

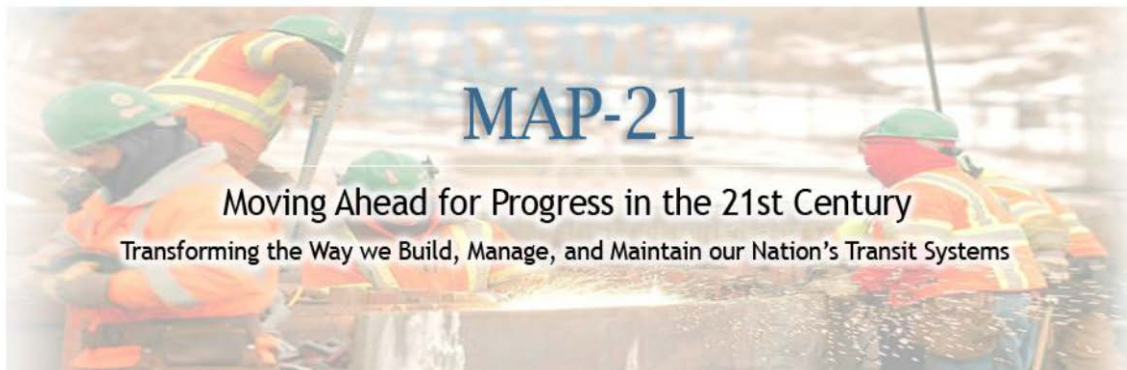
# FTA Section 5339

## Bus and Bus Facility Program



### Program Guidance State Fiscal Year 2016

(FFY15 apportionment + uncommitted FFY14 funds)



NH Department of Transportation  
Bureau of Rail & Transit  
June 2015

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## I. FTA Section 5339 Application Deadline

**August 21, 2015**

## II. Submittal/Contact Information

### **Submittal Information:**

Submit electronic copies of all required plans and documents with application via email to Fred Butler, Public Transportation Administrator, at: [fbutler@dot.state.nh.us](mailto:fbutler@dot.state.nh.us)

### **Contact Information:**

Fred Butler  
Public Transportation Administrator, Bureau of Rail & Transit  
NH Department of Transportation  
7 Hazen Dr.  
Concord, NH 03302  
Phone: 603-271-2565

### **NHDOT's FTA Grant Information Website:**

<http://www.nh.gov/dot/org/aerorailtransit/railandtransit/grants.htm>

### **III. Introduction**

The Federal Transit Administration (FTA) Section 5339 (Bus and Bus Facilities Program) is a formula program that provides funding for capital projects to replace, rehabilitate, and purchase buses and bus-related equipment, and to construct bus-related facilities. This program was established under Moving Ahead for Progress in the 21st Century (MAP-21), replacing the previous Section 5309 discretionary program established under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Please refer to FTA [Circular C5100.1](#) for additional program guidance.

### **IV. Eligible Subrecipients**

Eligible subrecipients include public agencies or private nonprofit organizations engaged in public transportation, including those providing services open to a segment of the general public, as defined by age, disability, or low income.

### **V. Eligible Projects**

Eligible capital projects include projects to replace, rehabilitate, and purchase buses and related equipment and bus-related facilities. The following is a list of typical projects that are eligible for Section 5339 funding, with a full list available in Section III of Circular [C5100.1](#):

- Acquisition of buses for fleet and service expansion
- Acquisition of replacement vehicles
- Bus rebuilds (for bus rebuild and rehabilitation projects, only over-the-road, large buses are eligible) and overhauls
- Passenger amenities such as passenger shelters and bus stop signs
- Bicycle facilities, bicycle racks
- Accessory and miscellaneous equipment such as:
  - mobile radio units
  - supervisory vehicles
  - fare boxes
  - computers
  - shop and garage equipment
- Introduction of new technology, such as Intelligent Transportation Systems (ITS), e.g., real-time info or advanced fare payment methods
- Leasing of Capital Assets

Please contact Fred Butler (see contact info above) prior to submitting an application if a desired capital project is not on the list.

## VI. Funding

Available funding is based on NH's Federal Fiscal Year 2015 FTA apportionment, and includes carryover (uncommitted FFY14 funds) as follows:

Statewide	\$2,037,176
Governor Small Urbanized Areas (combined areas 50,000-199,999 in population)	\$428,442
Boston UZA (NH Split)	\$196,070
<b>TOTAL</b>	<b>\$2,661,688</b>

*Note: Urbanized Area funds must be used in the respective areas, but statewide funds may be used anywhere throughout the state.*

MATCHING REQUIREMENTS			
Project Type	Federal %	State Capital Match*	Local (Applicant) Match
ADA-accessible vehicles	85%	7.5%	7.5%
Other equipment	80%	0%	20%

\*Pending State capital budget approval. Applicants must be prepared to provide entire match.

## VII. Project Selection

Projects will be evaluated by no less than three evaluators as selected by NHDOT's Public Transportation Administrator. Emphasis will be placed on replacement vs expansion in accordance with NHDOT's State Management Plan. Applicants should ensure that their applications adequately address each criterion to ensure each project is given its due consideration. Criteria are as follows:

*	The applicant & proposed service/projects are eligible for FTA Section 5339 funding. (Disqualified if no.)	Y/N
*	Seniors and individuals with disabilities have full access to the applicant's services. (Disqualified if no.)	Y/N
1	This capital request describes how it effectively addresses a demonstrated community need.	10%
2	The applicant has the fiscal and technical capacity and adequate budget to operate service associated with this capital request.	15%
3	The applicant has successful experience in providing transportation services.	15%
5	The applicant demonstrates involvement in and support for the project, financial and otherwise, on the part of citizens and local government. (e.g., letters of support, willing to provide local match above minimum required, etc.)	10%

6	Is the request for a replacement or expansion? If replacement, has the existing vehicle or facility to be replaced met its useful life?	10%
7	The applicant articulates a long-term commitment to continue the project beyond the availability of the requested grant funds, e.g., ongoing maintenance costs.	10%
8	The applicant successfully demonstrates service efficiency and effectiveness, measured in ridership, service miles and hours, costs, and fare recovery. New applicants must demonstrate the ability to measure performance and achieve goals.	15%
9	The applicant complies with relevant Federal and state regulations, and has a history of compliance with regulations and reporting requirements. New applicants must demonstrate sufficient resources for compliance.	15%

## VIII. Requirements

Once approved by FTA, successful applicants will be required to enter into a contractual agreement with NHDOT. The agreement remains in effect until the project’s useful life is met. Applicants are responsible for the proper use, operating costs, and maintenance of all project equipment (notwithstanding other sources of grant funding). Applicants must meet all federal, state, and local requirements prior to contract approval.

Given the extensive nature of the Federal requirements, new applicants are strongly recommended to contact the Department prior to submitting an application to ensure that they have the technical capacity to manage federally funded projects. For a project to be successful, it is important to adequately budget for time and resources necessary to maintain Federal compliance. Compliance issues include, but are not limited to, the following:

### 1. Required Reporting/Documents Submission

- a. Quarterly milestone progress reports
- b. Disadvantaged Business Enterprise (DBE) reports twice per year (if applicable)
- c. EEO plan (if applicable)
- d. Title VI plan
- e. FTA Annual Certifications and Assurances
- f. Maintenance plan
- g. Force account plan (if applicable)
- h. Quarterly vehicle monitoring reports
- i. Annual National Transit Database (NTD) reports

### 2. Procurement

While NHDOT procures most vehicles directly, **procurement review and approval by NHDOT must occur prior to all capital purchases.** All procurements utilizing Federal funds, including local procurement of supplies,

equipment, construction, and services, must be conducted in accordance with [2 CFR 200](#) “Uniform Guidance” and FTA Circular [4220.1F](#), “Third-Party Contracting Guidance” and Best Practices Procurement Manual.

### **3. Disadvantage Business Enterprise**

Subrecipients must comply with [49 CFR Part 26](#) to ensure nondiscrimination in the award and administration of DOT-assisted contracts on the basis of race, color, and national origin. In addition, subrecipients must create a level playing field on which disadvantage business enterprise (DBEs) can compete fairly for DOT-assisted contracts.

### **4. Buy America**

Procurements of over \$100,000 must comply with Buy America provisions set forth in [49 CFR 661](#).

### **5. Lobbying**

Subrecipients must certify compliance with the Federal Restrictions on Lobbying when signing their Agreement with NHDOT.

### **6. Debarment and Suspension**

Subrecipients must certify compliance with the federal debarment and suspension provisions by signing a separate certification when executing their Agreement with NHDOT. In addition, language contained within the Agreement requires compliance with the debarment and suspension provisions.

### **7. Vehicle Certification**

Subrecipients are the registered owner of vehicles purchased with Section 5339 funds; however, NHDOT is the lien holder and retains the Certificate of Title until the property meets the useful life standard and the federal interest requirement.

### **8. Useful Life Standards**

Subrecipients are required to maintain all Section 5339 funded equipment per manufacturers suggested requirements until the useful life standard has been met. Useful life for equipment is defined as follows:

<b>Vehicle or Equipment</b>	<b>Useful Life</b>
Minivan, Van, Sedan	4 years / 100,000 miles
Small bus, minibus, small body on chassis	6 years / 150,000 miles
Transit bus less than 30 feet,	7 years / 200,000 miles

medium bus, trolley	
Transit bus 30-34 feet	10 years / 350,000 miles
Transit bus 35 feet and over	12 years / 500,000 miles
Over-the-road coach	12 years / 1,000,000 miles
Bus shelter	4 years
Other	NHDOT will review per <a href="#">FTA Circular 5010.1D</a> and advise

## 9. ITS Architecture

Subrecipients who are applying for ITS projects must receive formal approval by NHDOT to ensure compliance with the State’s long-range ITS architecture plan. Subrecipients should notify NHDOT in advance of project submission to ensure this is satisfactorily addressed.

## 10. Request for Reimbursement

All grant awards made under Section 5339 are to be paid on a reimbursement basis only for expenditures against a grant award for a specific project. Reimbursements are paid only after execution of the Agreement and completion of purchase and/service or delivery of equipment and consumption of materials as specified in the project. Expenditures prior to contract execution are prohibited. Reimbursement for allowable expenses in accordance with [2 CFR Part 200](#) is submitted by the subrecipient and reviewed by NHDOT to ensure compliance with project scope and the terms and conditions of the Standard Agreement. NHDOT reimburses expenditures directly to subrecipients per the Standard Agreement.

## 11. Matching funds

Vehicles or equipment that NHDOT will procure through State Purchasing will require that match be provided to the State upon issuance of a purchase order.

Note: Agencies must identify 20% local match (15% for ADA-accessible vehicles), but the State will try to identify up to 10% (7.5% for ADA-accessible vehicles) of the non-federal match, through State Capital Budget matching funds, for each project.

## 12. Other

In addition to all statutory requirements, recipients of vehicles intended for use at a State-owned park & ride or bus terminal will be required to adhere to provisions set forth by the Department of Transportation and/or the contracted terminal facility operator with regards to access to the premises and established traffic patterns within the premises. As noted above, refer to FTA [Circular C5100.1](#) for additional program guidance.



## **IX. Additional Information**

- Based on current apportionments, subsequent solicitations will be approximately \$1,250,000 per year for Statewide use, \$420,000 for Small Urbanized areas, and \$100,000 for Boston UZA.
- The next planned solicitation for projects will be no sooner than spring 2016.
- All USDOT-funded transportation projects must be listed in NH's Statewide Transportation Improvement Program ([STIP](#)). For State-administered programs, the DOT includes a single statewide listing for each program, which fulfills this requirement. It is not necessary to request separate regional inclusion of proposed projects in the STIP.
- All successful applicants will be required to sign Federal Transit Administration (FTA) Certifications and Assurances prior to contract/vehicle award and annually to verify compliance with all Federal requirements.
- Vehicles are normally purchased by the State and titled to the receiving agency, with the State retaining a lien to protect the Federal and State interest. Agencies capable of adhering to FTA procurement guidelines may request permission to purchase vehicles themselves if it can be shown to be cost-effective to do so.
- This project will be administered according to the requirements of Title VI of the Civil Rights Act of 1964 and related statutes to ensure nondiscrimination.