

KANSAS DEPARTMENT OF TRANSPORTATION

# Policies for Public Transportation Program Grantees

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Revision - 10/01/10

Kansas Department of Transportation: Public Transportation Policies

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*NOTE: All policies that don't specifically call out a grant program are applicable to all grant programs.*

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**Advertising:**

Advertising of the public transportation services program is a requirement of the Federal Transit Administration. Advertising is an allowable expense under the operating grant of each transit provider. A line item is included in the annual budget.

KDOT requires all USC 49-5311 grant recipients to advertise the public transportation services program monthly in the local newspaper that has a distribution to the general public in their service area. Advertising cannot be strictly in a Senior Citizens newsletter or only in the Senior Citizens section of the newspaper. If there are several locations within the provider's service area, the provider must advertise in all local newspapers.

Advertising must be a block ad 2x3 in size. KDOT has sample ads for the provider agencies to use as template for the local ads. The ads cannot be placed in the classified section of the newspaper.

All advertising must indicate the local transit service runs on a "first come, first serve" basis with no special designations for priority trips such as medical or other appointments. Advertisements must include the statement "This project funded in part by the KDOT Public Transportation Program".

Proof of advertising is required to be submitted bi-annually to KDOT. Proof of advertising is due to the KDOT (CTD) offices by **June 15 & December 15** of each year. Proof of advertising includes a copy of the ad or ads ran and a tear sheet confirming publication.

If a provider fails to send in the proof of advertising a letter will be sent from KDOT requesting the information. The provider agency will have 14 calendar days from when the letter is dated to respond to KDOT. The response must be in writing and should include copies of the advertising and the proof of publication. The sanction for not being in compliance with the proof of advertising requirement is a forfeiture of all operating reimbursements until the required information is submitted to KDOT.

Additionally, advertising in regional and/or local phone book yellow pages under the category "Transportation Service Providers" is required, and must specify that it is General Public Transportation.

Copies of all advertising should be retained by the provider agency for a period of 5 years. Proof of advertising is a part of the on-site review process that is conducted by KDOT staff.

Examples of other advertising medium (should be pre-approved by KDOT to assure reimbursement):

- Brochures
- Posters
- Public Service Announcements
- Radio
- TV
- Cable TV Local Access Channel
- Signs, Billboards

- Marketing tools such as pens, pencils, notepads, etc.

U.S.C. 49-5310 grant recipients are not required to advertise transit services. All U.S.C. 49-5316 (JARC) and 5317 (New Freedom) providers who are also a 5310 provider do not need to advertise or label the vehicle. **If a JARC or New Freedom provider is in the 5311 program they must label the vehicle and advertise the services.**

**Advertising on the Outside of Transit Vehicles:** Advertising on the outside of transit vehicles is allowed by KDOT as an additional way to generate program funds. In general, advertisements on the outside of transit vehicles shall conform to commercial speech standards and not conflict with any State or Federal Law. Advertising must not contain fraudulent, deceptive, or offensive material and must clearly identify the advertiser. All proposed advertising must be approved by the agency's executive officer or the organization's president and KDOT. Advertising may not alter the appearance of required labeling. The arrangements, costs, expectations and specifications for the advertising will be established within a signed contract between the agency or the organization and the advertiser before the advertisement would be applied on a KDOT vehicle. A separate accounting report is required to be maintained by the provider agency to verify the income generated by the advertising on the vehicle. The KDOT Program Consultant will give approval when proceeds from the advertising are requested to be used for operating expenses in the transit program. **A policy on exterior vehicle advertising should be included in the provider agency transit services policies.**

**Applications:**

**General Application Information:** The U.S.C. 49-5310, U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316, & U.S.C. 49-5317 grant applications are available on the KDOT website in December of each year. The KDOT Office of Public Transportation will also notify all current providers by letter that the grant applications are available online. Applications are available for capital (new or vehicle replacement) & operating funds. The U.S.C. 49-5310 program has a \$4,000.00 cap on operating funds per agency, per location, per Coordinated Transit District.

Agencies that are interested in applying for any of the grants should download the grant application from the website. If an agency does not have internet access they should contact the KDOT Office of Public Transportation to have a paper copy of the application mailed out to them.

Applicants must be a member of a Coordinated Transit District (CTD) in good standing to apply for KDOT funding.

U.S.C. 49-5310 Eligible Applicants must either be:

1. Private non-profit organizations registered in the State of Kansas
2. Local governments (if they are approved by KDOT to coordinated services, or they certify to the governor that no non-profit organizations are "readily available" to provide the service).

U.S.C. 49-5311, U.S.C. 49-5316 & U.S.C. 49-5317 Eligible Applicants

Must be located in nonurbanized areas (under 50,000 population) and be one of the following:

1. County governments, city governments

2. Native American Indian Reservations
3. Private nonprofit corporations registered in the State of Kansas

Agencies that apply for funding through the KDOT Office of Public Transportation that offer services in multiple counties within one or more Coordinated Transit Districts must apply for the funding in the appropriate CTD.

Applicants in Urbanized Areas: Transit providers located within an urbanized area that receive KDOT assistance must submit information to the Metropolitan Planning Organization serving the region regarding any vehicle requested during the grant period. Information related to the vehicle request needs to be included in the MPO's Transportation Improvement Program (TIP). The following process was developed to assist providers in urbanized areas in compliance with this requirement.

1. KDOT opens the 5310 application process in December of each year with a late-January deadline. **(Responsible Party: KDOT)**
2. Prior to the application deadline, each provider must notify the MPO, based on the process determined by the MPO and the CTD, of the vehicles being requested by the provider. Proof of this notification is required in the project application. **(Responsible Party: Transit Provider/CTD)**
3. The MPO uses the information from the letter to include the project into the soonest amendment of the TIP. **(Responsible Party: MPO)**
4. Once vehicle grants are awarded, KDOT Office of Public Transportation staff will notify MPO's of the projects that have been awarded. **(Responsible Party: KDOT)**
5. MPO staff will use the information from KDOT to amend the TIP to only include vehicles awarded. **(Responsible Party: MPO)**

Capital Applications: Incomplete capital applications will not be sent to the Kansas Coordinated Transit District Council grants prioritization committee. The standard vehicle replacement requirement is 100,000 miles or more on the vehicle at the time of application. Requests on vehicles under the 100,000 mile replacement criteria with excessive maintenance issues will be accepted but all maintenance issues must be clearly identified with supporting documentation attached to the application. Routine maintenance expenses will not be considered.

All applicants will be required to have at least one ADA vehicle (ramp mini-van or cutaway van with lift & restraint system) for every 5 vehicles in their KDOT fleet, or for fleets larger than 30, at least 6 ADA vehicles. If there are no ADA vehicles in the agency fleet and the applicant is applying for a new KDOT vehicle they must apply for an ADA vehicle. **As of SFY 2011 (07/01/10) all agencies that do not have an acceptable amount of ADA vehicles must have in place a plan to get their agency in compliance with this requirement.** If the agency does not have an ADA vehicle there must be a written agreement with another agency to provide any ADA requested trips. The next time the agency requests to replace a vehicle, an ADA equipped vehicle will be required.

The vehicle inventory page in the grant application must be completed properly and submitted with the grant application. Vehicle inventory lists will be accessed by KDOT and used in the emergency planning process.

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Application Submission Requirements: Applicants that apply for over \$100,000 in U.S.C. 49-5311, U.S.C. 49-5316 or U.S.C. 49-5317 **federal** operating funding will have to participate in an application conference call scheduled by KDOT staff during the grant review process.

A public notice and the DBE advertisement are required for all applicants who are applying for KDOT grant funds. (U.S.C. 49-5310 providers that are only applying for operating funds are not required to do a public notice). A sample public notice is available on the KDOT website with the other grant information.

The public notice must be published in the local newspaper one time. The applicant should allow 2 weeks for comments from the public or any other interested parties. A copy of the ads, documented comments received & proof of the ads publication must be submitted with the grant application.

All attachments for the grant application should be attached at the back of the grant application. KDOT will not accept any grant applications that are copied in double-sided format. All applications must be typed, all questions completed in their entirety and the application must be signed by the appropriate parties.

All applicants must demonstrate in the application the fiscal and managerial capability to manage the funds being requested. Applicants must have experience in managing public funds. They must also have the ability to maintain an accounting system that is consistent with generally accepted accounting principles, and an accounting system that segregates funds. Applicants must have the ability to establish reasonable safety and risk management procedures. Applicants must also demonstrate the ability to comply with federal and state regulations and contractual requirements.

A certification that the applicant agency receives matching funds for capital or operating (county or city mill levy funds, city or county general funds, united way, etc.) from outside resources will also be required to be completed in full and attached to the grant application. Each agency will be required to submit a certification letter from the matching agency's CEO or governing body as to the availability of matching funds.

Applicants must also ensure all forms, assurances, certifications, signature pages, and resolutions required in the application are signed by the appropriate officer or individual with legal authority to bind the applicant. The afterhours emergency contact information form will be also need to be completed & will be used by KDOT in case of a national, state or local emergency that would require evacuation of the residents of the area.

Applicants should send in the original and one copy (if vehicle is being requested) of the grant application to the KDOT Office of Public Transportation.

A Certificate of Assignment of Authority verifying each grant applicant is a member of the Coordinated Transit District will also be included with the grant application. The Certificate of Assignment of Authority must be completed properly and attached to the grant application with the designated page.

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Applications may be hand delivered to the office of Public Transportation, shipped by UPS or other express modes, or sent by United States mail. Applications must be received by the Office of Public Transportation by 4:00 p.m. on the day of the deadline. Applications that are post marked with the date of the application deadline will not be accepted.

Late applications (for any reason) will not be accepted. If an agency submits their grant after the deadline date they will no longer be a part of the KDOT public transportation services program. The sanction for late applications is for KDOT to begin the process of transferring all vehicles that are within use life standards to other KDOT grantee agencies. If vehicles are transferred to other agencies, 20% of the current value of the vehicle will be paid to the agency that submitted the grant application late.

Applicants that are awarded capital or operating funding will receive an award letter and budget sheet from their Program Consultant. Grantees are required to sign an annual contract. Contracts are issued to each provider agency or through the Coordinated Transit District. **Operating grant award contracts must be sent back to the KDOT Office of Public Transportation by June 30<sup>th</sup>.** Capital award contracts will vary for vehicle awards throughout the funding year. The vehicle award contracts must be immediately signed by the provider agency awarded the vehicle and the CTD chairperson then and returned to KDOT.

Grant applications, award letters, budget sheets and contracts are required to be retained in the applicant's office for 5 years. (Life of vehicle + 5 years for capital projects).

### **Coordinated Transit Districts:**

K.S.A. 75-5051 established the Coordinated Transit Districts (CTD's) in the State of Kansas. There are 15 Coordinated Transit Districts. The purpose of the Coordinated Transit Districts is to enhance coordination within the local area and to help in the management of state and federal passenger transportation funds.

The coordinated transit districts not for profit organizations or a governmental designated entity that are the recipients of funds that are distributed for the operation of transit services from the U.S.C. 49-5310 U.S.C. 49-5311, U.S.C 49-5316 (JARC) & U.S.C. 49-5317 (New Freedom) or State funds designated for rural public, elderly & disabled specialized transportation, job access or expanded ADA services.

**KDOT Staff Assistance:** There are three program consultants on staff at the KDOT Office of Public Transportation to provide technical support to the Coordinated Transit Districts. The Office of Public Transportation Manager has the responsibility to make the Program Consultant - CTD assignments.

**CTD Not for Profit Status:** KDOT requires all Coordinated Transit Districts that are not for profit organizations are required to have Internal Revenue Service 501(c) (3) status & also must register as a State Not for Profit organization. The KDOT Office of Public Transportation also requires each CTD to file the annual IRS 990 & Kansas State Not for Profit reports. The reports should be completed by one of the officers of the CTD or by a certified public accountant that has experience in filing the reports. The fees for processing and filing the reports are an allowable expense under the CTD administration grant.

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Copies of the Coordinated Transit District annual Federal IRS 990 and the Kansas State Not-For Profit report must be turned in to your KDOT Program Consultant by December 31st of each year.

CTD Bylaws: Each of the Coordinated Transit Districts must have bylaws that address all aspects of the procedures of the required meetings. Bylaws should be updated as needed and must include a process for members to remain in good standing & a process for those who fail to remain in good standing with the CTD.

CTD Contacts: The CTD contact list is available on the KDOT website and will be updated annually by the Office of Public Transportation. Each CTD is responsible to notify KDOT when changes occur (staff retirements, officers changing, etc.) within the CTD.

CTD Fiscal Year: The fiscal year for all Coordinated Transit Districts must be the same as the State Fiscal Year (July 1<sup>st</sup> through June 30<sup>th</sup>). All CTD's that do not currently follow the State fiscal year will be required to make this change by January 01, 2010.

CTD Meeting Requirements: The Coordinated Transit Districts shall meet at least quarterly throughout the funding year. A current list of members and officers with complete address, telephone and e-mail contact information, meeting notices, meeting agendas, meeting minutes & financial reports are required to be submitted to the KDOT office.

Designation of a CTD Administrator: The Coordinated Transit District board will appoint the CTD administrator annually and submit a CTD administrative budget. The CTD board is responsible to develop the scope of work for the CTD administrator and determine how the administrator will handle the business of the CTD. All expenses charged to the CTD administrative contract will be verified by invoices or vouchers and retained at the administration office. The CTD administrator's annual budget should be submitted to KDOT by the 4<sup>th</sup> Friday of January at 4:00 p.m.

CTD Coordinated Planning: Each Coordinated Transit District must have a Coordinated Human Services Plan, which is required in order to participate in the KDOT funding programs. This Plan should be updated regularly and all programs funded through KDOT must be in keeping with the goals and objectives of the Coordinated Plan.

CTD Consolidated Reports: The operating (KDOT form #935) and ridership (KDOT form #934) reports for the CTD are to be consolidated by the CTD administrator before they are submitted to KDOT. The DBE (Disadvantaged Business Enterprise) reports are due to the CTD by the 10<sup>th</sup> of each month and must be to KDOT by the 15<sup>th</sup> of each month. **This report is required to be submitted by all U.S.C. 49-5311, U.S.C. 49-5316 (JARC) & U.S.C. 49-5317 (New Freedom) grantees.**

The Coordinated Transit District's operating and ridership reports are due in the KDOT offices between the 15<sup>th</sup> and the 22<sup>nd</sup> of each month. The CTD administrator is responsible to submit all of the CTD reports by the 22<sup>nd</sup> of each month even if not all of the providers are timely in submitting their monthly reports. Late reports will be returned by the CTD administrator to each provider agency and will have to

be re-submitted the following month. The transportation services providers will no longer be allowed to submit late reports directly to the KDOT Office of Public Transportation.

CTD Accounting: The CTD administrator must establish and maintain a separate account for the CTD, either independently or within its existing accounting system, to be known as the Coordinated Transit District account. The KDOT staff will verify that they have standard accounting practices in place at the triennial on-site review. The operating reimbursement checks are mailed out from the KDOT office to each CTD grant administrator. The CTD administrator will issue all agency payments.

Coordinated Transit Districts are required to have three of the duly elected officer's/board members names on all checking or savings accounts. Two signatures are required on all accounts for the purposes of payment of operating or administrative reimbursements or other bills.

CTD Bonding Insurance: The KDOT Office of Public Transportation required bonding insurance as of January 01, 2008. All board members that have their names on the banking accounts for the CTD must be bonded. KDOT requests the bonding amount be at least three months worth of reimbursements. If an individual is bonded through a city or county government or other agency or organization and they handle the CTD money they must still be bonded specifically for the CTD.

CTD Certificate of Assignment: Each member of the Coordinated Transit District is required to sign a Certificate of Assignment of Authority annually and must include it with their grant application. The Certificate of Assignment of Authority allows the chairman to act as the agent to represent the CTD in all operations transaction matters, such as signing the legal agreements between the CTD and the KDOT Office of Public Transportation or to conduct other business with KDOT on their behalf.

There will be no redistribution of U.S.C. 49-5311 operating funds within the CTD at the end of the fiscal year.

Records for the Coordinated Transit District must be retained for 5 years. **Electronic copies of the CTD records are not allowed.**

**Drivers & Manager's Training:**

The Rural Public Transit Assistance Program (RTAP) is managed by the KU Transportation Center, with funding and oversight provided by the Kansas Department on Transportation Office of Public Transportation. There is an electronic newsletter published quarterly, in addition to the annual training meetings.

RTAP Driver's Training: The RTAP Driver's Training is held in the spring and fall and is offered at various locations statewide. Training topics include such issues as defensive driving, conducting pre-trip inspections, transporting passengers with special needs, how to deal with difficult passengers, etc. All drivers, including volunteers or other agency staff, that operate vehicles funded by the KDOT Office of Public Transportation programs must attend the approved RTAP Driver's Training every other year.

RTAP Train-the-Trainer Driver's Training: The RTAP Train-the-Trainer Driver's Training allows local staff to provide the approved RTAP Driver's Training locally. Agencies that are interested in having a RTAP Certified Trainer on staff must submit an application to KDOT for participation in the Train-the-Trainer course. Applications will be available prior to the training session. Participant selection will be based on the amount of staff needing training at the applicant agency, the qualifications of the proposed trainer to teach the course and administer the certifications and the ability to teach the course regionally.

RTAP Manager's Training: The RTAP Manager's Training is conducted at a central location on an annual basis. Topics include issues such as management of a transit program, safety and security, marketing, planning, budgeting, grant writing, etc.

Other Eligible Trainings: The RTAP (Rural Transportation Assistance Program) – Train the Trainer or The Community Transportation Association of America – Passenger Assistance Safety & Security (P.A.S.S.) training is also a certified training class that is authorized for reimbursement through KDOT. Registration fees, meals & mileage will be allowable reimbursement costs under this training program. Trainings that are not approved by KDOT are not reimbursable.

Certifications of Attendance: Certifications of attendance from the annual RTAP Driver's or Manager's Training, the "Train the Trainer" program, or the CTAA/P.A.S.S. training are mailed out to each participant. The driver or supervisor should have the agency make a copy of their certificate to retain in their personnel file. Proof of RTAP Drivers or Manager's Training, "Train the Trainer" or the CTAA/P.A.S.S. training is required and will be verified by KDOT staff when the triennial on-site review is completed.

Policies for Training Attendance: Public transportation service offices may be closed for the one day RTAP Driver's Training so that all drivers or supervisors can attend if the requesting agency notifies KDOT in advance and has the request approved. The agency should also advertise two weeks in advance that they are going to be closed to attend the training.

KDOT vehicles that are currently in the KDOT program are not to be used to take transit staff or drivers to training sessions. Vehicles that have been released from the KDOT program and are agency owned can be used for this purpose.

If the RTAP training coordinator requests an agency to bring a ramp mini-van or a cutaway lift-equipped van to the training for the purpose of assisting with training, the agency should contact KDOT for prior approval.

Sanctions for Non Participation in Required Training: Any agency that does not comply with training requirements will be removed from the KDOT grant program. Record retention for drivers training records is 5 years. If the transportation services provider agency does not send their drivers to the RTAP Driver's training or other KDOT approved trainings & retain proof of attendance to the trainings the agency will be subject to forfeiting the agency's monthly reimbursement.

**Emergency Planning:**

Agencies that receive U.S.C. 49-5310, U.S.C. 49-5311, U.S.C. 49-5316 or U.S.C. 49-5317 funding are required to complete the afterhours contact information form for the KDOT Office of Public Transportation. The afterhours contact form includes information about the KDOT fleet vehicles as well as agency owned vehicles. In the case of a declared national, state or local emergency this information will be used to contact service providers that may be called out to evacuate residents of a disaster area. A data base with afterhours contact information will be kept on file in the KDOT Office of Public Transportation. The list will also be shared with the KDOT State Emergency planner.

The KDOT fleet vehicles will only be used in the case of a declared Federal, State or local emergency that requires the evacuation of residents. All providers that have agency owned vehicles may also be asked to provide assistance in the evacuation process.

The FTA Transit Bus Safety & Security Program is a voluntary program for transit providers to access for guidance in developing safety and security plans for their programs. The website can be accessed by going to **<http://bussafety.fta.dot.gov>** for further guidance on emergency planning. The provider agency should also refer to the Kansas Department of Transportation – Office of Public Transportation Emergency Plan.

**Fiscal:**

Federal Transit Administration funds are disbursed to the Kansas Department on Transportation for the purpose of funding the General Public Transportation – Non-urbanized Areas (5311), Specialized Transportation for the Elderly & Disabled (5310), Job Access/Reverse Commute (5316), Inter-city Transportation (5311(f)) and the New Freedom (5317) transportation programs.

U.S.C. 49-5310, U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 applicants are required to attach a copy of their annual audit to the grant application.

**Single Audit:** The Federal Transit Administration Office of Management & Budget (Circular A-133) & the Kansas Department on Transportation - Office of Public Transportation require an annual audit of providers and Coordinated Transit Districts that receive \$500,000.00 or more in Federal funds from any Federal source annually. The single audit requirement is for the entire agency and is not specific to the transportation services program. If the single audit contains any FTA program findings a copy of the entire audit report must be submitted to the FTA regional office. A copy of the previous year's audit must be submitted to the Kansas Department of Transportation – Office of Public Transportation with the grant application. Agencies that do not receive \$500,000.00 or more of transit funding from the KDOT Office of Public Transportation who are audited should also include a copy of their annual audit with the grant application.

**Agency Certifications:** A certification letter that verifies the type of applicant agency (private not for profit, public not for profit, county, city or Indian tribe) must be included with the annual grant application and will be on file at KDOT. The letter should be from the Chairperson of the board for the county, city, Indian Tribe or nonprofit agency.

A certification for the receipt of matching sources for capital and operating grants from the agency providing the matching funds must also be attached to the grant application and will be kept on file at KDOT. (See also page 4 – Applications).

Contract Income: Income from contracts to provide human service transportation (Medicaid Non-Emergency Medical Transportation) may be used to offset the cost of providing the service or as local match for U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 operating assistance. The manner in which the local recipient applies the income from the human services agencies to a local project – that is, whether it is treated as local match, or is used to offset operating expenses will affect the calculation of net operating expenses, and therefore, the amount of federal operating funds the project is eligible to receive. KDOT does not prohibit a local recipient from using income from a human service agency contract as local match for federal funds.

Project Income (Bus Fares and Donations): All KDOT funded grantees are encouraged to earn project income (bus fares or donations) to defray the program costs. If an agency chooses to establish a fare structure, it must be approved by KDOT prior to implementation. All project income must be reported in its entirety on the monthly ridership report (934) and the expenditure report (935). Program income means gross project income received by the grantee or by a sub-grantee directly generated by grant support activity, earned only as a result of the grant agreement during the grant period (July 1<sup>st</sup> – June 30<sup>th</sup>). Any provider who charges a program fee which includes transportation fees must report those transportation fees as project income. Any provider who fails to report all project income will be subject to repayment to KDOT. **All project income is to be reconciled on a daily basis & deposited into the provider agency's bank account on a weekly basis.**

KDOT Fiscal Audits: The KDOT Bureau of Fiscal Services contracts with an outside auditing firm that performs fiscal monitoring of selected transportation programs or Coordinated Transit Districts. The auditing firm will review the KDOT Office of Public Transportation's on-site review files of three selected provider agencies within the Coordinated Transit District to gather information and identify findings or deficiencies. The auditing firm will also develop a fiscal monitoring questionnaire to be completed by each provider agency to assist the auditing firm with their preliminary assessment of the financial activities of the transportation grant and the internal control structure and procedures of the service provider organization. The auditing firm will visit with the Coordinated Transit District administrator and review selected receipts and disbursements checks for correctness, timeliness, completeness, and proper record keeping. The auditing firm will also visit the transit services provider and review the financial records such as the general ledger, bank statements and bank reconciliations, financial statements and audit reports. **The transit services agency must be prepared for the fiscal audit and have all files and accounting ledgers organized, easily accessible and ready for the audit.** They will perform a test of expenditures on a sample of transactions from the monthly expenditure reports. The test will include the examination of the relevant support documentation and an evaluation of the nature and purpose of the expenditures. This will include visiting with the provider agency's personnel who have knowledge of the program to obtain an understanding of the fiscal policies and processes. The auditing firm will hold an exit meeting at the end of the on-site visit and communicate the firm's observations with the provider.

**Bankruptcy:** If a KDOT funded public transportation services agency or program declares bankruptcy, immediate notification in writing shall be submitted to the KDOT Office of Public Transportation. A process will begin immediately for transferring all KDOT vehicles under the agency auspices that are within useful life standards if the agency will, as a result of the bankruptcy, discontinues operations.

KDOT holds a lien on the title of all the vehicles purchased under the KDOT transportation programs. Agencies that experience financial difficulty will not be allowed to put a 2<sup>nd</sup> lien on a KDOT funded vehicle. The agency may be allowed a lien release in the event that the vehicle is more than four years old and has 100,000 or more miles on it. In the event that the vehicle is not eligible for lien release and is transferred to another agency, then the useful life standards will be applied and the recipient agency will be required to reimburse the bankrupt agency its 20 percent of current value interest in the transferred vehicle.

**Vehicle Useful Life:** The useful life formula for the transfer or buy out of KDOT vehicles is as follows:

25% 1<sup>st</sup> year

20% 2<sup>nd</sup> year & thereafter

The formula is based on chassis year model. The vendors who supply the vehicles for KDOT can also be contacted for updated value information on the various types of transit vehicles.

**Financial Sanctions for Missing Report Submission Deadlines:** The forfeiture of grant funding for the **month of the occurrence** will be imposed by the KDOT Office of Public Transportation on all transit providers that are not timely in meeting the required deadline dates for submission of operating and ridership reports, grant applications, proof of advertising, DBE reports, and inspection report responses. If the transit provider agency is contacted by KDOT to submit any type of information in regards to any of the KDOT ridership, operating or DBE reports the **timeline for the submission of the information will be 10 days.**

**Fiscal Record Retention:** All fiscal records of the provider agency must be kept of file for five years (life of vehicle + 5 years for capital projects). **Electronic copies of KDOT program records are not allowed.**

**Vehicle Inspections:**

Vehicle inspections are conducted on all transit vehicles funded with Public Transit funding through the KDOT Office of Public Transportation. These annual inspections are conducted by the local KDOT District or Area Inspector. The KDOT District/Area Inspectors are required to use the KDOT Form #853 when performing inspections. The KDOT District/Area Inspector will notify the provider agency and will schedule a date for the inspection.

It is the responsibility of the provider agency to make sure the vehicle inspection is completed annually. The KDOT inspectors are responsible to keep a database of the dates of the annual inspections. The inspector usually tries to schedule the annual inspection after the one year anniversary of the prior inspection. If a provider agency is not contacted by a KDOT inspector to schedule the annual inspection then they should contact the district shop and schedule the inspection. **Provider agencies should never contact the inspector at any time prior to the anniversary date of the previous year's inspection and request an early inspection.**

After the inspection is completed the KDOT Office of Public Transportation will receive a copy of the inspection form. The KDOT Office of Public Transportation has the responsibility to train all District/Area Inspectors on the types of vehicles that are used in the transportation services program. The KDOT District/Area Inspectors will receive a copy of the vehicle bid specifications and will be trained on the operations of each of the vehicles annually.

Process for Failure to Participate in Inspection: If an agency fails to have the vehicles in their fleet inspected annually, the KDOT Program Consultant will contact the agency in writing and remind them to notify the District/Area Inspector that an annual inspection is due. A copy of the letter will be sent to the District/Area Inspector. The Sanction for not complying with the annual vehicle inspection requirement: If a 2<sup>nd</sup> Notice letter is mailed from KDOT - the provider agency will forfeit all monthly reimbursements for entire fleet until proof of inspection is submitted. Once proof is submitted and approved by KDOT staff, the agency will be eligible to receive reimbursement during the next monthly reimbursement request period. A Copy of the second notice letter will be sent to the chairperson of the board of the organization.

Safety Hazards: If a safety hazard is noted on the inspection form, the KDOT Program Consultant will immediately notify the provider agency via telephone that they must take the vehicle out of service until the safety hazard(s) are repaired. The Program Consultant will also send the provider a letter as a follow-up to the telephone call about the safety hazard(s). The list of inspection findings considered to be a safety hazard are: tire problems, exhaust leaks, cracked windshields or windows, inoperative lights or signals, brake problems, windshield wiper problems, major structural damage, and any other item (at the discretion of the inspector). Safety hazards and all other needed repairs that are noted on the inspection reports are required to be completed within 30 days. If a repair cannot be complete within the 30 day timeframe the provider must immediately notify the KDOT Program Consultant to make other arrangements.

Sanctions for Disregarding Notice to Repair Vehicles: The Sanction for not submitting the proof of maintenance or needed repairs being completed are: If a 2<sup>nd</sup> Notice letter is mailed from KDOT - the provider agency will forfeit all monthly reimbursements for entire fleet until proof of repairs are made. Once proof is submitted and approved by KDOT staff, the agency will be eligible to receive reimbursement during the next monthly reimbursement request period. A Copy of the second notice letter will be sent to the chairperson of the board of the organization.

Inspection Record Retention: Inspection records on all types of vehicles are to be retained by the transportation services provider for a period of 5 years (life of the vehicle +5 years for capital projects).

**Kansas Coordinated Transit District Council (Vehicle Procurement):**

The Kansas “CTD” Council consists of member-representatives from the individual Coordinated Transit District (CTD’s) and as such, it represents the Kansas Department of Transportation (KDOT) funded transportation provider agencies who provide service to the elderly, disabled and the general public in the following matters:

## Kansas Department of Transportation: Public Transportation Policies

1. With assistance from KDOT, the Kansas CTD Council writes the vehicle bid specifications, solicits courtesy bids, and determines the lowest responsible bidder for the annual procurement of new vehicles for the KDOT Public Transportation projects.
2. Hold meetings as necessary to maintain an open line of communication between KDOT and its transportation providers to facilitate the following:
  - a. Identify, discuss, evaluate, and make recommendations on the Kansas public transportation issues.
  - b. Give KDOT any requested advice on changes in public transportation policies, procedures and forms.
  - c. Assist KDOT with any training and education tasks needed for the individual CTD's.

Council Selection: The representatives from each CTD will be voted on or appointed by their CTD.

### KCTDC Annual Schedule:

February - Capital Grants Review by the committee

May – KCTDC committee vehicle specification review

July – Bids mailed out, pre-bid conference with vendors

August – Bid amendments mailed out (if applicable)

September – Bid opening (in conjunction with KPTA annual meeting), bid awards

October/November – vehicle order meeting

Vehicle Specifications: The KCTDC reviews the vehicle specifications. During the review, the KCTDC representatives and KDOT use the feedback comments received during the year to make a list of any necessary changes to last year's vehicle specifications – these vehicles range from mini-vans to 20 passenger small transit buses.

Bid Packages: The vehicle bid packages are mailed from the KCTDC to all vendors (manufacturers and dealers) on the current bid list. The bid packages include a cover letter from the KCTDC, a copy of the vendor list, a copy of the bid notice, a copy of the CD that contains the vehicle specifications, and a copy of all of the Federal Transit Administration certification forms.

Pre-Bid Conference: An annual pre-bid meeting is held in Topeka, Kansas at the KDOT offices. This meeting is held to give the vendors a chance to read the vehicle specifications and terms in the bid packages and to provide comments back to the KCTDC and KDOT. Any decisions to change items in the bid specifications after the pre-bid meeting will be in the form of a specification amendment and will be mailed to all of the vendors on the bidders list.

Vehicle Specification Amendments: The vehicle specification amendments, if necessary, are printed and mailed to all vendors on the vendor mailing list immediately after the pre-bid conference. The vehicle specification amendments list any necessary changes to the current year's vehicle specifications that were brought to KCTDC/KDOT's attention during the pre-bid meeting.

Courtesy Bid Opening: The courtesy bid opening meeting is a public meeting and is held in conjunction with the Kansas Public Transit Association annual meeting, if possible. At this meeting, the Chairperson of the KCTDC opens all submitted courtesy bids and reads the quoted prices, and any other applicable information out loud to those present.

Courtesy Bid Tabulation and Checking: The submitted courtesy bid information is used to prepare a bid tabulation sheet for each type of vehicle. At this time, KDOT conducts a careful review of all submitted information which ensures that all vehicles were bid according to specification and that all bidders are responsible and responsive – having completed all of the necessary certification forms and other information with required signatures, etc. The KDOT representative will check the excluded parties listing system (<http://www.epls.gov>) to make sure that none of the vendors are on the excluded listing. KDOT will print a screen copy of each search and keep it on file for documentation. The KCTDC and KDOT reserve the right to remove optional items from bid consideration, if necessary. This is done in cases where it is obvious that a vendor bid a price that far exceeds the requirements of the vehicle specification (for example: bidding a \$4,000 brake retarder system as opposed to bidding a \$500 brake assist system).

Courtesy Bid Awards: After the bid tabulations are completed and all of the submitted bid information is checked, the pre-award Buy America certification, the pre-award FMVSS certification, and the pre-award Certification of Responsibility are completed by the KCTDC and placed in the file. These documents will be included in all of the vehicle delivery packets sent to each transit agency for the type of vehicle they have ordered. Also at this time, the KDOT representative verifies the list of vehicle manufacturer's who have completed all of the requirements for the TMV (Transit Vehicle Manufacturer). This list is available from the Federal Transit Administration (FTA) on their website or can be provided through contact with the Civil Rights Officer for FTA Region VII. A courtesy bid award sheet and preliminary order form (vehicle price sheets) are typed up, the information is released to the public, and the KCTDC Chairperson invites the successful bidders to the vehicle order meeting.

Bid Protest Procedures: (Required for all procurements funded in whole or in part through the Kansas Department of Transportation – Office of Public Transportation)

Protest of Specifications or Bid Procedures: Anyone wishing to file a protest concerning the specifications or the bid procedure must do so in writing. The written protest must include a detailed statement of the issues. The Kansas Department of Transportation – Office of Public Transportation (KDOT) located at 700 SW Harrison Street, Topeka, Kansas 66603 must receive the written protest no later than 72 hours prior to the bid opening. If a protest is received that cannot be resolved by the designated time for bid opening, the bid opening shall be delayed until the protest is resolved.

Protest of Specifications/Approved Equals: Anyone wishing to file a protest concerning the specifications or approved equals or a clarification decision must do so in writing. The written protest must include a detailed statement of the issues. The Kansas Department of Transportation – Office of Public Transportation located at 700 SW Harrison Street, Topeka, Kansas 66603 must receive the written protest within (5) five business days from the bid opening. The Department of Transportation will issue a written decision on a timely protest within 10 business days of the receipt of a written protest. If KDOT

upholds the protest, the contract award will be withheld until a solution is determined and the price by all firms will be held valid until that time. The written decision by KDOT will be considered the final decision. Reviews of any protest filed with the Federal Transit Administration (FTA) will be limited to a review of whether KDOT, as the grantee, failed to have or follow its protest procedures, or has failed to review a complaint or protest. An appeal to the Federal Transit Administration (FTA) must be received by the FTA Regional Office at 901 Locust Street, Suite 404, Kansas City, Missouri 64106 or to the FTA headquarters office within (5) five working days of the date the protester knew or should have known of the violation. Any protest filed with FTA shall also be sent to the Kansas Department of Transportation - Office of Public Transportation. Any allegation that a violation of federal law or regulation may have occurred shall be handled by the complaint process stated within the law or regulation. Violations of state law or regulations will be handled under the jurisdiction of the State of Kansas.

Protest of Contract Award: Anyone wishing to file a protest concerning the bid award must do so in writing. The written protest must include a detailed statement of the issues. The KDOT - Office of Public Transportation located at the Eisenhower State Office Building, 700 Southwest Harrison Street, Topeka, Kansas 66603 must receive the written protest within five (5) days of the notice of the bid award. The Department of Transportation will issue a written decision on a timely protest within 10 business days of the receipt of the written protest. If KDOT upholds the protest, the contract award will be withheld until a solution is determined and the price bid by all firms will be held until that time. The written decision by KDOT will be considered the final decision. Reviews of any protest filed with the Federal Transit Administration will be limited to review of whether KDOT, as the grantee, failed to have or follow its protest procedures, or failed to review a complaint or protest. An appeal to the FTA must be received by the FTA Regional Office (901 Locust Street, Suite 404, Kansas City, Missouri 64106) or Headquarters Office within five (5) working days of the date the protester knew or should have known of the violation. Any protest filed with FTA shall also be sent to the KDOT Office of Public Transportation. Any allegation that a violation of Federal law or regulation may have occurred shall be handled by the complaint process stated within that law or regulation. Violations of State law or regulations will be handled under the jurisdiction of Kansas.

Kansas Transit Vehicle Order Process: This process details the vehicle order process, which is the final step in the vehicle procurement.

1. **Vehicle Order Meeting:** After the courtesy bid awards are made, the preliminary order forms, vehicle specifications and amendments, and vehicle floor plans (if applicable) and other information are posted on the KDOT website under transit.

An annual vehicle order meeting is then hosted by the Kansas Coordinated Transit District Council and KDOT. All KDOT transportation provider agencies who have received grant awards in the prior year come to this meeting to meet with the vendors (manufacturers and dealers) who won the courtesy bid awards. The public service administrator (PSA) in the KDOT Office of Public Transportation sends letters to these providers to inform them about this meeting and that attendance is mandatory. This letter also instructs the providers to go to the KDOT website to download the vehicle order forms and other vehicle information prior to attending this meeting.

At the vehicle order meeting, the provider agencies meet with the vendors, who give them additional information on the vehicles they are ordering. The providers are also invited to look at the sample vehicles the vendors have parked outside, and to learn about the optional equipment and its usage. Any questions are answered, and then the provider agencies turn in their completed preliminary order forms before leaving the meeting. After the order meeting, KDOT staff will review all the preliminary order forms and will complete contracts based on the items selected. Contracts will be sent to each agency to be reviewed and signed. Once KDOT receives these back, three copies of the purchase order will be sent to the agency. These are to be reviewed and all copies signed. One copy is then sent to KDOT, one copy is sent to the vendor and one copy is to be retained in the agency files. On the purchase order, there is a spot to indicate if the agency is/is not exempt from paying sales tax on the vehicle. If the agency is exempt from paying sales tax, the agency must attach a copy of the tax exempt certificate to the purchase order. If the agency is not exempt, the agency will be responsible for 100% of the tax on the vehicle. Neither KDOT nor FTA will pay any portion of the tax. KDOT/FTA will pay 80% of the cost of the vehicle, which includes any items that are on the preliminary order forms. The remaining 20% of the vehicle cost is the responsibility of each transit agency. After POs have been sent, this process is complete until the vehicle is ready to be delivered.

2. Vehicle Delivery Process:

- Once the vehicle is ready to be delivered, the vendor will notify KDOT of the pending delivery and will contact the agency to set-up a time.
- KDOT staff will then send a delivery packet to the agency that will contain all the inspection forms, certifications that need completed and misc. bid documents. The cover letter will explain what the agency needs to complete and send to KDOT
- The agency will then complete the inspection of the vehicle. Provider agencies may accept & sign for delivery of the vehicle and then perform the delivery inspection. Provider agencies should completely review the bid specifications and check for all items when completing the delivery inspection as well as completing the delivery inspection form. Notations (measurements of vehicle interior and exterior, tire size, etc.) should be made on the bid specification form as the inspection is being completed to ensure all items meet bid specification requirements. Technical assistance is available from the KDOT Office of Public Transportation in regards to completing the delivery inspection. Once it is determined that the vehicle meets the specifications, the agency will notify KDOT in writing that the vehicle meets the specifications and the delivery inspection has been completed. The agency will also send KDOT copies (front & back) of the Certificates of Origins, an invoice and a lien release letter (if applicable) which includes the make, model, year and current mileage of the vehicle being replaced.
- If the vehicle does not meet the specifications, the agency should contact the vendor to make arrangements for the repairs or missing items. KDOT should be notified of any issues with the vehicle(s).
- Once KDOT has all of the information reference above, KDOT will process payment for the vehicle(s). Payments will be made as dual issue checks payable to the transit agency and the vendor. The agency will need to endorse the check and **immediately forward** it to the vendor. **KDOT is not responsible for sales tax on new transit vehicles.**

- KDOT staff will also send an additional packet of information to the transit agency that contains the KDOT #314 maintenance manual, the KDOT decal for the vehicle, and the executed agreement. The lien release (if applicable) will be sent a few days later after it is signed and notarized.
- **It is VERY important that ALL documents pertaining to the vehicle be kept in one place to be reviewed if necessary during an on-site review or federal program audit.**

Certificate of Assignment of Authority: A certificate of assignment of authority verifying the representative for the Kansas Coordinated Transit District Council will be required to be completed each state fiscal year from each Coordinated Transit District. This certificate certifies the duly authorized representative of the CTD and gives the representative the authority to represent the CTD in all vehicle procurement matters.

Credits for Missing Items: If it is determined at the time of the inspection of any new vehicle that an item is missing, the agency receiving the vehicle shall notify the vendor and the KDOT Office of Public Transportation of the missing item. If the item is something the vendor can still supply, the vendor must do so as soon as possible at no expense to the agency. If the item is something that cannot be added to the vehicle at this point, then the vendor is to supply an amount they are willing to give as a credit for the missing items. The KDOT Office of Public Transportation will contact other vendors or parts suppliers to determine if the credit seems appropriate. If it is determined to be appropriate, and the agency accepts the amount of the credit, then that amount is deducted from the 100% cost of the vehicle. It does not get taken off just the 20% local share of the cost.

Meeting Reimbursement for Membership: Meal reimbursements are paid at the State per diem rate for the current fiscal year. Since this amount changes annually each KCTDC member is responsible to contact the Program Consultant for their CTD to verify the allowable amount. Mileage reimbursement rates are also paid according to the State of Kansas rates. Hotel registration, meeting registration fees, parking and turnpike fees are reimbursable expenses but can only be paid if the receipts are included with the request. KCTDC members who are requesting reimbursement for travel costs must submit their request to the chairperson of the KCTDC.

Block room reservations for KCTDC meetings are made in advance by the KU Transportation Center or by KDOT in order to receive a discounted room rate. Any member that chooses to make a hotel registration at a hotel that has not been designated as the official hotel for the meeting must have prior approval from the Program Consultant for their CTD. If a meeting participant wants to stay at a hotel that is not designated as the official meeting hotel and does not request prior approval for the hotel stay will not be allowed to ask for reimbursement from the KCTDC.

Record Retention Requirements: All information pertaining to vehicles purchased through the KDOT Office of Public Transportation and the KCTDC must be retained for a period of five years after the lien release on the vehicle has been granted. This includes the following but not limited to:

- Copy of the grant application in which the agency applied for the new vehicle
- Contract and purchase order

- All paperwork sent to the agency in the delivery packet (bid documents)
- Copies of all signed certifications from the vendors
- Invoices
- **Electronic copies of records are not allowed.**

**Maintenance of Transit Vehicles:**

Transportation services providers are required to follow all OEM (vehicle manufacturer) requirements. All transit services providers are required to document maintenance and repairs made to the vehicle in the KDOT vehicle maintenance manual #314. Maintenance manuals are mailed to each provider when a new vehicle is delivered as a part of the delivery package. Maintenance manuals must be available for review and use by the KDOT District/Area Inspector when they complete the annual vehicle inspection. The KDOT Office of Public Transportation will monitor all vehicle maintenance and will review all documentation at the triennial on-site review.

The maintenance of the KDOT transit vehicles is included as a part of the grant application and will be verified by the Program Consultants for the KDOT Office of Public Transportation. Transit service providers that do not comply with maintenance requirements will be sanctioned according to KDOT policy (see also vehicle inspections - pages 12-13)

Federal Motor Carrier Requirements for Vehicle Maintenance: Transportation providers that transport passengers across State lines must comply with all Federal Motor Safety Carrier requirements for maintenance of vehicles. The Kansas Corporation Commission is the office that is in charge of interstate safety and operating compliance for the State of Kansas. If a transit provider agency needs further information about compliance under K.A.R. 82-4-3 they can access the information at [www.kcc.state.ks.us](http://www.kcc.state.ks.us) or by calling 785-271-3151.

Vehicle Repair Requests: Defective vehicles should be noted on the pre-trip inspection form. The pre-trip inspection form noting the needed repair or maintenance and the repair tickets or invoices should be filed together to verify the repairs were completed. A single vehicle repair that is over \$1,000.00 must be pre-approved by the KDOT Program Consultant in order to be reimbursed by KDOT. The provider agency or organization should immediately notify the KDOT Program Consultant by e-mail or telephone call of the needed repairs and discuss their plan or schedule for completing the repairs. Failure to get pre-approval for repairs over \$1,000 could result in denial of repair reimbursement.

Report of Vehicle Accidents: Vehicle accidents that damage or destroy the transit vehicle must be immediately reported in writing to the KDOT Office of Public Transportation so the provider agency can be instructed how to proceed with reporting and insurance claims. Providers must maintain pre-trip inspection forms for the day the vehicle accident or any other incident involving the vehicle occurred. Additionally, those in the 5311 program must complete the Drug and Alcohol Post-Accident Report Form and submit to KDOT Drug and Alcohol Program Coordinator.

Pre-Trip Inspections: The KDOT daily pre-trip inspection form is required to be completed each day before the vehicle is put into service. Pre-trip inspection forms are provided for all transportation services providers. Transit agencies may develop their own pre-trip inspection form but the agency form

must include all items that are on the KDOT pre-trip inspection form and must be pre-approved by the KDOT Program Consultant. Transit service agencies are required to check the first aid and blood borne pathogen kits frequently and make sure all of the supplies are included in the supply kits. Agencies are also responsible to make sure none of the products in the kits are expired. If items in the emergency kits need replaced or if items or outdated they should be immediately replaced.

The daily pre-trip inspection form must be signed by the driver completing the inspection and also by the supervisor. Pre-trip inspection forms are to be kept for 90 days. The pre-trip inspection form will be verified by the KDOT reviewer at the triennial on site review. Pre-trip and post trip inspection forms are required to be completed by agencies that cross the state lines and that operate a “haul for hire” type service.

Pre-trip inspection forms should always be retained if there is an accident with a KDOT vehicle.

**The pre-trip inspection form should be stapled to the accident report form(s) and kept on file. The provider agency should always keep all pre-trip inspection forms for all injury and non-injury accidents.**

Vehicle Lift Maintenance: The lift equipped vehicles that are awarded through the KDOT Office of Public Transportation have an 800 pound lift capacity which exceeds the Americans with Disabilities Act requirement. Transit vehicles are ordered under the bid specifications that are set by the Kansas Coordinated Transit District Council and approved by KDOT. Transit agencies are not allowed to adjust the lift capacity in any manner. All lifts must be properly maintained and scheduled for maintenance according to the lift manufacturer’s requirements. Agencies that have lift equipped vehicles that do not follow lift maintenance requirements will forfeit all KDOT funding if their vehicles are not properly maintained.

### **On Site Reviews:**

The KDOT Office of Public Transportation will conduct triennial (every 3 years) on-site reviews for all projects that are awarded funds through the U.S.C. 49-5310, U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 or U.S.C. 49-5317 program. These reviews are completed by the KDOT Program Consultant for the agency’s region. The Coordinate Transit Districts will also be included in the review process.

The onsite review protocol is as follows:

1. The Program Consultant will contact the transportation provider and/or Coordinated Transit District administrator in advance to schedule an on-site review.
2. Transportation providers that have “umbrella agencies” under their auspices will be required to include all of the “umbrella agencies” at the onsite review. The lead agency will be responsible to inform all of the “umbrella agencies” of the scheduled onsite review.
3. The Program Consultant will log the date of the scheduled visit on the shared OSM schedule.
4. The Program Consultant will confirm by e-mail the date and time of the scheduled review. This notification should be done within 48 hours of the initial telephone call.
5. The Program Consultant will review the questionnaire in detail with the transportation services provider to make sure that all answers are clarified to the reviewers or review

team's satisfaction. The Program Consultant or review team will pay particular attention to the accounting and finance section and the accounting review section of the review document if necessary.

6. The Program Consultant or review team conducting the review will have the authority to inspect the transit vehicle, check for all required safety items to be included in the vehicle, check the maintenance records of the agency and do a ride along to interview the driver and the passenger(s).
7. The Program Consultant will inform the provider that they will be sent a written follow-up report of the findings and that they will be given a specified time frame to make any needed adjustments in their program.
8. The Program Consultant who is the lead person for the review will mail the findings letter within 60 days of the site visit.
9. All transit providers will be given 45 days from date of letter to address the findings. The provider must respond in writing to the onsite review findings.
10. If a provider does not respond the findings by the 45 day timeframe then they will forfeit operating funding until the next month they are in compliance.
11. The Program Consultant is responsible to follow-up with the transportation services provider as necessary.
12. Transit agencies with an alleged misuse of funds, theft, fraud or severe findings will be subject to the following process: In lieu of sending out the onsite review findings the KDOT Office of Public Transportation will notify the provider that further financial information is warranted to finish the review. Additional information submitted by the transportation services provider to help verify findings in the review could include:
  - (a) Bank statements
  - (b) Employee timesheets
  - (c) Copies of checks written & check book ledger
  - (d) Payroll records
  - (e) Verification of payroll taxes paid to the federal and state taxing entities
  - (f) 3<sup>rd</sup> party contracts
  - (g) Copies of contracts for storage
  - (h) Agency policies & procedures
  - (i) Other documents as requested

All information received in relation to the onsite review findings will be shared with the Federal Transit Administration for the purpose of getting the transit service back into compliance with KDOT regulations. The Program Consultants for the KDOT Office of Public Transportation are officially authorized to request all records associated with the transportation program and to take the records away from the provider agency's premises for review at the KDOT Office of Public Transportation offices or a KDOT contracted auditor. The timeframe for requesting additional records or information from the transit provider will be a period of 14 calendar days from date of letter. The auditing firm that is employed by KDOT will visit the transit services office and complete an exploratory audit which includes three (3) months of random sampling on the financials of the agency or organization. If the audit determines that the 3 month random sampling is not enough to verify all items that are

in question then they will be given the authority through the KDOT Office of Public Transportation to return to the provider agency and do a complete review of the financials of the agency or organization.

After the additional information is reviewed by the KDOT Office of Public Transportation, the Federal Transit Administration and the KDOT Office of Chief Counsel, a final decision will be given as to whether the transportation services provider will be allowed to continue operating a transit services program or if the services will be suspended and all grant monies forfeited. If federal or state grant monies are to be paid back to KDOT, the final findings letters will state in full detail how much money is expected to be reimbursed to KDOT and the process for which the reimbursement will be handled. The operating funds that are in the program and the federal interest that remains in the vehicle will be considered when re-payment to KDOT is authorized. The transit vehicles of the agency will be transferred to another agency within the Coordinated Transit District or the State of Kansas. The KDOT staff will make arrangements for the removal of vehicles.

If it determined the agency has satisfactorily completed the review process and the KDOT Office of Public Transportation has determined that the transit provider will be allowed to stay in the transportation services program, KDOT will work with the provider to maintain compliance. The agency or organization will be allowed to continue in the program as outlined by the Office of Public Transportation.

If the KDOT Office of Public Transportation determines there is a need to remove a grantee from any of the grant funding programs based on the results of the onsite review or other investigative information, the grantee will not be allowed to come back to any of the KDOT sponsored transportation programs.

### **Operations:**

U.S.C. 49-5310 Operating Claims: Claims for the operation of U.S.C. 49-5310 programs are to be submitted through the Coordinated Transit District (CTD) in January & June each year. The 5310 State operating claim expense form (#935) is to be used when submitting claims. All U.S.C. 49-5310 program operators are expected to be timely in the submission of their required reports to the CTD. The U.S.C. 49-5310 providers will not be called or reminded by the CTD administrator or KDOT to submit requests for reimbursement.

Correspondence with KDOT: All written correspondence regarding compliance with the KDOT transit programs must be on agency letterhead. Handwritten correspondence will not be accepted.

Vehicle Insurance: Full coverage vehicle insurance is required on all transit vehicles that are awarded by the KDOT office of Public Transportation. Full coverage insurance policies are full coverage for comprehensive, collision & liability. There is no specific requirement for the deductible level.

Employee Timesheets: Employee timesheets are required to be used by all U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317. Timesheets should be used for all paid and volunteer positions within the agency that are a part of the transit services program. The timesheet must document the number of hours worked per day/week and must have a line for the employee signature and the supervisor's signature. Volunteers should always be treated the same as paid staff and their work time must be documented.

Home Offices & Vehicle Labeling Telephone Numbers: The KDOT Office of Public Transportation no longer allows provider agencies to keep a transportation services office in their home. Records must be retained in a secure location at a Senior Center, City or County office or other public location. Office expenses are an allowable expense under the operating administration grant or the Coordinated Transit District administrative grant. The telephone number that is included on the vehicle labeling cannot be a personal or home telephone number. The transit services office telephone must be answered "General Public Transportation" unless otherwise approved by the Program Consultant.

Passenger Manifest: Passenger manifest forms are considered to be a part of the transportation services program and should be kept on file by the provider agency. Transit services should document all of the passenger's names, pick-up address, drop off location, special needs requirements and any other pertinent information for emergency or litigation purposes. All transportation services providers may design their own passenger manifest forms. The passenger manifest form is a part of the program records and should be retained by each agency. (The timeframe to keep records – 90 days.)

Personnel Requirements: Grant recipients of the U.S.C. 49-5310, U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 funds must have job descriptions and personnel policies in place for the transit services program. The deduction of payroll taxes from the employee's paycheck and the completion of all required Federal or State employer reporting requirements will be verified when KDOT staff completes the triennial on-site review.

**As of July 1, 2011 all current and new drivers (paid or volunteer) will be required to have a pre-employment DOT driver's physical showing that the driver is in appropriate physical condition to operate a transit vehicle. Agencies that participate in the U.S.C. 49-5311 Drug & Alcohol Testing program must conduct the pre-employment drug screening before a prospective employee can take a DOT driver's physical. The DOT driver physical is to be performed by a physician that can administer this type of drivers physical.** Proof of this physical must be retained in the driver's personnel file. This requirement applies to the U.S.C. 49-5311, U.S.C. 49-5316 & U.S.C. 49-5317 programs. The U.S.C. 49-5310 transit service agencies will not be required by KDOT to require DOT driver's physicals. If however the agency requires paid or volunteer drivers to take a driver's physical as a part of their pre-employment requirements then the record verifying the driver is in good physical condition to operate a transit vehicle should be retained at the agency office. **Agencies that contract with 3<sup>rd</sup> party contractors to provide drivers for their agency should verify that the contracting agency requires DOT driver's physicals as a part of the annual contract. RETURN TO WORK driver physical requirements are an agency decision but must also be documented if required. Provider agencies should contact their local school districts or area KDOT shops for information on local physicians that can perform DOT physicals.**

KDOT Forms: All KDOT transportation services program information is available on the KDOT website at [www.ksdot.org](http://www.ksdot.org). Users should click on “other transport modes” to bring them to the Public Transportation page. The Public Transportation page has all of the information on it for the transit services programs. Reporting forms available on the website are:

1. Daily pre-trip inspection form
2. Daily post-trip inspection form (KCC, FMCSA)
3. Driver’s daily trip record 930 form
4. DBE instructions
5. DBE report form
6. 934 ridership form (& instructions)
7. 5310 State operating 935 expense form
8. 5311 Administration 935 expense form
9. 5311 operating expense form
10. 5316 (JARC) & 5317 (New Freedom) administration 935 expense form
11. 5316 (JARC) & 5317 (New Freedom) operating 935 expense form
12. CTD administration 935 expense form
13. Travel expense form example
14. Travel expense form

***Please contact the KDOT Office of Public Transportation if you need assistance in how to properly complete the report forms.***

Travel Expenses: The State of Kansas mileage and meal rates will be used when a provider is requesting reimbursement for attending training. These rates change annually so the provider must contact the KDOT Office of Public Transportation for prior approval on meal and mileage reimbursement. The travel expense form must be submitted in its entirety and submitted with the 935 expense report form. Transit providers should keep all receipts for reimbursement requests (meals, registration fees, motel or hotel room fees, turnpike fees, and parking fees) at their agency office and have them available for review when the Program Consultant does the triennial on site review.

Report Submissions: All reports are required to be submitted through the Coordinated Transit District administrative office. The grant administrator for the CTD is responsible to have them to KDOT by the required deadline each month.

Sanctions for Late or Missing Reports: U.S.C. 5311, US.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 projects that do not turn in monthly ridership reports will forfeit their monthly operating reimbursement. All U.S.C. 49-5310 grant recipients must submit ridership reports monthly to KDOT even if their agency is not receiving the \$4,000 in operating funds. If a U.S.C. 49-5310 grant recipient receives operating funds and does not report monthly, the Senior Administrative Assistant will notify the agency in writing that they are no longer in compliance with KDOT program regulations. If a U.S.C. 49-5310 provider has two months of non-reporting a letter will be sent from KDOT informing the agency they will

be removed from the KDOT grant program. Late reports cannot be sent to KDOT. All reports must be submitted through the Coordinated Transit District (see also page 8).

Ridership Report Trip Classification: All recipients of KDOT U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 funds are required to document all passenger trips by classification (elderly age 60+, disabled or general public) by requiring all drivers to keep a drivers log on KDOT form #932 and KDOT form #930. The U.S.C. 49-5310 grant recipients should also use this form but will not be reporting on rides to the general public.

Disabled Parking: Public or specialized transit services vans that are funded by KDOT are not allowed to park in the disabled parking area at public or private locations without an ADA vehicle tag or ADA hangtag. The ADA vehicle tag or ADA mirror hangtag is available by contacting the County Treasurer's office in each county in Kansas. Transit vehicles are delivered with ADA emblems & stickers to designate ADA seating or wheel chair area in the transit van. These stickers DO NOT take the place of the Kansas State ADA vehicle tag or the ADA hangtag that is hung at the vehicle mirror.

Project Income: Project income is required to be reported by each transit agency. All bus donations or passenger fees received should be reconciled on a daily basis and deposited at least once per week. All monies received should be counted by two staff members of the transportation services agency and deposited into the agency bank account.

Vehicle Storage: Storage of public transit vehicles will be verified at the triennial on-site review. Information on the location of the storage facility and the amount of storage costs claimed will be included in the verification. Vehicles may not be parked at private residences for extended periods of time (overnight parking or during lunches and breaks).

Vehicle Labeling: The public transportation services program (U.S.C. 49-5311 & U.S.C. 49-5311 (f)) requires all of the transit vehicles to be labeled with the words GENERAL PUBLIC TRANSPORTATION and the local agency telephone number. Public transportation services providers are not allowed to include any logos or marking that specify specific clientele (Examples: Senior Center, Senior Express, Golden Years, Sheltered Workshop, Disabled Services or Adult Transportation). Vehicle labeling is a part of the bid specification and is included on the vehicle order form. Vehicle labeling must be in UPPER CASE letters followed by the local telephone number. Transit agencies that wish to add their County or City name are required to get pre-approval from the KDOT Program Consultant. The provider must also communicate this request with the vendor at the vehicle order meeting and is responsible to pay for any additional expenses. Older vehicles that are used as backup vehicles will be grandfathered into the transportation program with the labeling that is currently on the vehicle. U.S.C. 49-5310, U.S.C. 49-5316 or U.S.C. 49-5317 grant recipients are not required to label their vehicles.

KDOT Decals: The KDOT Office of Public Transportation will issue a KDOT Public Transit Network decal to all agencies when they receive a new transit vehicle. The small decals go on the lower right hand side of the back door on all 5-7 passenger mini-van or ramp mini-vans. The large decal is to be placed on

the back door of the 12, 13, 14 and 20 passenger vans on the lower right hand side. Decals are not to be placed over windows or in the center of the door. Verification of the decal being on the vehicle in the proper location will be done at the triennial on site review.

Vehicle Retirement: Agencies that have vehicles that need to be retired must follow the KDOT procedure for retiring them. The retirement of vehicles is based on age and mileage. The Federal Transit Administration depreciation rate will be used when a vehicle is being retired. If a vehicle has less than an 80,000 mile odometer reading then it will be transferred to another transit agency. The agency that accepts the transferred vehicle will be responsible to pay the agency that is transferring the vehicle 20% of the current value of the vehicle.

Vehicle Accidents: All vehicle accidents are required to be reported to the insurance provider, police and KDOT Program Consultant. Accidents that involve transporting a passenger away from the scene of the accident are required to be reported to the Federal Transit Administration by KDOT. The public transportation services provider must also follow all accident reporting protocol as defined in the Drug and Alcohol testing regulations. This same rule applies to incidents or accidents that involve passengers.

Transit vehicles that have been wrecked or declared to be totaled by their insurance agency will require the agency to submit in writing a request to KDOT Office of Public Transportation for a lien release. The lien release should be submitted on the agency letterhead with the vehicle VIN number, make, model, mileage and reason for requesting the lien release. Copies of all information pertinent to the accident & insurance claim must also be submitted. The Office of Public Transportation will make the final determination on allowing the lien release once the complete information has been received. A complete buyout of the vehicle may be appropriate or the provider agency may be allowed to keep the vehicle depending on the severity of the damage and the decision made by the insurance company as to what they have declared as the value of the vehicle. If the fair market value of the vehicle is over \$5,000.00 then 80% of the value will be returned to KDOT Office of Public Transportation. If the provider agency wishes to secure a new vehicle as a replacement for a totaled vehicle they must wait to apply for the vehicle in the next fiscal year. All options for replacing the vehicle must be discussed with the KDOT Program Consultant for their area.

If the transportation services agency or organization has only one vehicle and it is a vehicle that has been wrecked or totaled then the KDOT Office of Public Transportation will secure the replacement vehicle through an “open bid process.” If an agency needs to use this option in securing a new vehicle they must contact the KDOT Office of Public Transportation Public Service Administrator to initiate the process. *Incident or accident reports are considered a part of the transportation program and are required to be on file in the transit agency office. Additionally, the pre-trip inspection for the date of the accident must be on file in the transit agency office.*

The cost to repair damaged vans is an allowable expense on the transportation program operating report. The expense may only be submitted after the insurance company has settled all claims. A copy of the claim and what amount the insurance company paid to the provider must be submitted to KDOT. The amount to be reported on the KDOT expense form #935 should only be what the insurance company did not cover for the provider. A deductible is a reimbursable expense.

The KDOT Office of Public Transportation does not pay for outside rental of vans when a KDOT transit vehicle has been wrecked or totaled. If a transit agency chooses to lease a vehicle from another transit agency that is in the current KDOT transportation services program, KDOT must be informed in advance of this decision for prior approval of any type of lease or rental fees that will be paid. An inter-local agreement for vehicle sharing is an acceptable practice within each Coordinated Transit District to cover agencies that may have vehicles out of service due to accidents or excessive maintenance.

Vehicle or Passenger (Non-Injury) Incidents Reporting: *An incident is defined as any of the following: 1) Any vehicle damage; 2) Personal injury to any party (while on the vehicle or entering the vehicle); or 3) Any moving violation while on duty.* Incidents no matter how minor should be documented by the provider agency. Non-injury incidents that require vehicle repairs must be documented and the information submitted to the KDOT office of Public Transportation. Documentation includes the name of the employee, the passenger(s) name and personal information, date, time and severity of the incident as well as the estimate for the approved repairs. Incident reporting is considered a part of the provider's program records and should be retained by the agency for 5 years. Please review the Drug & Alcohol testing program requirements for all U.S.C. 49-5311 providers in regards on how to report incidents.

Transit System Policies: All transit agencies, regardless of the KDOT funding source, must have policies adopted and implemented that define the functions of their transit system. Transportation service policies must include: seat belt usage, passenger assistance, service animals, wheel chair assistance, passenger rules, passenger incidents reporting, medical or other emergencies, fares or donations, pre-trip inspections, vehicle maintenance, the securement of loose articles in the van (medical equipment, oxygen tanks, walkers, etc.) Personal hygiene issues can be included in transit services policies but the language in the policies can not violate the Americans with Disabilities Law 49 CFR 37.5 (h). **Policies for the conduct of all passengers are also required. Provider agencies are also responsible to establish personnel policies, job descriptions for all transit services related positions, and driver physical requirements rules.**

Back-up Vehicles: Prior approval to use back-up vehicles for transit service must be authorized by the KDOT Program Consultant with a copy of the authorization sent to the KDOT administrative assistant. The provider must include the KDOT VIN # on the request (not the agency vehicle number) and the amount of time they estimated they will need to use the backup vehicle. If the provider agency does not request prior approval to use a back-up vehicle the request for operating reimbursement will be denied.

Operating Reimbursements: The operating reimbursements for the U.S.C. 49-5310, U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 grants may only be claimed for the approved categories that are listed in the grant application. The acceptable list of operating reimbursement categories are:

1. Advertising
2. Vehicle Insurance
3. Personnel –driver paid
4. Personnel – dispatcher paid

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5. Mechanic Paid
6. Fixed Route Site Maintenance
7. Fuel
8. Maintenance, repairs, lubrication, parts, labor
9. Storage paid
10. Contracted services (taxi vouchers)
11. Communications (telephone, cell phones)
12. Other (must specify each item- PC will approve)
13. License & tags
14. KPTA membership dues
15. KPTA annual mtg. expenses
16. RTAP driver's training
17. RTAP manager's training
18. KCC registration fees
19. **DOT driver's physicals (mandatory as of 07/01/11 – will include all current and new drivers)**

Administrative Reimbursements: Administrative reimbursements for the U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 grants may only be claimed under the allowable cost categories. Allowable cost categories under these grants are:

1. Transit Manager's time
2. Office supplies, office expenses
3. Computers and computer supplies
4. Copies
5. Postage
6. Mileage, meals, registration fees
7. Uniforms (with prior approval from the Program Consultant)
8. Other (must specify & prior approval from the Program Consultant may apply)

***Business errands for the organization or agency do not qualify for reimbursement.***

Vehicle Utilization: The utilization of all transit vehicles is a requirement of the KDOT programs. Vehicles that are not being used by agencies that were awarded vehicles will be moved by KDOT through an established process of vehicle utilization to another location where the vehicle can be used. The KDOT Office of Public Transportation expects providers to use the vehicle in order to remain in the current transportation services program. ***The minimum use of a transit vehicle is 2500 miles per year.*** The Program Consultants for the KDOT Office of Public Transportation will monitor the usage of vehicles. If the vehicle is not being used to meet the required KDOT standards, a letter will be mailed by the Program Consultant requiring the provider to establish a utilization plan. If a utilization plan cannot be established the useful life formula for the transfer of the vehicle will be completed by the Program Consultant and the provider will be notified the vehicle will be transferred. If the transfer of the vehicle is required the agency that is forfeiting the vehicle must put in writing a list of all of the items on the van that are damaged or need repaired and provide that list to KDOT. All back up vehicles are also required to be utilized and must meet the annual 2500 mileage requirement.

Core Service Hours: Core hours are defined as Monday – Friday with six (6) full hours of transportation service being provided. Core hours of operation must be between the hours of 8:00 a.m. to 5:00 p.m. Agencies that use volunteers for driver’s and dispatchers will be allowed to have core hours of operations of 8:00 a.m. to 3:00 p.m. or 9:00 a.m. to 4:00 p.m. Dispatching hours must be the same as the operating hours for the transit service. Transit service hours must be included in the policies and procedures and advertisements for the transportation services program.

Civil Rights: The civil rights of all passengers must be assured within the daily operations of all transportation services providers. Transportation service programs will not discriminate against any person on the basis of race, color, national origin, sex, age, disability, veteran or low income status. A procedure for all discrimination complaints must be in place with every effort to resolve the complaint as quickly as possible. Passengers who feel they have had their civil rights violated must file the complaint with the transit agency 90 days following the discriminatory action. Transportation services providers must have policies in place that address procedures for special needs, service animals and the complaint or grievance process.

Other Uses of Non-Released KDOT-Funded Transit Vehicles: Drivers may use KDOT program vehicles to go to lunch on local (with Program Consultant’s approval), out of town or out of county trips due to time constraints that would not allow the driver to report back to the main office. KDOT vehicles are the agency’s billboard and should not be parked in inappropriate areas. Drivers will not be allowed to use the KDOT vehicle during down time to run personal or business errands. Drivers may occasionally have to take a vehicle home over night for an early departure but prior approval must be requested from their Program Consultant & the approval documented at the transportation services office. Vehicles taken home overnight must not be used for personal use such as going to the grocery store, taking children to day care, running personal errands, etc. The transit services program must include the use of transit services vehicles (regardless of funding source) in their transportation services policies.

Vehicle Parking: The parking of transit vehicles that are funded through the KDOT Office of Public Transportation is monitored by KDOT staff at the triennial on site review. Transit vehicles are not to be parked at the bus drivers or manager’s home or on property owned by them. Each transit agency should work with the local officials in their community to secure parking at the County Courthouse, City Hall, EMS garage, Senior Center lot, assisted living facility parking area, etc. Disability organizations or other agencies that have agency owned property (group homes, etc) will be allowed to park the buses at these locations.

Transporting Incarcerated Populations: The transportation of persons who are incarcerated is not allowed for any agency that is funded by the KDOT Office of Public Transportation. The exception to this rule would be in case of a national, state or county declared disaster where prisoner transportation is required due to the declared evacuation. This is because the transit vehicles do not come with the safety equipment necessary to transport incarcerated persons. County or State prisoners who are in a work release program are allowed to be transported to their job sites in public transportation vehicles via demand response or fixed route. For demand response service, a letter from the correctional facility requesting this service should be sent to the transportation services provider with a copy sent to the

KDOT Office of Public Transportation. The type of service, days and hours of operation and type of vehicle to be used to provide the service should be included in the letter.

Meal Delivery/Personal Errands: Meal delivery, delivery of goods or personal errands with a U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 vehicle is strictly prohibited. The U.S.C. 49-5310 program does allow for incidental use of this type of transit vehicle for meal delivery, but the primary use of the vehicle must be for the transportation of passengers. If a U.S.C. 49-5310 provider had been using their vehicle to only deliver meals they were required to transition into passenger transportation services by July 1, 2009. The KDOT Office of Public Transportation will require proof that all U.S.C. 49-5310 transit providers provide transportation services to passengers at the triennial on-site review.

Federal Excise Tax on Fuel Purchases: If a transit agency is eligible for the federal excise tax credit on fuel purchases, they must notify the KDOT Office of Public Transportation in writing of this eligibility. The notification should be on the agency letterhead and include the date that the agency began eligible for this tax credit. All federal tax credits for fuel must be deducted from the fuel costs on the KDOT expense form #935.

Crossing the State Line: Crossing any state line to provide transportation services is a transit agency's decision. All transit services providers that choose to cross the state line to provide transportation services must comply with the interstate passenger regulations under the Interstate Commerce Commission (ICC), the Federal Highway Administration (FHWA), and the Federal Motor Carriers Safety Administration (FMCSA). The regulatory guidance for each agency can be found on their website or by contacting the agency office. The KDOT Office of Public Transportation does not require provider agencies to transport passengers across the state line & does not regulate this type of passenger transportation in any manner. The statutes that govern the valuation assessment and taxation of transportation services vehicles that cross the state line and are considered a "haul for hire" motor carrier operations are found at the Kansas Secretary of State website at <http://www.kslegislature.org/cgi-bin/statues/index.cgi>. The KDOT Office of Public Transportation does not regulate the "haul for hire" type of motor carrier service and is not responsible to monitor or regulate public transit services providers who participate in this type of transportation operation. ***City & County governments that sponsor public transportation services are exempt from the regulations.***

Trip Prioritization for Medical: U.S.C. 49-5311, U.S.C. 49-5311(f), U.S.C. 49-5316 & U.S.C. 49-5317 transportation providers cannot prioritize trips for medical purposes only. Public transportation must be made available to all passengers on first come first serve basis with equal access for all passengers.

National Transit Database Reporting: The National Transit Database (RU-20) (rural transit database) report is an annual requirement of the KDOT Office of Public Transportation. KDOT will be submitting reports on behalf of 5311 transit providers. Transit providers must be available to answer questions about the report if requested by KDOT staff.

Concealed Carry: All KDOT transit providers must adopt a written policy prohibiting concealed carry on transit vehicles or in the transportation services offices or facilities. The policy must state that signs will

be posted in the vehicle & on the entry doors of the transportation services offices. The violation of carrying a concealed weapon on restricted or prohibited property would be a Class B misdemeanor.

Transporting of Children: The transportation of children is an allowed form of transportation service under the guidelines and policies of the KDOT Office of Public Transportation. Each transit agency is required to write their own agency policies that address the transportation of children and the use of child safety restraint seats (who buckles child in seats, seat clean up, seat storage, etc.) If a transit agency has passenger rules that apply to the transportation of children with a requirement of adult accompaniment then this policy must apply to the entire transit system. Effective July 1, 2011 – demand response and deviated fixed-route transit service agencies will be required to have at their availability child safety or booster seats that meet all Federal Motor Safety regulations. The provider agency can request reimbursement for the purchase of the seats under the operating grant. The provider agency is responsible to make sure the seats meet all federal motor vehicle safety standards, do not exceed the expiration date, have not been damaged in a motor vehicle accident, are appropriate for the sizes and ages of the children they may transport, the seats are routinely maintained, the seats are pulled from service if a recall is issued, and that the seats fit in the passenger seats of the KDOT vehicle. The KDOT guidelines for child safety and booster seats are that for every five (5) vehicles in the fleet - one child safety seat and one booster seat will be required, unless the vehicle being operated has built in child safety seats.

School Bus Transportation: The KDOT Office of Public Transportation follows the Federal Transit Administration guidelines on school bus transportation. The FTA Circular 9040, Section 5323(f) prohibits the use of FTA funds for exclusive use for school students and school personnel. The implementing regulation, 49-CFR part 605 does permit regular service to be modified to accommodate school students so long as the service is available to the general public.

Commercial Driver's License: The drivers of transit vehicles designed to transport more than 15 persons (including the driver) must have a commercial driver's license. The mechanics who work for transit agencies with these types of vehicles must also have a commercial driver's license.

American's with Disabilities Act Compliance: The lift equipped vehicles that are awarded through the KDOT Office of Public Transportation have an 800 pound lift capacity which exceeds the Americans with Disabilities Act requirement. Transit vehicles are ordered under the bid specifications that are set by the Kansas Coordinated Transit District Council and approved by KDOT. Transit agencies are not allowed to adjust the lift capacity in any manner. All lifts must be properly maintained & scheduled for maintenance according to the lift manufacturer's requirements. Agencies that have lift equipped vehicles that do not follow lift maintenance requirements will forfeit all KDOT funding if their vehicles are not properly maintained.

Selling of Released Transit Vehicles: Transit vehicles that have been released from the KDOT Office of Public Transportation program are under the ownership of the individual agency or organization. KDOT funded transit agencies should have a written policy on how the agency or organization will sell the vehicle. The factory type vehicles (sedans, mini-vans and 12 passenger) vehicles are listed in the N.A.D.A., Kelly bluebook or similar listings for the resale value of the vehicle. There is no published price guide for the conversion type (cutaway or ramp) vehicles. Transit providers that sell released

vehicles must take off all KDOT required labeling & identifying transit program stickers. Photographs verifying the labeling has been removed must be submitted to the KDOT Office of Public Transportation before the provider agency can sell a transit vehicle. Each transit agency is responsible to set their own guidelines for the sale of released transit vehicles and the policy should be in writing and included with all other policies.

Americans with Disabilities Act Compliance: The Americans with Disabilities Act of 1990 is required to be followed by all transportation services providers. This law is an extensive civil rights law designed to remove barriers that prevent individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities. The ADA addresses four areas, which include transportation. A substantial part of the ADA covers transportation provided by public entities. In general, the law prohibits transportation providers from denying individuals with disabilities the opportunity to use transportation services, if the individuals are capable of using the system. It also prohibits transportation services providers from offering services that discriminate against persons with disabilities. Agencies that need more information on the Americans with Disabilities Law can download the information from the ADA website at [www.ada.gov](http://www.ada.gov).

Charter Services: Charter Services are transportation services provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. Charter service is also transportation provided by a recipient to the public for events or functions that occur on an irregular basis for a limited duration and:

1. A premium fare is charged that is greater than the usual or customary fixed route fare
2. The service is paid for in whole or part by a third party

The KDOT Office of Public Transportation does not allow charter services.

Services in Urban Areas by Rural Providers: Rural transportation providers that provide service into an urban area may not transport urban passengers on a rural system. The general rule for the USC 49-5311 program is that the transportation of rural passengers is “rural to rural” or “rural to urban” within the provider’s service area. If an urban passenger requests a ride on a rural bus while the bus is at a specific location waiting on a passenger the driver must inform the passenger they must contact the local provider.