipients meet federal requirements, project audit and closeout, procurement of vehicles, financial management, reporting to FTA, holding title and recording liens and maintaining required certifications.

**PROGRAM ADMINISTRATION FUNDS:** The Program Administration Funds will be split between OTO and CU Transit. OTO will receive 69.5% and CU Transit will receive 30.5% of the administration funds. In the event that CU Transit elects to not utilize the allocated 35% for non-traditional section projects and/or the 30.5% of administration funds, it may communicate to OTO the desire to allow OTO to award these funds to other projects and/or administration. Funds used for administration may be funded at a 100 percent federal share with no local match required. OTO and CU Transit can elect if they want to use their appropriated administration funds as project funds. If used as project funds, the funds will require a local share.

## C. Coordination

OTO has established an active Local Coordinating Board for Transit (LCBT) that meets quarterly and may include additional meetings as needed. The LCBT is comprised of interested stakeholders from human service agencies, transit agencies, advocate groups, individuals with special transportation needs, MoDOT and human service transportation providers. The LCBT looks at existing coordination efforts, and attempts to strategize new ways to coordinate special needs of transportation services.

OTO's Transit Coordination Plan (TCP) serves as the region's coordinated public transit-human services transportation plan. The TCP has been developed through participation of interested stakeholders from human service agencies, transit agencies, advocate groups, individuals with special transportation needs, Missouri Department of Transportation (MoDOT) and human service transportation providers. The Transit Coordination Plan (TCP) strategies and actions are identified and further developed as a Five-Year Implementation Plan.

Enhanced Mobility of Seniors and Individuals with Disabilities Program funding must be implemented effectively and efficiently. As part of the 5310 selection criteria, eligible project types must be part of the locally developed Transit Coordination Plan by supporting the strategies and/ or actions as outlined in the plan.

#### D. Eligible Subrecipients

The OTO administers the project selection process for traditional section projects of the 5310 program. As a designated recipient for FTA 5310 funding for the OTO Planning Area, City Utilities (CU) Transit of Springfield will receive the funding for non-traditional section projects as outlined in the MOU shown in Appendix A. In the event that CU Transit elects not to utilize the allocated funds for non-traditional section projects, OTO will administer the project selection process for all projects funded through the 5310 program.

According to federal guidance, the following types of agencies are eligible to receive funding through the 5310 program:

- Private non-profit organization – A non-profit organization is a corporation or association determined by the Secretary of Treasury to be an organization described by 26 USC 501(a) or one which has been determined under state law to be non-profit and for which the designated state agency or urbanized area designated recipient has received documentation certifying the status of the non-profit organization.
- State or local governments

In addition to being classified as one of the listed types of agencies, only sponsors whose projects serve the OTO area for which the funds were apportioned are eligible to receive funding, and certain qualifiers to governmental entities must be met when traditional 5310 project funds are requested.

- The requesting agency must be approved by the state to coordinate services for seniors and individuals with disabilities; or
- Certifies that there are no nonprofit organizations readily available in the area to provide the service.

In the event that CU Transit elects not to utilize the allocated funds for non-traditional section projects, OTO and the Local Coordination Board for Transit will determine if other agencies, as allowed by law, will be eligible to apply. A list of eligible applicants will be included in the call for project documentation.

#### E. Local Share and Local Funding Requirements

Local share is the portion of a project's eligible cost that must be provided by the project sponsor from non-federal sources to match Section 5310 funds. The required local share depends on the type of eligible capital project being funded.

- Standard share for eligible projects (80/20): Up to 80 percent federal funding and a minimum 20 percent local share.
- ADA or Clean Air Act (CAA) vehicle purchase (85/15): Up to 85 percent federal funding and a minimum 15 percent local share for vehicles purchased to comply with or

maintain compliance with the Americans with Disabilities Act (ADA) or the Clean Air Act (CAA).

Local match must come from sources other than the U.S. Department of Transportation. Eligible sources may include state or local appropriations, tax revenues, private donations, service revenues, net income generated from advertising and concession, non-cash share such as donations, volunteered services, or other in-kind contributions are eligible as a local match, so long as the value of each is documented and supported, and are a cost that would otherwise be eligible under the program, other Non-department of Transportation federal funds that are eligible to be expended for transportation. All sources of local matches may need to be identified in the grant application or at the time of award.

Up to 10 percent of the annual Section 5310 apportionment may be used for program administration by the designated recipients. Eligible administrative activities may include program management, planning, and technical assistance. Funds used for administration may be funded at a 100 percent federal share with no local match required.

## F. Project Selection Criteria and Method of Distributing Funds

### a) For OTO Administered Funding

- **Assuring equity of distribution of benefits among eligible groups within the OTO Service Area.**  
The application process is open to all agencies providing service within the OTO service area
- **Assuring projects were included in a locally developed coordination plan**  
Selection Criteria requires all projects to be in alignment with the Transit Coordination Plan (TCP) strategies and the resulting Action items.
- **Documenting evidence that the local coordinating plan was developed and approved in cooperation with stakeholders, including individuals with disabilities and seniors utilizing transportation services.**  
The TCP was developed through a series of meetings with a subcommittee of stakeholders that participated during the update of the plan.
- **Development of Project Selection Criteria**  
Prior to releasing a call for project OTO and the LCBT will develop project selection criteria based on the strategies and related action items from the TCP. The project selection criteria will be included in the call for project documentation.
- **Eligible Capital Projects to Benefit Human Service Transit (55 percent – traditional section projects)**  
Federal transportation law established a list of activities as eligible capital projects that meet the minimum 55 percent requirement for 5310 funding. The LCBT has chosen to fund only the following activity with “55 percent” funds.
  - Additional or replacement vehicles and associated equipment (e.g. buses, vans and minivans, extra seats, heavy-duty wheelchair lift,)
- **Other Eligible Capital and Operating Expense Projects (35 percent – non-traditional section projects)**

CU Transit will receive the funding for non-traditional section projects as outlined in the MOU shown in Appendix A. In the event that CU Transit elects not to utilize the allocated funds for non-traditional section projects, OTO will determine how the funding will be allocated through a fair and impartial project selection process. OTO will administer the project selection process for all projects funded through the 5310 program.

**b) For CU Transit Administered Funding**

Funding for non-traditional funding will be directly allocated to CU Transit as outlined in the MOU (see appendix A). CU Transit will provide a proposed project to LCBT, which will ensure that the proposed project is included in the coordinated public transit-human services plan and the OTO Board of Directors will review the final project.

**Method of Distributing Funds**

OTO administers the project selection process for the 5310 program. An application furnished by the OTO must be submitted by the applicant according to solicitation guidelines. FTA Section 5310 project requests shall be analyzed based on project selection criteria and ranked by review. The score will be used as a selection tool by the LCBT and selected projects will be recommended for approval by the OTO Board of Directors (BOD). The OTO BOD will be the final decision-making body for the project selection and decision. Agencies requesting funding from this program must certify eligibility.

**G. Annual Program of Project (POP) Development and Approval Process**

**The 5310 annual program process for OTO administered funding**

- Following the determination of the selection criteria, a call for projects will be posted on the OTO website.
- OTO may conduct application workshops and notify all known transit agencies and human service agencies through different types of outreaches
- Project Selection and POP development
  - Application closes on posted date stated in the application guidelines.
  - OTO prepares application for LCBT review, ranking and project selection
  - LCBT makes recommendation of project to the OTO Board of Directors
  - Public comment period (TIP and POP) carried out by OTO
  - OTO BOD approves recommended projects
  - Approved projects are included in the TIP which is approved by the OTO BOD and USDOT

On occasion there are special circumstances that may require an exception to the above POP Development and Approval Process to be granted. Exceptions, although not common, require the approval of the OTO Executive Director and a written record will be kept on file for the required grant paperwork retainment schedule.

**The 5310 annual program process for CU Transit administered funding**

- Funding for non-traditional funding will be directly allocated to CU Transit as outlined in the MOU (see appendix A).
- Project Selection and POP development
  - CU Transit will provide a proposed project to LCBT, which will ensure that the proposed project is included in the coordinated public transit-human services plan.

- Public comment period (TIP and POP) carried out by OTO
- OTO Board of Directors reviews project
- Approved projects are included in the TIP which is approved by the OTO BOD and USDOT

## H. Administration, Planning and Technical Assistance

OTO will allow per federal guidelines that 10 percent of 5310 funding may be directed toward support of the administrative activities. Funds used for administration may be funded at a 100 percent federal share with no local match required. OTO and CU Transit can elect if they want to use their appropriated administration funds as project funds. If used as project funds, the funds will require a local share. The Memorandum of Understanding (MOU) attached as **Appendix-A** spells out the distribution allotment of the administrative fee.

## I. Transfer of Funds

Although it may be allowed, OTO has made no provision to transfer 5310 funds to other programs.

## J. Private Sector Participation

OTO shares and solicits transit information to public and private agencies on a regular basis through email distribution and LCBT meetings.

It is understood that CU Transit will not use private providers of public transportation, including purchasing service for any portion of its paratransit services or a third party contracted services with 5310 funding.

## K. Civil Rights

Per the MOU between OTO and CU Transit, oversight for grantees will include all required certifications and assurance prior to signing a contract with grantees and grantees must comply with all standard federal civil rights requirements including:

- Title VI of the Civil Rights Act of 1964, as amended,
- The Equal Employment Opportunity (EEO) and
- FTA's Disadvantaged Business Enterprise (DBE) program requirements.

It is understood that OTO will require that subrecipients recommended for federal funding submit all project appropriate FTA certifications and assurances prior to contract execution and annually thereafter. OTO will not execute any grant contract without having first received these items. These include, but are not limited to:

- Standard Assurances
- Nondiscrimination Assurances

Annually, each sub-recipient will be required to submit a signed and dated Standard DOT Title VI Assurance. Subrecipients will also file a yearly Title VI report. This report must detail a list of all complaints or lawsuits, list of federal funding, description of program advisory committee and summary of any civil rights compliance review activities conducted by the recipient.

If applicable as outlined in 49 CFR 26.21, subrecipients must file semi-annual DBE activity report. This report will detail a dollar value of contracting opportunities, expenditures made to certified DBE, and

identification of any potential DBE firms in the area. Subrecipients will take all necessary and reasonable steps to:

- Identify contracting opportunities
- Analyze area DBE availability
- Use good faith efforts to utilize DBE firms, and,
- Maintain necessary records to verify steps taken and participation achieved.

OTO will require that bidding documents for vehicles or other equipment be in compliance with Subpart D, 49 CFR, Part 26. This requirement relates to the purchase of goods and/or services from disadvantaged business enterprises (DBE).

It is understood that OTO will require that all operations assistance recipients comply with 49 CFR part 26 and provides assistance to sub-recipients in locating DBE vendors with they are purchasing goods, services, or equipment.

It is understood that CU Transit will monitor CU Transit's Title VI, EEO, and DBE programs with CU Transit's contractors, and OTO will oversee compliance with OTO's subrecipients and their contractors. Reports will be prepared and submitted to the Federal Transit Administration. The appropriate civil rights clauses will be included in contract agreements. The checklist that will be used during sub-recipient and contractor reviews will include a section to verify compliance with Civil Rights issues such as discrimination, employment, complaints, and accessibility of services.

Should a Civil Rights lawsuit or complaint be filed against any of the agency participating in the MOU, the agency involved will properly document the complaint such as the date received, a summary of the action, and the status of the action. The agency staff will work with its' legal counsel as needed and FTA to make sure all legal requirements have been met in resolving the issue.

## L. Section 504 and ADA Reporting

Recipients of federal funds must comply with civil rights requirements including the federal protections for persons with disabilities:

- Section 504 of the Rehabilitation Act of 1973 as amended,
- The Americans with Disabilities Act of 1990, as amended, and
- Code of Federal Regulations Title 49 Parts 37 and 38.

As in other federal assistance programs, special efforts to meet the transportation needs of disabled persons are confirmed through an ongoing process.

OTO will seek, from all approved applicants, a written certification of compliance pertaining to ADA directives. OTO, in turn, will make all documents related to ADA reporting part of the permanent file of the project. This documentation will include information regarding the ADA accessibility of vehicles purchased through the 5310 program and executed, contracted assurances for subrecipients. Each subrecipient will include a procedure for ADA complaints in their Title VI plan and will include a maintenance policy of the ADA accessible features (the lift, securement system, etc.) in their written maintenance plan.

It is understood that CU Transit will notify each grant contractor at the time of the grant award that they may be contacted by anyone alleging discrimination in service or employment, including Section 504 and ADA. CU Transit's transportation system is expected to have and follow a comprehensive ADA policy which includes but is not limited to:

- Staff training on accessibility issues
- A service animal policy
- Proper use and maintenance of lifts and securement systems
- Personal Care Attendant policy
- Complaint processes and policies.

## M. Program Measures

Reporting – It will be the responsibility of both designated recipients (OTO and CU Transit) to properly collect and report data for the program measures in accordance with FTA requirements.

Two performance measures for traditional 5310 projects include measures for gaps in:

- Gaps in Service filled
- Ridership

OTO is responsible for traditional 5310 project performance measures.

Three performance measures are described for non-traditional 5310 projects that:

- Increases or enhancements implemented
- Are additions or changes to physical infrastructure
- Are actual or estimated number of rides for which CU Transit will be responsible

## N. Program Management

Per the MOU, it will be the responsibility of both designated recipients (CU Transit and OTO) to properly administer the program management responsibilities as agreed in such areas as procurement, financial management, property management, vehicle use, maintenance and disposition, accounting system, audit closeout as described in the federal guidance.

### **CU Transit Program Management**

CU Transit will maintain a financial management system for financial reporting, accounting records, internal controls, and budgeting control subject to standards specified in state laws enforced by the State Auditor. All systems and procedures for financial management must comply with 2 CFR 200, the "Common Rule."

CU Transit is the designated recipient for administration purposes and a potential direct recipient for portions of FTA grant funds and will enter into agreements directly with FTA.

CU Transit will not have any subrecipients to oversee or reimburse.

CU Transit will also maintain spreadsheets for CU Transit's grant projects. These spreadsheets will track project expenditures, amounts charged to each funding source, local matching sources, and project budgets. Additional spreadsheets will be prepared to summarize the total expenditure on each federal grant and will be used to reconcile the grant expenditures and for revisions to the program of projects and budgets.

CU Transit as a designated recipient and potential direct recipient for portions of the Section 5310 grant funding will be required to prepare a variety of reports on a quarterly basis. These would include a project narrative, local matching sources used, number of passenger trips provided, vehicle miles traveled, and revenue service hours provided. CU Transit will also be required to report on an annual basis their efforts in purchasing from DBE vendors and a vehicle condition report.

CU Transit will restrict vehicle use to passenger transportation services. Vehicles must be used in service that is available to the general public. CU Transit may not transfer the operational control of a vehicle purchased under this program to anyone else without prior written approval from FTA.

### **Projects**

CU Transit is responsible for submitting project information to FTA upon purchase and every two years during the Biennial Inventory of Assets and every three years for the Triennial Review. Information kept includes the year; included equipment; location; grant number; federal percentage share; date last inspected and condition; type of funding used for the purchase; and other information used by CU Transit for program review and reporting. The information obtained from these reports will become part of the inventory record. To ensure that the assets are properly maintained, CU Transit's Internal Audit staff and Finance's Plant Accounting staff review records and physically inspect assets, including equipment.

CU Transit will follow FTA policy with regard to equipment and asset life cycle and disposition of equipment and assets. Please refer to circular 5010.1C Grant Management Guidelines.

### **OTO Program Management**

OTO will maintain a financial management system for financial reporting, accounting records, internal controls, and budgeting control subject to standards specified in state laws enforced by the State Auditor. All systems and procedures for financial management must comply with 2 CFR 200.302, the "Common Rule."

OTO will execute grant agreements with other sponsors who are not eligible for direct recipient status. The grant agreements for capital projects will detail the equipment approved for purchase and its intended use and a grant agreement for operations assistance will outline the type of service provided by the agency, the time period covered by the agreement, and the service area.

OTO will oversee all Springfield Section 5310 subrecipients and procure vehicles for the subrecipients with the federal funds based on the proportions identified on the MOU. See **Appendix-A**. The federal share on any project shall not exceed 80 percent for capital projects (85% for ADA or CAA Vehicles). Grant expenditures will be identified by federal grant number, grant program and OTO will track subrecipient grant numbers. Additional spreadsheets will be prepared to summarize the total expenditures on each federal grant and will be used to reconcile the grant expenditures and for revisions to the program of projects and budgets.

OTO will maintain spreadsheets for OTO's subrecipients. These spreadsheets will track project expenditures, amounts charged to each funding source, local matching sources, and project budgets. Additional spreadsheets will be prepared to summarize the total expenditures on each federal grant and will be used to reconcile the grant expenditures and for revisions to the program of projects and budgets.

OTO will restrict vehicle use to passenger transportation services. Vehicles must be used in service that is available to the general public. OTO may not transfer the operational control of a vehicle purchased under this program to anyone else without prior written approval from FTA.

## **Vehicles**

### Inventory

OTO and subrecipients are responsible for submitting vehicle information to FTA upon purchase and every two years during the Biennial Inventory of Assets and every three years for the Triennial Review.

OTO will follow FTA policy on vehicle life cycle and disposition of vehicles as found in FTA Circular 5010.1F Grant Management Guidelines. Information kept on each vehicle includes the year, make, and model; vehicle code, vehicle identification number, agency Vehicle number; age, date accepted, remaining useful life, replacement cost; ADA Access Seating Capacity; fuel type; included equipment; location; grant number; federal percentage share; date last inspected, recorded mileage, and condition; type of funding used for the purchase; and other information used by OTO for program review and reporting. The information obtained from these reports will become part of the inventory record along with the title and certificate of collision insurance coverage.

### Maintenance

Vehicles of sub-recipients need to be maintained in accordance with sub-recipients' written maintenance plan. A maintenance plan is required for Federal Transit Administration (FTA)-funded assets (including vehicles/ vessels, facilities, and maintenance. Maintenance records must be kept for individual items and/or major components (such for each vehicle or the heating/air conditioning system in a building). The records should include both routine (preventive) and demand maintenance. The vehicle maintenance plans need to address timeline of periodic regular inspections and periodic preventive maintenance, including maintenance procedures for wheelchair lifts and other accessibility features and procedures for tracking warranty issues and pursuing warranty claims. At a minimum periodic preventative maintenance needs to follow original equipment manufacturers' recommendations to ensure warranties remain valid.

OTO will review subrecipients' maintenance documents in annual on-site visits. OTO may choose to do a desk review in lieu of the annual on-site visit if an on-site visit is not feasible.

Subrecipients of 5310 funding are required to comply with the OTO Program Management Plan. Compliance areas include but are not limited to procurement, financial management, and vehicle maintenance and disposition.

### OTO Vehicle Procurement

OTO will comply with the provision of 2 CFR 200 and FTA compliant procedures, including but not limited to Buy America, and documentation related to the procurement of vehicles for subrecipients. Procurement documents will be kept for the life of the vehicle and available for Triennial review.

## **OTO Project Administration**

OTO will initiate grant closeout with FTA within 90 days of completion of all activity in the program of projects. OTO will submit progress reports quarterly by the 30th day of the month following the end of the calendar quarter report on quarterly activities for reach open grant.

The OTO will file Federal Financial Reports (FFR) to FTA.

This report is filed electronically in the electronic grant making system and is prepared on the accrual basis of accounting; that is, income is recorded when earned instead of when received, and expenses are recorded with incurred instead of when paid.

### **OTO Accounting System**

OTO will use accounting software to maintain records of funds and funding. OTO will utilize FTA's electronic grants management system, which is a complete database that provides information on individual grants, grantees and conditions of awards. OTO will utilize the system to accurately monitor funds in current and past grants, administration monies and to determine reasonable estimates for future funding. OTO will be able to keep in direct contact with FTA through the use of this system and account for budget revision, grants administered, and inventory.

Each 5310 subrecipient should designate a position that serves as a basis of accountability on each vehicle and any funds that are involved with the vehicle(s) throughout its useful life. These accounting records include original vehicle cost, federal and local share, repair costs, invoices, contracts and any other identifiable accounting documents.

Subrecipients are to follow 2 CFR 200 for requirements associated with equipment use, management and disposition.

### **Audits**

OTO receives an annual Single Audit as required by federal regulations. Grants closure is initiated as soon as all available funds have been drawn. Although grantees do not receive funds directly from OTO, the vehicles received are considered federal financial assistance according to 2 CFR 200. Federal financial assistance is assistance received in the form of grants, loans, loan guarantees, property, cooperative agreements, direct appropriations and other assistance. Grantees that expend the Single Threshold level in their fiscal year are required to obtain a single audit in accordance with 2 CFR 200. All single audits are to be submitted online within nine months of the end of the recipients fiscal year.

### **Sub-Recipient Reporting and Oversight**

Sub-recipients of OTO will be required to prepare a variety of program progress reports on an annual basis. These reports will begin based on the date agreements/contracts are signed with sub-recipients and will continue until the project is closed out. The reports will include vehicle mileage traveled, number of passenger trips provided and vehicle condition. These will include a project narrative, local matching sources used, number of passenger trips provided, vehicle miles traveled and a vehicle condition report. A form will be provided upon award to provide information to OTO for program review and reporting. The information obtained from these reports will become part of the inventory record as outlined in the inventory section. Subrecipients are also required to submit an annual Title VI report as outlined in the civil rights section and have to report all received civil right complaints to OTO, including but not limited to Title VI and ADA. If applicable as outlined in 49 CFR 26.21, sub-recipients will also be required to report on an annual basis their efforts in purchasing from DBE vendors.

New subrecipients will be required to report vehicle mileage information, number of passenger trips provided and maintenance information semi-annually for the first year.

In coordination with subrecipients, OTO will conduct annual on-site visits to review maintenance records and physically inspect vehicles. OTO may choose to do a desk review in lieu of the annual on-site visit, if an on-site visit is not feasible.

It is understood that OTO will coordinate, to the best of its abilities, with the Missouri Department of Transportation (MoDOT) on monitoring and oversight of subrecipients for which there is a shared responsibility, including on-site visits.

## **O. Other Provisions**

### **Environmental Protection**

OTO anticipates only funding projects with categorical exclusions from both the National Environmental Protection Act (NEPA) and the State Environmental Protection Act (SEPA). Therefore, there should be no further documentation necessary.

CU Transit agrees to comply with Federal transit laws, specifically 49 U.S.C § 5323 (c)(2), the National Environmental Policy Act of 1969 (NEPA) , as amended, 42 U.S.C. § 4321-4335; U.S. Council on Environmental Quality regulations pertaining to compliance with NEPA, 40 C.F.R. parts 1500-1508; Joint FHWA and FTA regulations, “Environmental Impact and Related Procedures,” 23 C.F.R. part 771 and 49 C.F.R. part 622, , “42 U.S.C §4321 note, and U.S. DOT laws, specifically 49 U.S.C. §303.

### **Restriction on Lobbying and Code of Ethics**

It is required to complete FTA’s Certification on Lobbying prior to contract execution. All staff, officers, employees, board members or agents of the grantee are required to comply at a minimum of its agencies (OTO or CU Transit) written code of conduct.

### **Prohibition on Exclusive School Transportation**

Recipients of this program are required by 49 U.S.C. 5323(f) and FTA regulations, “School Bus Operations,” at 49 CFR 605.14, must agree that they will:

- Not engage in school transportation operations in competition with private school transportation operators only to the extent permitted by 49 U.S.C. 5323(f), and Federal regulations; and
- Comply with the requirements of 49 CFR Part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. Chapter 53 or Title 23 U.S.C. for transportation projects.
- An exception would be the transportation of students with disabilities who are eligible CU Transit passengers. Agencies must understand that a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further federal assistance for transportation.

### **Drug and Alcohol Testing**

Recipients or sub-recipients that only receive 5310 assistances are not subject to FTA Drug and Alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration rule for employees to hold Commercial Drivers’ Licenses (49 CFR part 382).

Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA

programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

**Worker Eligibility**

Agencies receiving FTA 5310 funds will participate in E-Verify and ensure all workers have legal status. Participation will be verified during the application review process.

**Program Management Plan Update**

Significant revisions, amendments, or updates to the Program Management Plan (PMP) will be reviewed by OTO's Local Coordinating Board for Transit (LCBT) and per OTO's public participation plan, posted for public comment period prior to taking effect. Following the review of the LCBT and the public comment period, the Executive Director of the OTO will be authorized to approve significant revisions, amendments, or updates to the PMP. In accordance with FTA guidance, revisions/amendments, or updates of the PMP that are substantive, but not pervasive, can be approved directly by the Executive Director. It is understood that OTO will submit any revisions, amendments, or updates to the PMP to FTA's regional office and that it is OTO's responsibility for ensuring that FTA has a complete copy of the current PMP.

DRAFT

## Signature Approval Form

This is to confirm that the OTO Section 5310 Program Management Plan was approved and adopted on \_\_\_\_\_.

\_\_\_\_\_  
Executive Director Signature

DRAFT

## Appendix-A: MOU

CFDA Number:

CFDA Title: Enhanced Mobility of Seniors and Individuals with Disabilities Program

Federal Agency: Federal Transit Administration, Department of Transportation

### **MEMORANDUM OF UNDERSTANDING FOR THE DESIGNATED RECIPIENTS OF FEDERAL TRANSIT ADMINISTRATION SECTION 5310 FUNDING – SPRINGFIELD**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made between Ozarks Transportation Organization (hereinafter, "OTO") and City Utilities of Springfield, Missouri - Transit (hereinafter, "CU") for the purpose of delineating the responsibilities for meeting the Federal Transit Administration (FTA) requirements with regard to the Section 5310 program, Enhanced Mobility of Seniors and Individuals with Disabilities.

WITNESSETH:

WHEREAS, in 2012 the U.S. Congress enacted the Moving Ahead for Progress in the 21st Century Act, Pub. L. 112-141 ("MAP-21"), a two year transportation authorization that provides funding for public transportation projects; and

WHEREAS, MAP-21 outlined changes to the Section 5310 program which results in the need for this MOU. MAP-21 added new eligibilities to the Section 5310 program which now includes the purchase of vehicles to transport the elderly and disabled and operations of the agencies who provide this transportation service, as well public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit (formerly known as New Freedom Projects).

WHEREAS, changes to federal law have resulted in the need for the governor of the State of Missouri to designate a Springfield urbanized area federal aid recipient specifically for FTA Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities.

WHEREAS, in 2021 the U.S. Congress enacted the Infrastructure Investment and Jobs Act ("IIJA"), a three-year funding bill that provides funds for public transportation projects; and

WHEREAS, the 5310 program is governed by transportation legislation, including but not limited to, MAP-21 and IIJA (collectively, the "Transportation Legislation"); and

WHEREAS, the Transportation Legislation may be revised or extended from time-to-time during the term of this MOU; and

WHEREAS, the Federal Transit Administration (“FTA”) is responsible for administering and overseeing the 5310 Program for the U.S. Department of Transportation (“DOT”); and

WHEREAS, the rules, regulations, circulars, and other guidance issued by DOT or FTA for the 5310 Program (collectively “DOT/ FTA Guidance) and the Transportation Legislation govern the roles and responsibilities for the designated recipients of 5310 Program funding; and

WHEREAS, funding is now apportioned to the Springfield, Missouri urbanized area and OTO is the Metropolitan Planning Organization responsible to conduct the federally mandated transportation planning process.

WHEREAS, OTO and CU wish to outline responsibilities regarding the planning and administration of Section 5310 funds.

WHEREAS, CU is the current designated recipient of FTA Section 5307, Urbanized Area Formula Grant and prior Section 5316 JARC and 5317 New Freedom grants and has a successful history of administering and delivery of federally-funded transit projects.

WHEREAS, OTO has traditionally provided the project selection, programming and planning for the expenditure of FTA funds for public transportation projects,

NOW, THEREFORE, OTO, and CU agree as follows:

- (1) RECIPIENT DESIGNATION: The parties will request the Governor of Missouri to designate OTO as a designated recipient of 5310 funds. City Utilities will retain their current designation as a designated recipient of the Springfield urbanized area allocation of 5310 funds.
- (2) FUNDING ALLOCATIONS: The respective percentages and amounts of funding to be administered by OTO and CU on any given year will be 55% to OTO for traditional section 5310 projects, 35% to CU for non-traditional projects and 10% for program administration funds. The administration funds will be split between OTO and CU. OTO will receive 69.5% and CU will receive 30.5% of the administration funds. City Utilities will be given priority to identified non-traditional, Section 5310 funds.
  - a. In the event that City Utilities elects not to utilize the allocated 35% for non-traditional projects and/or the 30.5% of administration funds, it may communicate to OTO the desire to allow OTO to award these funds to other projects and/or administration.


- b. The funding split will be communicated annually to FTA in a joint letter from the designated recipients, OTO and CU.
- (3) PROJECT SELECTION: OTO will be responsible to conduct a fair and impartial project selection process by publishing a notice of funding, soliciting applications and selecting projects based upon a pre-approved selection criteria approved by the OTO Board of Directors that is consistent with the approved Human Service Coordinated Plan and FTA Section 5310 program guidance.
- (4) PROGRAM OF PROJECTS: OTO will publish an approved Program of Projects as required by the USDOT.
- (5) PERFORMANCE MEASURES: CU will be responsible for reporting performance indicators to OTO for the measures outlined by the United States Department of Transportation (USDOT) for monitoring performance of transit systems. OTO will be responsible for collecting data from area subrecipients for performance reporting.
- (6) PROGRAM MANAGEMENT PLAN AND COORDINATION PLANNING: OTO will be responsible to document the program procedures in a local Program Management Plan and to publish a Human Service Coordination Plan.
- (7) PLANNING: OTO will be responsible to plan for future public transportation needs and ensure integration and coordination among diverse transportation modes and providers.
- (8) GRANT MANAGEMENT: OTO will be responsible for grant management responsibilities for all OTO area subrecipient other than those grants administered by CU. Examples of grant management responsibilities include determining eligibility, ensuring that subrecipients meet federal requirements, project audit and closeout, procurement of vehicles, financial management, reporting to FTA, holding title and recording liens and maintaining required certifications.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding on the last date written below.

Executed by the CU this 17th day of July, 2024.

Executed by the OTO this 18<sup>th</sup> day of July, 2024.

OZARKS TRANSPORTATION  
ORGANIZATION

By 

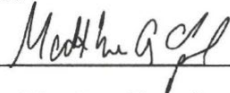
Title Executive Director

CITY UTILITIES OF SPRINGFIELD,  
MISSOURI

By 

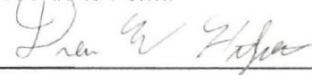
Title VP - Customer Operations & Communications

Attest:

By 

Title Director - Transit

Approved as to Form:

By 

Title Deputy General Counsel

STATE CAPITOL  
201 W. CAPITOL AVENUE, ROOM 216  
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222  
WWW.GOVERNOR.MO.GOV

*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

Secretary Pete Buttigieg  
US Department of Transportation (USDOT)  
1200 New Jersey Avenue, SE  
Washington DC 20590

RE: Springfield, Missouri Urbanized Area Designated Recipients for FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Program Funding

Dear Secretary Buttigieg,

As required in 49 U.S.C. Section 5310, I am designating the City of Springfield, Missouri by and for the benefit of City Utilities of Springfield, Missouri and the Ozarks Transportation Organization, Metropolitan Planning Organization as the designated recipients for Federal Transit Administration Section 5310 enhanced mobility for seniors and individuals with disabilities program funds for the Springfield, Missouri urbanized area beginning in Federal Fiscal Year 2025.

Sincerely,

A handwritten signature in blue ink that reads "Michael L. Parson".

Michael L. Parson  
Governor of the State of Missouri