



**STATE MANAGEMENT PLAN  
AND  
PROGRAM MANAGEMENT PLAN**

**NEW FREEDOM PROGRAM  
(49 U.S. C. § 5317)**

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**STATE MANAGEMENT PLAN  
AND  
PROGRAM MANAGEMENT PLAN**

**NEW FREEDOM PROGRAM  
(49 U.S. C. § 5317)**

The New Freedom State Management Plan/Program Management Plan (SMP/PMP) is a document that describes New Jersey's policies and procedures for administering the Federal Transit Administration's (FTA's) Section 5317 program. The primary purpose of this SMP/PMP Management Plan is to provide information to the public regarding the administration of New Jersey's Section 5317 Program and to serve as the basic document that FTA can reference to review NJ TRANSIT'S administration of the Section 5317 Program. A copy of this SMP/PMP is on file at the FTA Region II Headquarters. Updates to the SMP/PMP shall be incorporated and submitted to FTA whenever NJ TRANSIT significantly changes its management of the program, or when the FTA requires new program requirements. This document is available in accessible format upon request.

NJ TRANSIT is responsible for the provision of financial assistance to FTA subrecipients and oversight of grant implementation for most FTA programs in New Jersey. Inquiries should be directed to NJ TRANSIT Headquarters. Contact NJ TRANSIT Headquarters at the following address and phone number:

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**NJ TRANSIT  
STATE MANAGEMENT PLAN  
AND  
PROGRAM MANAGEMENT PLAN (SMP/PMP)**

**NEW FREEDOM PROGRAM  
(49 U.S. C. § 5317)**

**GENERAL OVERVIEW**

INTRODUCTION AND BACKGROUND

The New Freedom Program is authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU) (Pub. L. 109-059), enacted on August 10, 2005, and codified in 49 U.S.C. Chapter 53. The program is authorized in SAFETEA-LU to support new public transportation services and public transportation alternatives beyond those required by the ADA of 1990 (42 U.S.C. 12101 et. Seq.). This program is codified at 49 U.S.C. 5317.

The New Freedom Program grew out of the New Freedom Initiative introduced by the Federal Administration under Executive Order 13217, "Community-Based Alternatives for Individuals with Disabilities," on June 18, 2001. The Order states: "The United States is committed to community-based alternatives for individuals with disabilities and recognizes that such services advance the best interests of the United States". The Order also directs six Federal agencies, including the Department of Justice, Health and Human Services, Education, Labor, Housing and Urban Development and the Social Security Administration to "evaluate the policies, programs, statutes and regulation of their respective agencies to determine whether any should be revised or modified to improve the availability of community-based services for qualified individuals with disabilities." The Department of Transportation and Veteran Affairs, the Small Business Administration, and the Office of Personnel Management, though not named in the Executive Order, must also joined in the implementation effort.

PROGRAM GOALS

Individuals who are transportation-disadvantaged face different challenges in accessing services depending on whether they live in urban, rural, or suburban area. Over the years, in response to these challenges, Federal, State and local governments, and community-based organizations created specialized programs to meet particular transportation needs. At the Federal level alone, there are at least 62 separate programs, administered by eight Federal departments, and even more agencies, that provide special transportation services to individuals with disabilities, older adults, and people with low incomes. Most of these are human service programs that fund limited transportation services to provide eligible participants with access to particular services, such as job training, health care, senior centers, or rehabilitation programs.

The New Freedom formula grant program aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. Lack of adequate transportation is a primary barrier to work for individuals with disabilities. The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the ADA of 1990.

The goal of the New Jersey's New Freedom Program is to fill the gaps between human service and public transportation services previously available and to facilitate the integration of individuals with disabilities into the workforce and full participation in the community

The objectives of Section 5317 program:

- 1) Reduce barriers to public transportation services in New Jersey.
- 2) Expand the transportation mobility options available to people with disabilities in New Jersey beyond the requirements of ADA of 1990.
- 3) Provide the highest level of service possible to employment and employment training for persons with disabilities in the State of New Jersey.
- 4) Distribute available funds fairly and equitably among all areas in the State of New Jersey.
- 5) Facilitate coordination and cooperation between all subrecipients and NJ TRANSIT.
- 6) Administer the program in accordance with all FTA regulations.

These goals and objectives are consistent with goals and objectives discussed in New Jersey's Long Range Transportation Plan. The Long Range Transportation Plan exists as one means that NJ TRANSIT utilizes in establishing long-term goals for providing transportation service to individuals with disabilities in New Jersey.

Federal and state laws require NJDOT and NJ TRANSIT to develop a Long Range Transportation Plan (LRP) every five years. Each LRP identifies how New Jersey's transportation system can meet user expectations for the next 25 years. It establishes a vision and policy structure, sets forth strategies, provides a framework for directing investment and identifies the financial resources to sustain the plan's vision. In developing New Jersey's LRP, a variety of techniques were used to solicit comments from the public about transportation in New Jersey: Public Information Centers were conducted, a project web site - [www.njchoices.com](http://www.njchoices.com) - was created to both provide information to the public and seek input from individuals; issue groups were conducted with experts to discuss transportation issues; Focus groups, which included representatives of people with disabilities, were held in which citizens were asked how transportation affects their lives and what changes they would like to see.

#### NJ TRANSIT'S ROLE IN PROGRAM ADMINISTRATION

NJ TRANSIT is the nation's largest statewide transit agency providing bus, rail and light rail services consisting of approximately. The agency provides approximately 800,000 daily trips on 242 bus routes, 11 commuter rail lines, and 3 light rail lines. NJ TRANSIT links major points in New Jersey, New York and Philadelphia, serving 162 rail stations, 55 light rail stations and over 20,000 bus stops.

The Governor of New Jersey designated NJ TRANSIT as the "designated recipient" of New Freedom funds, having the requisite legal, financial, and staffing capabilities to receive and administer Federal funds under the Section 5317 program. As the designated recipient of New Freedom funds, NJ TRANSIT has the principal authority and responsibility for administering the New Freedom Program. Also, as the "designated recipient", NJ TRANSIT may apply directly to FTA for a New Freedom grant for itself and/or on behalf of subrecipients for New Freedom projects within New Jersey.

NJ TRANSIT's responsibilities include:

- a. notifying eligible local entities of funding availability;
- b. developing project selection criteria;

- c. determining applicant eligibility;
- d. conducting the competitive selection process;
- e. forwarding an annual program of projects (POP) and grant application to FTA;
- f. ensuring that all subrecipients comply with Federal requirements;
- g. documenting the State's or designated recipient's procedures in a Statement Management Plan or a Program Management Plan;
- h. certifying a fair and equitable distribution of funds resulting from the competitive selection process;
- i. certifying that each project selected was derived from a locally developed, coordinated public transit-human services transportation plan;
- j. certifying that local plans are developed through a process that included representatives of public, private, and non-profit transportation and human services providers and participation by the public.
- k. managing all aspects of grant distribution and oversight for subrecipients receiving funds under this program; and
- l. submitting reports as required by FTA.
- m. NJ TRANSIT is responsible for the provision of financial assistance to subrecipients and oversight of grant implementation

#### LOCAL PUBLIC INVOLVEMENT

Local Public Involvement in the New Freedom Program occurs through several venues: NJ TRANSIT's Annual Public Notice process, the State Metropolitan Planning Organization process, Advisory Committees, and miscellaneous public meetings and conferences.

Public involvement in the New Freedom Program is solicited as part of NJ TRANSIT Annual Public Notice process. In 2007, the public was notified of the availability of New Freedom funds in NJ TRANSIT's Fiscal Year 2007 Request For Federal Financial Assistance Public Notice, which was published on January 16, 2007 and February 1, 2007. The public was again notified of the availability of New Freedom funds in NJ TRANSIT's Public Notice – Fiscal Year 2008 Public Notice that was published on December 21, 2007 and January 9, 2008. The public notices were advertised in several major and local newspapers. The notices were also mailed directly to all 21 county clerks, all the county Freeholders, all New Jersey Senators and Assemblymen, all US Congressmen, and all North and South Jersey Advisory Committees. The notice informed the public that the New Freedom funds would be developed in coordination with the three MPOs and in consultation with local elected official, interested citizens, and providers of private bus services. The public notices invited public comments and provided an opportunity for a public hearing to discuss all of the federal projects and funding, which included the New Freedom Program funds. The public was given 30 days to contact NJ TRANSIT regarding the New Freedom Program Funds and proposed projects.

New Jersey's has three Metropolitan Planning Organizations regions, which cover the entire State. The three MPOs and the counties that they cover are:

- The North Jersey Transportation Planning Authority (NJTPA), covering Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren counties.
- The Delaware Valley Regional Planning Commission (DVRPC), covering Burlington, Camden, Gloucester, and Mercer counties.
- The South Jersey Transportation Planning Organizations (SJTPO), covering Atlantic, Cape May, Cumberland, and Salem counties.

Each MPO has a public participation process. Participants in the MPO process include the NJ Department of Transportation, the New Jersey Transit Corporation (NJ TRANSIT), county and municipal transportation planners and engineers, other transportation implementing agencies, the public, and elected officials at the state, county, and municipal levels. The State made copies of the STIP available at each MPO public meeting and representatives from the NJDOT and NJ TRANSIT were present to answer questions. The public comment period for each MPO TIP and the STIP is 30 days. The STIP contains projects that are consistent with the statewide long-range transportation plan.

The MPOs role and responsibilities in regard to the New Freedom Program includes developing a pool of eligible New Freedom projects and assisting NJ TRANSIT in selecting specific projects to receive New Freedom funding. All projects that are identified as potential candidates for inclusion in the regional transportation improvement programs for each of the three MPOs are subjected to intensive screening to verify project scope, status, schedule, and cost. The resulting "pool" of projects is analyzed independently by NJDOT, NJ TRANSIT, and the MPOs to assign each project a priority based on the extent to which it would advance identified regional and statewide objectives, such as objectives set forth in the state and regional long-range transportation plans, the New Jersey Capital Investment Strategy, air quality objectives, and State Development and Redevelopment Plan, and the Coordinated Human Service Coordination Plans. NJDOT, NJ TRANSIT and each of the three MPOs entered into intensive discussions to negotiate a list of deliverable transportation projects that best fit the composite statewide and regional priorities.

The MPO prepares and approves projects in urbanized area for inclusion in the Metropolitan Transportation Plan, the Transportation Improvement Program (TIP) approved jointly by the MPO and the Governor, and the Statewide Transportation Improvement Program (STIP) developed by the State of New Jersey and jointly approved by FTA and Federal Highway Administration (FHWA). Projects in nonurbanized areas only have to be in the STIP. In 2007 and 2008, NJ TRANSIT and New Jersey's three MPOs coordinated the development of the Statewide Transportation Improvement Program (STIP) as well as the Regional Transportation Improvement Program (TIP) projects, all of which were developed by the three MPOs. The MPOs also process amendments to include competitively selected projects in the TIP/STIP when the coordinated plan or competitive selection is not completed in a timeframe that coincides with the development of the TIP/STIP. The STIP may be modified or amended at anytime according to the procedures set forth in the MOU for TIP/STIP changes between the three MPOs, NJ TRANSIT, and the NJDOT. The New Freedom program funds were published in the FY2007-2010 STIP approved on October 1, 2006; and in the FY2008-2011 Transportation Improvement Program approved September 20, 2007.

The MPOs roles and responsibilities also include participation in the development of the coordinated public transit-human services transportation plans. The MPOs review the local plans developed by each county in New Jersey and assist in determining which projects get incorporated into the broader Regional

Human Services Coordination Plans which are reviewed as part of the Metropolitan and Statewide transportation planning process.

Public Involvement is also fostered through NJ TRANSIT's Special Services Citizens Advisory Committee. NJ TRANSIT solicits input on local and public transit accessibility issues and the state casino revenue tax funded transportation program (Senior Citizens and Disabled Resident Transportation Assistance Program). This committee is made up of elderly individuals and people with disabilities as well as coordinated human services transportation providers, and subrecipients receiving funding from the Section 5310, 5311, and JARC programs.

Another public venue is the annual state transportation conference that is held every April in Atlantic City, TransAction Conference. NJ TRANSIT, NJDOT, and C.O.S.T jointly sponsor transAction. The County Transportation Association (CTA) is also used as a forum to disseminate information about the New Freedom Program. This conference brings together transit operators, planners, consumers, social service agencies and State agency representatives, and subrecipients of the Section 5310, 5311, JARC, and Casino Revenue Funds.

Finally, throughout the year information regarding the New Freedom Program is presented at local meetings throughout the State such as County Transportation Citizens Advisory Committees and C.O.S.T.

## COORDINATION

NJ TRANSIT coordinates with other State agencies and encourages and enhances coordination at all levels of service. This coordination effort is facilitated at the highest level of State government as evidenced by the fact that the Commissioner of the New Jersey Department of Transportation (NJDOT) is Chairperson of NJ TRANSIT's Board of Directors.

In addition, the Governor of New Jersey has mandated coordination between NJ TRANSIT and other New Jersey State agencies through the establishment of the New Jersey Council on Access and Mobility (the "Council"), under Executive Order No. 87. The goal of the mandate is to make the most efficient and effective use of State resources in order to ensure that the elderly, disabled and transportation disadvantaged have access to community based transportation services. A complete copy of the executive order establishing the Council appears in Exhibit C. The following individuals or their designee serve on the Council: the Executive Director of New Jersey Transit Corporation, Commissioners of Children and Families, Community Affairs, Education, Health and Senior Services, Human Services, Labor and Workforce Development, and Transportation, the State Treasurer, and the Adjutant General. The Council is responsible for doing an inventory of existing State and federal transportation funding sources used for transportation services within the various departments and agencies in the State, study ways to improve coordination of resources, and make recommendations for improving services and programs. The Council is also responsible for participating in the Federal United We Ride Program and coordinating activities with the Federal Council on Access and Mobility. The Council meets at least four times a year. All Council progress is documented in written reports. The Council is required to make a report of its activities, findings, and recommendations to the Governor and Legislature By December 31st of each year of the Council's existence.

The State of New Jersey Metropolitan Planning Process also facilitates coordination between NJ TRANSIT and the other New Jersey State agencies. The MPO process includes participation by the NJDOT, the New Jersey Transit Corporation (NJ TRANSIT), county and municipal transportation planners and engineers, other transportation implementing agencies, the public and elected officials at the state, county, and municipal levels.

Also, as required by Title 49 U.S.C 5317, as amended by SAFETEA-LU, New Freedom projects that New Jersey selected for funding are derived from locally developed, coordinated public transit-human service transportation plans (CHSTPs) that were developed through an open coordinated process by the State of New Jersey's three Metropolitan Planning Organizations (MPOs): North Jersey Transportation Planning Authority, Inc (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC), and the South Jersey Transportation Planning Organization (SJTPO).

The local "coordinated plans", which were developed by the twenty-one (21) counties in response to New Jersey's United We Ride Effort, have help to identify opportunities for coordination throughout the State. New Jersey' MPOs process fully engaged local and state stakeholders in the process of assessing current conditions, through, to and including the development of recommendations. All of the CHSTP were developed with public input. Public output consisted of focus group meetings with human services transportation users, which included disabled population and a series of interviews regarding rural transportation issues that was conducted with affected county and agency staffs.

NJTPA, which covers 13 northern counties, developed a Regional Coordinated Human Services Coordination Plan that was prepared synthesizing all 13 separate county plans, approved by each county. Additional outreach was conducted including focus groups and public hearings, resulting in an approved Regional plan in March of 2008.

DVRPC, which is a bi-state MPO, covers the four counties of Mercer, Burlington, Camden and Gloucester counties. DVRPC updated and approved its "Improving Access to Opportunities in the Delaware Valley Region: Coordinated Human Services Transportation Plan" in May 2007. DVRPC incorporated all review comments received through focus groups, subcommittee meetings and the public hearings.

SJTPO, which covers the four southern most counties, Atlantic, Cape May, Cumberland and Salem, adopted four county specific Human Services. Each approved county plan is available on the SJTPO website. The website reflects the process and self-assessment that the stakeholders of each county conducted to comply with the federal requirements. Each county conducted the Community Self Assessment, a required element of the Human Service Transportation Plan, which provides a process for involving local stakeholders in the process of assessing and ultimately compiling recommendations to advance coordination.

The CHSTPs were submitted to the Federal Transit Administration (FTA) on April 2, 2008.

## **COORDINATED PUBLIC TRANSIT- HUMAN SERVICES TRANSPORTATION PLAN**

### OVERVIEW

Federal transit law, as amended by SAFETEA-LU, requires that projects selected for funding under the Section 5310, Jobs Access and Reverse Commute (JARC – Section 5316) and New Freedom (Section 5317) programs be derived from a locally developed, coordinated public transit-human services transportation plan and that the plan be developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.

The locally developed, coordinated public transit-human services transportation plan (“coordinated plan”) identifies the transportation needs of people with disabilities, elderly individuals, and people with low incomes, provides strategies for meeting those local needs, and prioritizes transportation services for funding and implementation. In New Jersey the locally “coordinated plans” are developed by the twenty-one (21) counties in the State. This process commenced in 2004 under the State’s United We Ride effort.

### UNITED WE RIDE

In February of 2004, the Governor of the State of New Jersey approved representatives from a state interagency committee consisting of the NJ Department of Human Services, NJ TRANSIT, and the NJ Department of Labor to attend the United We Ride (UWR) Leadership Forum in Washington DC. In the spirit of the UWR federal Initiative, New Jersey’s interagency committee reconstituted itself and became recognized as the New Jersey Council on Access and Mobility (NJCAM), mirroring that of their federal counterparts. The Council has expanded its membership to include representatives from the Departments of Health and Senior Services, Corrections, Education and the Department of Labor’s Division of Vocational Rehabilitation (DVR), the Department of Human Service’s Division of Disability Services (DDS), Division of Developmental Disabilities (DDD), Division of Mental Health Services (DMHS), Division of Youth and Family Services (DYFS), Division Family Development (DFD), Division of Medical Assistance & Health Services (DMAHS) and NJ TRANSIT’S Access Link and the Rutgers Voorhees Transportation Center.

As the year 2005 came to an end, the NJCAM sponsored two one-day workshops. These workshops were held to introduce to local stakeholders the Framework for Action Community Self-Assessment process ([www.unitedweride.gov/FFA-Communities.pdf](http://www.unitedweride.gov/FFA-Communities.pdf)) and to kick-off the county based “coordination plan” process needed to secure Section 5310, JARC and New Freedom formula grant dollars as outlined in the federal transportation legislation, SAFETEA-LU.

In April 2006, the Commissioner of NJ Department of Transportation and the Executive Director of NJ TRANSIT sent a letter to each of the 21 counties in New Jersey asking that they designate a lead person who would serve as the point of contact for the “coordination plan” process. The role of the designated lead was to be the facilitator at the county level that would bring together the relevant stakeholders and oversee the development of the “coordinated plan”.

In November 2006, a second annual United We Ride work session was held. At that meeting the designated leads and stakeholder teams from each county attended and the elements of the “coordinated plan” was presented and discussed by representatives of the FTA, NJ TRANSIT and the NJ Department of Human Services.

On October 26, 2007 Governor Corzine signed Executive Order No. 87 creating officially the New Jersey Council on Access and Mobility. This Commissioner level council will work to make the most efficient and effective use of State resources to ensure that elderly individuals, people with disabilities and transportation disadvantaged have access to community based transportation services (See Exhibit ?).

Starting with federal fiscal year funding 2007 all selected projects in a grant Program of Projects must be derived from the “coordinated plan” process.

#### REQUIRED ELEMENTS OF A PLAN

In New Jersey, all grant projects shall be derived from a county developed coordinated plan that at a minimum includes the following elements at a level consistent with available resources and the complexity of the local institutional environment:

- 1) An assessment of available services that identifies current transportation providers (public, private, and non-profit). In New Jersey, the Council on Access and Mobility has developed a survey tool which the counties are strongly encouraged to use. The advantage of using the same survey across the State is to encourage uniformity in developing a Statewide inventory of services;
- 2) An assessment of transportation needs for people with disabilities, elderly individuals, and people with low incomes. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service; between current services and needs, as well as opportunities to achieve efficiencies in service delivery; and
- 3) Strategies, activities and/or projects to address the identified gaps between current services and needs, as well as opportunities to improve efficiencies in service delivery; and
- 4) Priorities for implementation based on resources from multiple program sources, time, and feasibility for implementing specific strategies and/or activities identified.

In New Jersey, each county can approach the development of a “coordinated plan” with some degree of flexibility depending upon available staff, time, funding and other resources. Some of the strategies to be considered in the development of the plan are:

- 1) Community planning session. A county or its designee may choose to conduct a local planning session with a diverse group of stakeholders in the community. Such a session would be intended to identify needs based on personal and professional experiences, identify strategies to address the needs, and set priorities. This process can be done in one meeting or over several sessions with the same group.
- 2) Self-assessment tool. The Framework for Action: Building the Fully Coordinated Transportation System, developed by the FTA helps stakeholders realize a shared perspective and build a roadmap for moving forward together. In New Jersey, the State encourages counties to utilize the Framework for Action at an initial stakeholder meeting before developing a “coordinated plan”.
- 3) Focus groups. A county or its designee could choose to conduct a series of focus groups within communities that provides opportunity for greater input from a greater number of representatives, including transportation agencies, human service providers, and passengers. This information can be used to inform the needs analysis in the community. Focus groups also create an opportunity to begin an ongoing dialogue with community representatives on key issues, strategies, and plans for implementation.
- 4) Survey. The county or its designee may choose to conduct a survey to evaluate the unmet transportation needs with a community and/or available resources. The State of New Jersey NJCAM has developed a survey tool which focuses primarily on inventorying existing resources and encourages counties or their designee to expand upon that survey to better access unmet

needs as needed. The State of New Jersey also encourages the county or its designee to work closely with Transportation Management Associations (TMAs) and/or other organizations with survey experience.

- 5) Detailed study and analysis. A county or its designee may decide to conduct a complex analysis using inventories, interviews, IS mapping, and other types of research strategies. Usually, such detailed studies will be considered after an initial "coordination plan" has been developed and a strategy has been identified that needs more in depth planning before funding and implementation can take place.

The projects selected for funding under the Section 5310, JARC and New Freedom programs according to FTA circulars for each program must be derived from a locally developed, coordinated public transit-human services transportation plan that was developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and public participation. The requirement for developing the local "coordination plan" is intended to improve services for people with disabilities, elderly individuals, and people with low incomes. The stakeholder group for the local planning process should invite members from each of the targeted populations

NJ TRANSIT will consider a plan official when the governing body of the county has officially adopted it. The planning process should be considered an ongoing process and it should be understood that the stakeholders should be consulted periodically to review the status of the plan. Plans will need to be updated periodically and in conjunction with a scheduled mutually agreed upon by NJ TRANSIT, the three MPO's in the state and the counties.

#### HISTORY OF COORDINATION – EARLY YEARS 1980 THROUGH 1997

The requirement for coordination and the development of a coordination plan for human services transportation is not a new concept in New Jersey. The current requirement under SAFETEA-LU is built upon and reinforces previous efforts in New Jersey.

In January of 1980, a Governor's Task Force on Transportation Services for Senior Citizens and Persons with Disabilities issued a report entitled "Coordinating Specialized Transportation Services in New Jersey." The Task Force identified eighteen major sources of social service transportation funds administered by four different state agencies and twelve of their sub-divisions. The need for a transportation component in order to fulfill a specific social program goal and objective had created many small transportation units which addressed the needs of individual programs oriented towards not only senior citizens and persons with disabilities but the very young, the unemployed, the poor and others who lacked mobility.

It was these costly fragmented transportation services at the local level that lead the Governor's Task Force to endorse the concept of coordination as a means of improving or expanding non-traditional transportation services to the transportation disadvantaged. At the time, the concept of coordination was impossible to achieve because of both real and perceived barriers, such as a funding source losing accountability, client mixing, and/or regulation restrictions.

The Task Force recommended the establishment of an interdepartmental advisory group, which would continue to examine ways to coordinate programs and funding. Other major recommendations were:

- 1) The Department of Transportation should establish an Office for Coordinated Transportation and assume a lead role in coordinating social service and paratransit operations in the State;
- 2) A Transportation Coordination Office should be established in each of the twenty-one counties; and

- 3) Coordination efforts of specialized transportation at the state and local level must include mass transportation services;

There were sixteen other recommendations, which focused on the concepts of cooperation, coordination and consolidation.

As this report was completed there were two other events unfolding, which ultimately lead to the implementation of many of the Task Force's recommendations. The first event was the creation of NJ TRANSIT, which had been occurring simultaneously during the life of the Governor' Task Force. The second was the potential for state funding which could serve as the glue for the various programs and funding sources with the broadening of the allowable uses of a casino revenue tax fund.

In May of 1981, the responsibility for administering several specialized transportation grants originally housed at NJDOT were transferred to NJ TRANSIT and a newly created Office of Special Services. At the time three FTA (formerly UMTA) administered grant programs; Section 5310, Section 5311 and FAUS Transfer (discontinued program) as well as the state administered Reduced Fare Program were transferred to NJ TRANSIT. Of those four programs, the three FTA grants were to be administered by the newly created NJ TRANSIT Office of Special Services. The Reduced Fare Program was relocated to NJ TRANSIT bus operations.

A few months after the creation of this Office, in November of 1981, voters approved a constitutional amendment to permit casino tax revenues to be used for transportation services for senior citizens and disabled residents. It then took two additional years for the Senior Citizen and Disabled Resident Transportation Assistance Act to be signed into law in January 1984. This legislation created a special transportation assistance program and designated NJ TRANSIT'S Office of Special Services as administrator.

Today, NJ TRANSIT provides technical assistance and program oversight to twenty-one (21) county coordinated paratransit systems, fourteen Section 5311 rural transit systems, over 20 Section 5316 (JARC) employment transportation services and over one hundred (100) Section 5310 agencies.

#### INTERAGENCY COORDINATION – 1997 THROUGH 2007

In 1997, the Work First New Jersey (WFNJ) welfare reform program served as the catalyst for a statewide inter-agency effort to improve access and mobility for low income and other transit dependent populations. A partnership emerged between the New Jersey Department's of Human Services (DHS), Department of Transportation (DOT), Labor (DOL), NJ TRANSIT and the NJ State Employment and Training Council (SETC), which initiated a coordinated community transportation planning process. That process was instrumental in the development of Community Transportation Plans and securing needed funds by blending program monies to support new or expanded programs that previously limited access to employment in each of the 21 counties. New Jersey began addressing access and mobility limitations by implementing 5 collaborative transportation programs. Free monthly bus/rail passes became available through the WorkPass Program and alternatives to public transit were implemented through the Transportation Block Grant Program to active TANF recipients participating in work related activities. Post-TANF recipients were eligible to receive seven free months of bus/rail passes under the Get A Job: Get A Ride and the Extended WorkPass Programs. If public transportation was inaccessible, beneficiaries were offered the opportunity to participate in the Transportation Plus Grant alternative program. Additionally, local inter-agency transportation steering committees were established to continue discussing ways to enhance transportation services.

In 1999, New Jersey utilized their established local collaborative effort to solicit project proposals when the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) was enacted, creating the Job Access and

Reverse Commute (JARC) Federal Transportation Grant. JARC regulations permitted the use of federal funds {such as Medicaid and Temporary Assistance to Needy Families (TANF)} to be used as local match for FTA programs.

## **ELIGIBILITY AND ELIGIBLE ASSISTANCE CATEGORIES**

### ELIGIBLE DIRECT RECIPIENT

NJ TRANSIT is the designated direct recipient of New Freedom Funds in New Jersey. As such, NJ TRANSIT may apply directly to FTA for a New Freedom grant for itself and/or on behalf of any eligible subrecipients, as defined in NJ TRANSIT's SMP/PMP under the section entitled "Eligible Subrecipients".

### ELIGIBLE SUBRECIPIENTS

State and local government authorities, private non-profits organizations, Metropolitan Planning Organizations, and Transportation Management Associations (RMAs) are the only designated eligible subrecipients for New Freedom Funds available prior to August 31, 2008. This restriction is implemented due to the compressed timeframe available for developing the SMP/PMP and the grant application. The compressed timeframe was a result of the delayed issuance of the federal allocation notices that impacted the time involved in the negotiation and the execution of the split agreements. FTA requires that recipients have split agreement in place in order to determine the distribution of funds to the UZAs.

After August 31, 2008, there will be three categories of eligible subrecipients of New Freedom funds: Private non-profit organizations, State or local governmental authority; and operators of public transportation services including private operators of public transportation services.

### LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

New Freedom funds may be used to finance capital and operating expenses. The Federal share of eligible capital and planning costs may not exceed 80 percent of the net cost of the activity. The Federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity. Recipients may use up to 10 percent of their apportionment to support program administrative costs including administration, planning, and technical assistance, which may be funded at 100 percent Federal share.

State projects selected by the MPO for New Freedom funds will be matched with Toll Credits. Toll Credits, which were created in the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), can be used as credit toward the non-Federal matching share of programs authorized by Title 23 and for transit programs authorized by Chapter 53 of Title 49. FTA has allowed the state and local governments to use toll credits to be part of the 20% local matching funds in regard to transit grants.

State Projects	Capital Expenses:	Federal 80%	State 20%
State Projects	Operating Expenses:	Federal 50%	State 50%

For subrecipients projects, the local share of eligible capital costs shall be no less than 20 percent of the net cost of the activity. The local share for eligible operating costs shall be no less than 50 percent of the net operating costs. All of the local share must be provided from sources other than Federal DOT funds. Some examples of sources of local match which may be used for any or all of the local share include: State or local appropriations; other non-DOT Federal funds; dedicated tax revenues; private donations; revenue from human service contracts; toll revenue credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteer services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Local Projects	Capital Expenses:	Federal 80%	Local 20%
Local Projects	Operating Expenses:	Federal 50%	Local 50%

Subrecipients can also use income from contracts to provide human service transportation. This income may be used either to reduce the net project cost (treated as revenue) or to provide local match for New Freedom operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract service.

The Federal share is 90 percent for vehicle-related equipment and facilities required by the Clean Air Act (CAA) or the Americans with Disabilities Act (ADA). It is only the incremental cost of the equipment or facility required by the CAA or ADA that may be funded at 90 percent, not the entire cost of the vehicle or facility, even if the vehicle or facility is purchased for use in service required by the ADA or CAA.

Local match may be derived from other Federal programs that are eligible to be expended for transportation, other than funds from DOT programs. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services. To be eligible for local match for FTA funds, the other Federal funds must be used for activities included in the total net project costs of the FTA grant. Expenditure of other Federal funds for transportation outside of the scope of the project cannot be applied as credit for local match in the FTA grant.

#### NJ TRANSIT ADMINISTRATIVE EXPENSES

Up to 10 percent of NJ TRANSIT's total fiscal year apportionment may be used to fund program administration costs including administration, planning and technical assistance. Program administration costs may be funded at 100 percent Federal share and do not require matching local funds.

NJ TRANSIT has pre-award authority to incur administrative costs for New Freedom. Because the program is continuously managed, oldest funds available are drawn first regardless of the year of award for program activity.

NJ TRANSIT may accumulate the "entitlement" to New Freedom administrative funds within their period of availability to augment the funds available for a special administrative need in a subsequent year. NJ TRANSIT may accumulate New Freedom administrative funds in the year of apportionment plus two years.

If NJ TRANSIT includes program administration expenses in excess of the 10 percent in its grant application, then it will document the unused New Freedom administrative funds from prior years available to augment the amount of New Freedom administrative funds in the current apportionment.

Allowable administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. Guidance on eligible costs is in Office of Management and Budget (OMB) Circular A-87 (codified at 2 CFR Part 225). The program administration budget line item may also include technical assistance and planning activities, including allocations to subrecipients to support the local coordinated planning process.

It is allowed and NJ TRANSIT will consider when appropriate using administrative funds for New Freedom Section 5317, JARC Section 5316, and Section 5310 to be combined to support activities coordinated planning that are common to all three programs.

## FUNDING DISTRIBUTION

NJ TRANSIT will distribute New Freedom funds to eligible UZAs in a fair and equitable manner. The funds will be distributed to the MPOs and UZAs without regard to race, color, and national origin. Each MPO is notified by NJ TRANSIT of the availability of New Freedom Funding for their MPO area.

To facilitate the project selection process, NJ TRANSIT calculates the New Freedom Funds for each of the three MPO regions: DVRPC, SJTPA, and NJTPA. The amount that each MPO receives is approximately equal to the sum of the allocations given to each of the UZA areas under the MPOs jurisdiction based on the federal allocation and annual split agreements. Funding distribution method is the same methodology NJ TRANSIT uses to distribute Section 5307 funds in New Jersey.

All funds will be distributed within eligible urbanized and small urban/non-urban areas on a competitive basis. The annual amount apportioned to an eligible area will remain available until they are expended. NJ TRANSIT reserves the right to transfer unexpended funds between approved subrecipient projects within the eligible area after consultation with the subrecipients. In addition, if due to changes in federal funding that result in a significant increase in federal funding in any given year, NJ TRANSIT reserves the right to consider additional service proposals and/or applicants.

## ELIGIBLE ACTIVITIES

New Freedom Program funds are available for capital and operating expenses that support new public transportation services beyond those required by the Americans with Disabilities Act (ADA) and new public transportation alternative beyond those required by the ADA designed to assist individuals with disabilities with accessing transportation services. For the purpose of the New Freedom Program, "new" service is any service or activity that was not operational on August 10, 2005, and did not have an identified funding source as of August 10, 2005, as evidenced by inclusion in the Transportation Improvement Plan (TIP) or the STIP.

Both new public transportation services and new public transportation alternatives are required to go beyond the requirements of the ADA and must (1) be targeted toward individuals with disabilities; and (2) meet the intent of the program by removing barriers to transportation and assisting persons with disabilities with transportation, including transportation to and from jobs and employment services

The following list of eligible activities is intended to be illustrative, not exhaustive.

a. New Public Transportation Services Beyond the ADA. The following activities are examples of eligible projects meeting the definition of new public transportation.

(1) Making accessibility improvement to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. New Freedom funds are eligible to be used for new accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail and rapid rail. This may include:

(a) Building an accessible path to a bus stop that is currently inaccessible, including curbcuts, sidewalks, accessible pedestrian signals or other accessible features,

(b) Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA,

(c) Improving signage, or wayfinding technology, or

(d) Implementation of other technology improvements that enhance accessibility for people with disabilities including Intelligent Transportation Systems (ITS)

(2) Feeder Services. New “feeder” service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.

(3) Enhancing paratransit beyond minimum requirements of the ADA. ADA complementary paratransit services can be eligible under New Freedom in several ways as long as the services provided meet the definition of “new”.

(a) Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;

(b) Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;

(c) The incremental cost of providing same day service;

(d) The incremental cost of making door-to-door service available to all eligible ADA paratransit riders, but not as a reasonable modification for individual riders in an otherwise curb-to-curb system;

(e) Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;

(f) Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for common wheelchairs under the ADA and labor costs of aides to help drivers assist passengers with over-sized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600lb design load, and the acquisition of heavier-duty vehicles for paratransit and/or demand-response service; and

(4) Travel Training. New training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities.

b. New Public Transportation Alternatives Beyond the ADA. The following activities are examples of projects that are eligible as new public transportation alternative beyond the ADA under the New Freedom Program.

(1) Purchasing vehicles to support new accessible taxi, ride sharing, and/or vanpooling programs.

(2) Supporting the administration and expenses related to new voucher programs for transportation services offered by human services providers.

(3) Supporting new volunteer driver and aide programs. Any new volunteer program supported by New Freedom must meet the requirements of both “new” and “beyond the ADA”.

(4) Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management activities may include:

- a) The promotion, enhancement, and facilitation of access to transportation services, including integration and coordination of services for individuals with disabilities, older adults, and low-income individuals;
- b) Support for short term management activities to plan and implement coordinated services;
- c) The support of State and local coordination policy bodies and councils;
- d) The operation of transportation brokerages to coordinate providers, funding agencies and customers;
- e) The provision of coordination services, including employer-oriented Transportation Management Organizations' and Human Service Organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers;
- f) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and
- g) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of Geographic Information Systems (GIS) mapping, global Positioning System technologies as well as technologies to track costs and billing in a coordinated system and single smart customer payment systems (acquisition of technology is also eligible as a stand alone capital expense).

## **COORDINATION AND PLANNING**

As required by Title 49 U.S.C 5317, as amended by SAFETEA-LU, the projects selected for funding under the New Freedom (Section 5317) programs will be derived from locally developed, coordinated public transit-human service transportation plans (CHSTP) developed by New Jersey's three Metropolitan Planning Organizations (MPO's) regions: North Jersey Transportation Planning Authority, Inc (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC), and the South Jersey Transportation Planning Organization (SJTPO).

Each county adopted their individual county plans. The CHSTP was then prepared through an open coordinated process in all three Metropolitan Planning Organizations (MPOs) that cover the State of New Jersey, fully engaging local and state stakeholders in the process of assessing current conditions, through to and including the development of recommendations. Each MPO then adopted their respective counties Coordinated Human Services Transportation Plans.

Specifically, in the NJTPA region for the northern 13 counties, a Regional Coordinated Human Services Coordination Plan was prepared synthesizing all 13 separate county plans, approved by each county. Additional outreach was conducted including focus groups and public hearings, resulting in an approved Regional plan in March of 2008.

The bi-state MPO, DVRPC covers the four counties of Mercer, Burlington, Camden and Gloucester counties. DVRPC updated and approved its "Improving Access to Opportunities in the Delaware Valley Region: Coordinated Human Services Transportation Plan" in May 2007. DVRPC incorporated all review comments received through focus groups, subcommittee meetings and the public hearings.

SJTPO, covering the four southern most counties, Atlantic, Cape May, Cumberland and Salem, adopted four county specific Human Services. Each approved county plan is available on the SJTPO website, and reflects the process and self-assessment with stakeholders that each county conducted to comply with the federal requirements. Each county conducted the Community Self Assessment, a required element of the Human Service Transportation Plan, which provides a process for involving local stakeholders in the process of assessing and ultimately compiling recommendations to advance coordination.

The CHSTPs were submitted to the Federal Transit Administration (FTA) on April 2, 2008.

## **APPLICATION INSTRUCTIONS & REVIEW PROCESS**

### **MAILING LIST/PROGRAM NOTIFICATION**

Annually, when funding becomes available, NJ TRANSIT, in coordination with the MPOs, will advertise LOI/application availability in various newspapers of general circulation including minority newspapers published in New Jersey. The application information will also be available on the NJ TRANSIT website. The notice will indicate that the program is open to the private sector.

The MPOs will also maintain a mailing list to notify interested organizations of the Section 5317 Program. This list will be comprised of agencies that receive assistance under this program, agencies that apply to the program and are not selected for funding, and agencies that inquire or request information regarding the Program via phone, letters or email. NJ TRANSIT will coordinate with the respective MPOs to send to agencies on the mailing list a Notice of Intent (NOI) requesting Letters of Intent (LOI) for Section 5317 funds.

### **THE LETTER OF INTENT (LOI)**

Applicants must submit a Letter of Intent (LOI) to the MPOs. The MPOs, the MPO's committees, and NJ TRANSIT review the LOI's. The Letter of Intent is part of the comprehensive, transparent, competitive selection process. After reviewing the LOI and consulting with NJ TRANSIT, applicants are notified of their approval status of the LOI. Applicants can contact their local MPO and NJ TRANSIT Local Programs and Minibus Support Unit, by phone or in writing, for technical information or general assistance in completing an LOI.

### **APPLICATION**

Successful LOI applicants will be notified in writing to submit a full Section 5317 application in order to apply for grant funds. Applicants can contact NJ TRANSIT's Local Programs and Minibus Support Unit by phone, email or in writing, for assistance in completing the application. NJ TRANSIT will review the applications to determine which projects will be selected for Section 5317 funding. The applications request the following information:

- Project Description - Information regarding the eligibility of the project and the organization should identify need with respect to New Freedom and how the proposed project addresses the need.
- Plan Consistency – A description of how the proposed project relates to the Coordinated Public Transit-Human Services Transportation Plan.
- Funding and Local Match - A budget estimate and description of the source of the required match.
- Certification and Assurances - The applicants must sign the certifications and assurances required of each grantee (except those applicable only to direct grantees), and all those applicable to the particular project (for example, the lobbying certification if the application exceeds \$100,000).
- NEPA – The applicant must indicate if the project complies with any applicable NEPA requirements.
- Coordination - The applicants must describe how FTA assisted services are or will be coordinated with social service agencies and private transportation providers in the service area. The application must relate their proposal to the local Coordinated Public Transit-Human Service Transportation Plan. Since NJ TRANSIT is responsible for administration of the FTA Section

5310, Section 5311, Section 5316 (Jobs Access), Section 5317 (New Freedom) and state casino revenue funding for transportation, the agency has historically encouraged coordination of transit services provided through these programs. Existing coordinated transportation systems or agencies working in cooperation with other transportation providers are given preference for funds available under the Section 5317 program. All subrecipients must, at a minimum, participate in the locally developed Coordinated Public transit-Human Services Transportation Plan process and be willing to participate as a stakeholder.

- Civil Rights –If any lawsuits or complaints have been received or acted on, within the past year, a statement of status or outcome of each complaint should be attached to the Application. For construction projects that are not categorical exclusions, information about social and economic impacts should be included in the documentation for the environmental review.

### **APPLICATION REVIEW**

NJ TRANSIT'S Local Programs and Minibus Support Unit is responsible for evaluating the application and determining the level of funding that each project will receive. The Local Programs and Minibus Support Unit will review the application based on the criteria outlined in the Project Selection Criteria.

### **PROJECT SELECTION CRITERIA**

NJ TRANSIT's Local Programs and Minibus Support Unit and the MPO Committee are responsible for evaluation and approval for each project. Applications will be evaluated based upon five primary criteria:

- a) Meet all New Freedom eligibility requirements.
- b) Need: The level of planning reflected and the ability of the proposed project to meet identified local transportation needs.
- c) How well the project addresses need with respect to the New Freedom Program intent.
- d) Coordination: The level of coordination among the human service agencies and the existing public transportation providers in the area.
- e) Financial: Commitment of transportation and human service providers to provide the match and long-term support. Applicants must submit a resolution from the County Board of Chosen Freeholders or Agency Director authorizing the application and the commitment of local match.
- f) Innovation: Creative approaches to providing the service (may include innovative expansion and capital).
- g) NEPA: Meet any applicable NEPA requirements .

### **PUBLIC INVOLVEMENT**

All twenty-one counties in New Jersey belong to one of three Metropolitan Planning Organizations (MPOs). The Transportation Improvement Program (TIP) is a planning document that describes how federal transportation funds will be used in MPO areas. The state's transportation capital improvement program (STIP) identifies multi-modal transportation projects that use federal, state, and local government

funds from all MPO areas in the State. The STIP is the product of a collaborative transportation planning process. The final product becomes a project scheduling and funding document.

Under the requirements of 49 U.S.C. 5323(a)(1) States or local governmental authorities may use FTA funds to operate public transportation service in competition with or in addition to transportation service provided by an existing public transportation company only if the grantee "to the maximum extent feasible" provides for the participation of private companies. All projects are listed in the STIP and the MPO planning process provides adequate opportunity to address private sector concerns.

NJ TRANSIT recognizes that important opportunities to provide service exist particularly in the areas of human service transportation. Human service transportation generally refers to programs designed for individuals with lower incomes, people with disabilities, elderly persons, and sometimes children and youth. Private providers may be uniquely qualified to serve these specialized travel markets.

The New Jersey Council on Access and Mobility (NJCAM) is leading an interdepartmental effort in the State known as United We Ride to promote coordinated human service transportation delivery systems and improve access to transportation-disadvantaged populations. This initiative emphasizes the need to develop coordinated transportation plans at the State and local level. Private operators have the opportunity to be active participants in the development of these plans. The United We Ride initiative encourages communities to develop a family of services that range from fixed route bus, to shared ride, to demand response, to volunteer systems that offer a wide range of mobility options for consumers.

## **ANNUAL PROGRAM OF PROJECTS**

NJ TRANSIT establishes the annual program level based on federal formula allocations. This information is included in FTA's annual federal register notice after the annual federal transportation appropriations bill becomes law.

After reviewing all the recommendations, NJ TRANSIT drafts a Program of Projects for inclusion into a formal grant submission to the FTA based on the available funds. NJ TRANSIT makes final determination of applicants included in the grant and the amount of funding that each applicant is to receive.

NJ TRANSIT notifies all applicants of the final program of projects.

## **SCHEDULE**

The State Management Plan establishes a general timeline, which will be used as an approximate guide to the application process. The Section 5317 grant development schedule is as follows:

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### **APPLICATIONS**

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**September/October**

NJ TRANSIT issues public notice. MPOs solicit Letters of Intent from prospective applicants.

**October/November  
November/December**

Deadline to return Letters of Intent (LOI) for Projects.  
MPOs and NJ TRANSIT meet to review LOIs.

<b>December/January</b>	Final recommendations of MPO Review Committee to NJ TRANSIT.
<b>January/February</b>	NJ TRANSIT solicits for applications from successful LOIs
<b>January/February</b>	Deadline to return applications to NJ TRANSIT.
<b>February/March</b>	Amount of annual fund determined
<b>March/April</b>	NJ TRANSIT reviews applications for content and completeness. NJ TRANSIT determines Program of Projects and prepares FTA grant application.
<b>April/May</b>	NJ TRANSIT's notifies applicants of projects included in the Program of Projects.
<b>May/June</b>	NJ TRANSIT's Office of Capital Programming and Administration submits grant application to FTA.
<b>June/July</b>	FTA awards annual grant. NJ TRANSIT announces Federal action announced

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**AGREEMENTS (LEASES)**

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<b>July</b>	Mail subrecipient agreements to sign.  Subrecipients return signed agreements and sub-contracts.
<b>August</b>	Executed agreement and reimbursement forms mailed to subrecipients.

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**REPORTING)**

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<b>Monthly</b>	The subrecipient shall submit an Expenditure Report, Reimbursement Request form with supporting documentation of actual expenses incurred and the corresponding Service Report form. Ridership and Safety reports also submitted.
<b>Quarterly</b>	DBE Reports Due to NJ TRANSIT.
<b>Annual</b>	(July) submit National Transit Database Reports.
<b>No later than 180 days after the close of the subrecipient's fiscal year.</b>	The subrecipient shall deliver an annual audit report to the Local Programs and Minibus Support.

**APPLICATION REVIEW - PRIOR TO AUGUST 31, 2008**

Prior to August 31, 2008, projects are derived from locally coordinated plans and the MPO's TI P process, where applicable. NJ TRANSIT coordinates with the MPOs to establish funding levels. NJ TRANSIT selects the projects and the amounts.

## **ADMINISTRATIVE REQUIREMENTS**

### GENERAL

The basic grant management requirement for State and local governments are contained in the Department of Transportation (U.S. DOT) regulations, "Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments," 49 C.F.R. Part 18. The comparable U.S. DOT rule for private nonprofit organizations is "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," 49 C.F.R. Part 19. Parts 18 and 19 are collectively known as the "common rule". The provision of these rules applies except where inconsistent with Federal statutes or authorizing legislation.

The common rule identifies three areas in which the administrative requirements for State grantees and their subrecipients which are governmental authorities may differ from Federal requirements for local government grantees: equipment management, procurement, and financial management systems. The basic intent in these areas is to provide greater flexibility to the States in standardizing the management of related state and Federal programs. Part 19 does not allow States to pass down state procedures in these three areas to subrecipients that are nonprofit organizations as Part 18 permits for subrecipients that are public bodies. However, so long as the state procedures are not inconsistent with Part 19, the State may apply the same procedures for all its subrecipients.

As long as NJ TRANSIT'S procedures are not inconsistent with Part 19, NJ TRANSIT may apply the same procedures for all its subrecipients. In addition, NJ TRANSIT may use procedures that are more restrictive than part 19, but in the case of nonprofit organizations, NJ TRANSIT procedures may not be more permissive than Part 19.

NJ TRANSIT will enter into a written agreement with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed.

### STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE

NJ TRANSIT sets aside up to ten percent (10%) of the annual federal allocation to the State for administrative expenses. In New Jersey, administrative expenses are primarily for general administrative and overhead costs, staff salaries, office supplies, and the development of specifications for vehicles and equipment. NJ TRANSIT would consider using funds to support technical assistance and planning activities including activities that support local coordinated planning processes based upon the availability of funds.

### TRANSFER OF FUNDS

NJ TRANSIT may transfer New Freedom funds apportioned to it for rural or small urbanized areas to apportionments under Section 5311© or 5307, or both. The purpose of the transfer, however, is not to supplement the resources available under the State's Section 5311 or Section 5307 apportionments. Transfer to Section 5311 or Section 5307 is permitted, but not required. FTA will also award stand-alone New Freedom grant to NJ TRANSIT. Stand-alone grants facilitate NJ TRANSIT's ability to recover and reprogram New Freedom Program funds within the period of availability if they are not expended for the projects NJ TRANSIT originally selected. If NJ TRANSIT does choose to transfer the funds into the Section 5311 or Section 5307 programs, NJ TRANSIT must use scope code (647) for Section 5311 or Section 5307 programs for New Freedom projects included within a Section 5311 or 5307 grant. Although New Freedom fund can be transferred to Section 5307 for award directly to a small urbanized area recipient in a Section 5307 grant, the grant should only include funding and activities for the New

Freedom projects(s). NJ TRANSIT may combine funds from multiple programs in a consolidated Section 5311 grant, but NJ TRANSIT must track, manage, and report on each program's funds separately within the consolidated grant.

Surface Transportation Program (STP) funds, Congestion Mitigation and Air Quality (CMAQ) funds, and certain other "flexible" funds, may be transferred from Federal Highway Administration (FHWA) to FTA for use by NJ TRANSIT for capital transit projects. Although these funds may not be flexed directly into the New Freedom Program, flexible funds may be transferred to the Section 5307 or 5311 programs for capital projects that support the purposes of the New Freedom Program and are eligible under the program receiving the funds. The funds are available for obligation based on the period of availability applicable to the receiving program.

NJ TRANSIT will notify the FTA regional administrator of NJ TRANSIT's intent to have funds transferred so that FTA can initiate the transfer. For transfers of new Freedom funds into the Section 5307 program for urbanized areas under 200,000 in population or Section 511(c), the notification will indicate the amount of funds transferred, the program to which they are being transferred, and specific projects selected under New Freedom.

#### PRIVATE SECTOR PARTICIPATION

NJ TRANSIT affords both the public and private provides with a variety of opportunities to be involved in the transportation planning process. A complete list of public meetings and forums can be found on NJ TRANSIT website. In addition, private providers are encouraged to participate in the development of each of the twenty-one counties locally development coordinated plans.

All projects are listed in the STIP and the MPO planning process provides adequate opportunity to address private sector concerns. All 21 counties in New Jersey belong to one of three Metropolitan Planning Organization's (MPO's). The Transportation Improvement Program (TIP) is a planning document that describes how federal transportation funds will be used in MPO areas. The state's transportation capital improvement under the requirements of 49 U.S.C. 5323(a)(1) States or local governmental authorities may use FTA funds to operate public transportation service in competition with or in addition to transportation service provided by an existing public transportation company only if the grantee "to the maximum extent feasible" provides for the participation of private companies.

The New Jersey Council on Access and Mobility (NJCAM) is leading an interdepartmental effort in the State known as United We Ride to promote coordinated human service transportation delivery systems and improve access to transportation-disadvantaged populations. This initiative emphasizes the need to develop coordinated transportation plans at the State and local level. Private operators have the opportunity to be active participants in the development of these plans. The United We Ride initiative encourages communities to develop a family of services that range from fixed route bus, to shared ride, to demand response, to volunteer systems that offer a wide range of mobility options for consumers.

In addition, presentations are periodically made at Metropolitan Planning Organizations (MPO) and relevant subcommittees. The yearly Trans-Action Conference jointly sponsored by NJ TRANSIT, NJDOT, C.O.S.T. and the County Transportation Association (CTA) is also used as a forum to disseminate information about the Section 5317 Program. All of the above forums bring together transit operators, planners, consumers, social service agency, and State agency representatives.

## **CIVIL RIGHTS**

### **NONDISCRIMINATION**

49 U.S.C. § 5332 states that "a person [defined broadly] may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance [from FTA] because of race, color, creed, national origin, sex, or age."

At NJ TRANSIT, the Assistant Executive Director (AED) of Diversity Programs is responsible for Title VI, DBE, and EEO. The AED of Diversity Programs reports directly to the Executive Director. The New Freedom Program Manager is responsible for subrecipients for compliance with Title VI, DBE and EEO. The Program Manager works directly with the AED of Diversity Programs on these matters.

NJ TRANSIT and all subrecipients of FTA assistance are responsible for compliance with all civil rights requirements applicable to transit related projects including the nondiscrimination prohibitions of 49 U.S.C. § 5332, and of Title VI of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended and 49 U.S.C. 5332 and any implementing requirements FTA may issue; Nondiscrimination on the basis of sex including requirements of Title IX of the Education Amendments of 1972 and 49 CFR part 25, and with any implementing directives that DOT or FTA may promulgate,. Nondiscrimination on the basis of age including requirements of the Age Discrimination Act of 1975, as amended 42 U.S.C. 6101 et seq. and implementing regulations; Nondiscrimination on the basis of disability including requirements under Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended (ADA) and Disadvantaged Business Enterprise (DBE) to the extent required by Federal law.

### **TITLE VI PROGRAM REQUIREMENTS**

Title VI of the 1964 Civil Rights Act, Section 601 states: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial Assistance. NJ TRANSIT will require that subrecipients annually sign the nondiscrimination assurance included in FTA's notice of certifications and assurances.

NJ TRANSIT shall submit its assurance to FTA and shall retain assurances from subrecipients. Subrecipients will be required to send a nondiscrimination assurance included in their annual notice of certifications and assurances, which accompanies their application.

NJ TRANSIT shall maintain for itself and its subrecipients a description of any complaints alleging discrimination in service delivery filed within the past year together with a statement of status or outcome of each such complaint.

Each subrecipient in their application to NJ TRANSIT must provide the estimated number of minority group persons that it will serve. This information can be obtained by any appropriate means that will ensure inclusion of the numbers as part of each individual application. It is not envisioned that an organization be required to do a detailed head count or use elaborate means to gather the information.

### **EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS.**

The applicant agrees to comply, and assures the compliance of itself and each third party contractor with all equal employment opportunity EEO requirements of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e) and 49 U.S.C. 5332 and any implementing requirements FTA may issue.

In this area subrecipient responsibilities are:

Post EEO information in a place readily accessible by employees.

#### DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REQUIREMENTS.

Funding is provided through NJ TRANSIT under the Section 5317 Program. Therefore, there are currently opportunities for subrecipients to receive federal funds under this program. NJ TRANSIT'S Office of DBE submits a goal to FTA as part of a corporate wide plan.

#### SECTION 504 AND ADA REPORTING.

Section 504 of the Rehabilitation Act of 1973 preceded the Americans with Disabilities Act (ADA). Section 504 prohibits discrimination on the basis of handicap by recipients of Federal financial Assistance. In addition, the Americans with Disabilities Act of 1990, as amended (ADA), specify Federal civil rights of individuals with disabilities. In New Jersey FTA funded subrecipients must comply with 49 C.F.R. Parts 27,37, and 38, and regulations implementing ADA and Section 504 rule. Among other requirements, the regulations: prohibit discrimination against individuals with disabilities; require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs (with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities or a demonstration of inability to obtain an accessible used vehicle despite good faith efforts to do so); and require that public entities operating fixed route transit plan for and provide complementary paratransit for individuals with disabilities who cannot use accessible fixed route transit. Deviated fixed route services do not have to provide complementary paratransit service.

All that will be purchased by NJ TRANSIT with Section 5317 funds will be equipped, maintained, and operated in accordance with the regulations.

In addition, subrecipients of any FTA funds or equipment should be aware that they also have responsibilities under other provisions of ADA in the areas of employment, public accommodations, and telecommunications.

In this area subrecipient responsibilities are:

Sign certifications of compliance pertaining to ADA requirements;  
Establish service policies and procedures in accordance with the ADA;  
Establish a complementary paratransit program for publicly operated fixed route systems; and  
Notify NJ TRANSIT of any ADA complaints related to transportation services.

## STATE PROGRAM MANAGEMENT

### PROGRAM MEASURES

Under the Government Performance Results Act (GPRA), The Federal Transit Administration (FTA) is required by law to establish performance goals to define the level of performance” and to also “establish performance indicators to be used in measuring relevant outputs, service levels, and outcomes” for each of its programs. The performance measure described here are designed to fulfill FTA’s obligation under this Act. These measures will be used at a program level, and will not be used by FTA to assess individual grants.

FTA will be capturing overall program measures to be used with the GPRA and the Performance Assessment Rating Tool process for the U.S. Office of Management and Budget (OMB). FTA will conduct independent evaluations of the program focused on specific data elements in order to better understand the implementation strategies and related outcomes associated with the program. The following indicators are targeted to capture overarching program information as part of the Annual Report that each grantee submits to FTA.

The three measures established for the New Freedom Program are:

Increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.

Additions or changes to environmental infrastructure (e.g., transportation facilities, side walks, etc.), technology, and vehicles that impact availability of transportation services as a result of the new Freedom projects implemented in the current reporting year.

Actual or estimated number of rides (as measured by one-way trips) provided for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.

### VEHICLE USE

NJ TRANSIT encourages maximum use of vehicles funded under the Section 5310 program. Consistent with the requirement of 49 C.F.R. Parts 18 and 19, vehicles are to be used first for program related needs and, for which a New Freedom grant is made and then to meet other transportation needs of other Federal programs or project needs, providing that they do not interfere with the project activities originally funded. If the equipment is no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency. Vehicles may be used:

For New Freedom Project and Program Purposes. NJ TRANSIT must first use the equipment to deliver the New Freedom Program services or to provide additional services that are a part of the locally developed coordinated plan. NJ TRANSIT shall use the vehicle in the project or program for which it was acquired as long as long as needed, even if the project does not continue to receive Federal funding.

For other Federal Programs or Project Purposes. During the period the vehicle is used to serve the project or program needs for which it was acquired, NJ TRANSIT or the subrecipient shall make it available for use on other projects or programs, as long as such other use does not interfere with the service for which the vehicle was originally acquired. First preference for such other use will be given to other projects or programs sponsored by FTA, and second preference will be given to projects or programs previously or currently sponsored by other Federal agencies.

c. When No Longer Needed for Original Project or Program Purposes. If the original subrecipient no longer need the vehicle for the purposes for which it was acquired, NJ TRANSIT may choose to keep the

vehicle in use for New Freedom Program purposes by transferring the vehicle to another subrecipient. The transfer may be shown in the program of projects for any active grant. It does not have to be in the grant under which the equipment or property was originally funded. On the vehicle is no longer needed for New Freedom Program purposes, the vehicle may be used first in connection with other FTA sponsored activities, and then for activities sponsored by other Federal agencies.

#### TITLE TO VEHICLES

NJ TRANSIT assigns title of the equipment to the subrecipient with NJ TRANSIT as the first lien holder. Upon completion of the project and the useful life of the vehicle being met, NJ TRANSIT will seek FTA's approval for disposition instructions prior to releasing any lien on vehicles. Upon receipt of FTA approval, the lien will be released, a termination of lease agreement is signed and the equipment is turned over to the subrecipient with no further obligations. NJ TRANSIT reserves the right to hold title of equipment purchased. NJ TRANSIT retains the original title at NJ TRANSIT until the useful life of the equipment has been met and the vehicle is ready to be retired from the program.

#### SATISFACTORY CONTINUING CONTROL

When capital equipment of facilities are acquired, built, or improved, provisions will be made to assure satisfactory continuing control of the capital equipment and facilities. For use by any entity in providing transportation services provisions must be made to assure satisfactory continuing control of that capital equipment.

NJ TRANSIT retains the authority to make periodic reviews of projects and conduct site visits to assess the efficiency and effectiveness of each project. NJ TRANSIT designated employees are authorized to enter without delay and at reasonable times the premises of a subrecipient without the necessity of the subrecipient's permission, to inspect project equipment and records. As a standard practice, NJ TRANSIT will contact a subrecipient ahead of time to set up a time and place for a vehicle inspection. Inspections shall not commence without first identifying to the subrecipient the purpose of the visit, which is to complete a formal inspection of project equipment and records. Representatives from NJ TRANSIT are authorized to inspect subrecipient vehicles at any location and time as deemed appropriate by inspectors.

When conducting an inspection, the NJ TRANSIT representative shall present their credentials to the subrecipient, or vehicle operator, explain the nature and purpose of the inspection; and indicate, generally, the scope of the inspection. The scope of the inspection may be broadened if circumstances warrant. NJ TRANSIT inspectors shall have authority to photocopy records, interview staff, and take photographs related to the purpose of the inspection. The conduct of inspections shall be such as to minimize disruption of the operations of the subrecipient. At the conclusion of an inspection, the NJ TRANSIT representative shall confer with a representative of the subrecipient and advise him/her of any equipment defects discovered during the inspection.

Each vehicle will be inspected, at minimum, once every two years to determine the accuracy of required reports and to evaluate the overall condition of the vehicle. In addition, randomly selected maintenance records as well as an inspection of subrecipients maintenance facilities, if applicable, will be conducted during the scheduled site visit. If a follow-up inspection discloses that a subrecipient has failed to correct a defect, the subrecipient will be considered in noncompliance and NJ TRANSIT may consider, depending upon the severity of the infraction, termination of the lease agreement with the subrecipient.

## **EQUIPMENT MANAGEMENT**

### GENERAL

Subrecipients must use, manage, and dispose of equipment acquired under a Section 5316 grant in accordance with state laws and procedures. Subrecipients shall have at the establishment where operations, dispatching, scheduling, administration, and project equipment is stored and/or utilized, the current contractual agreement and/or equipment lease. Additionally all vehicle maintenance, insurance and, accident reports must be at the establishment. Reproductions of all materials shall constitute compliance with this requirement.

### TRANSFER OF PROPERTY

NJ TRANSIT can transfer equipment acquired with assistance under Section 5317 to any subrecipient eligible to receive assistance under 49 U.S. C. Chapter 53, if the equipment will continue to be used in accordance with the requirements of Section 5317. The entity receiving equipment under this provision to provide Section 5317 service must comply with all the State and Federal requirements for Section 5317 subrecipients. NJ TRANSIT will first consider transferring equipment to other approved Section 5317 subrecipients.

In addition, Section 5334(g) allows facilities and equipment and other assets (including land) which are no longer needed for the purposes for which they were acquired to be transferred to any public body to be used for any public purpose with no further obligation to the Federal government, if authorized by the Secretary.

### VEHICLE USEFUL LIFE AND REPLACEMENT STANDARDS

NJ TRANSIT is responsible for establishing and implementing rolling stock requirements for all categories of vehicles acquired under the 5317 programs. Specifically, NJ TRANSIT is responsible for establishing minimum useful life standards for vehicles; establishing procedures for determining fair market value; and developing policies and procedures for maintenance and replacement of vehicles. Maintenance requirement and insurance coverage must be adequate to protect the Federal interest in the vehicle within the useful life determined by NJ TRANSIT. The useful life criteria described below is effective for all vehicles purchased after July 1, 2007. Useful life is defined as:

Light Transit (Type) Buses - Medium Duty Buses, manufactured under Federal Motor Vehicle Safety Standards applicable to light transit buses, which may be equipped with either gasoline or diesel engines, are classified as having a minimum useful life of seven (7) years, or 200,000 miles. These may be classified by some manufacturers as transit (30') type buses.

Small Buses, Medium Duty Chassis, with add-on bodies installed by other than the original equipment chassis manufacturer, usually under twenty-eight (28') feet in length. These units shall be classified as having a minimum useful life of five (5) years or 150,000 miles.

Fifteen (15) Passenger Vans - manufactured as classified by original equipment manufacturer of body and chassis, including "modified" units incorporating raised roof and/or a lesser number of seats to accommodate handicapped passengers using wheelchairs or other mobility devices, with lift devices installed. These units shall be classified as having a minimum useful life of four (4) years or 100,000 miles.

Mini-Vans - manufactured as classified by original equipment manufacturer of body and chassis, with capacities of up to six (6) passengers, with wheelbase of less than 128". These units shall be modified to

incorporate raised roof or lowered floors. Installation and use of manual ramps for accessibility is permissible, subject to design and specifications, compliance with state and federal requirements. They shall be classified as having minimum useful life of four (4) years or 100,000 miles.

Sedans/Stations Wagons - manufactured as classified by original equipment manufacturer of body and chassis, with capacities of up to nine (9) passengers. These units shall not be structurally modified by after market manufacturers. These units shall be classified as having a minimum useful life of four (4) years or 100,000 miles. Presently, sedans/station wagons are not offered by NJ TRANSIT to applicants but may be considered in special situations.

If a subrecipient wishes to withdraw the vehicle from service before it has met the useful life standards, NJ TRANSIT will make a determination of the vehicle's usefulness and its disposition by appraising its current condition, its repair history, etc. The subrecipient should be prepared to supply the information required by NJ TRANSIT to make such a determination.

If NJ TRANSIT determines that the vehicle is not eligible for early disposition the subrecipient may, with NJ TRANSIT's concurrence; keep the vehicle in service; or if no longer needed return to NJ TRANSIT which will transfer it to another selected subrecipient; or with NJ TRANSIT'S approval the subrecipient may keep the vehicle but

#### DISPOSITION

Usually, NJ TRANSIT will initiate disposition if the useful life of a vehicle has been met. Subrecipients must notify NJ TRANSIT in writing to request an inspection of the vehicle(s) or equipment they wish to dispose before the useful life has been met. In such cases, the inspection will determine if the disposition of the vehicle(s) or equipment is warranted for reasons other than age or mileage.

Subrecipients must follow state laws and procedures for disposing of equipment. NJ TRANSIT is not required to return to FTA proceeds from the disposition of equipment, regardless of the fair market value at the time the equipment is sold, so long as the proceeds remain in use for mass transit purposes. This applies to all equipment currently in use, which was purchased with Section 5310 funds. As a general rule any funds received are returned to the NJ TRANSIT Section 5310 Program.

The fair market value can be determined by either receiving two price quotes from reputable vendors or applying an accelerated depreciation calculation based on the remaining life of the equipment at time of disposal. Straight-line depreciation can be used although NJ TRANSIT recognizes that it is not as accurate a method in determining the fair market value. Both parties must agree upon the price before transfer can occur. This type of disposition is not the preferred method and NJ TRANSIT will follow only in rare or unique cases. If NJ TRANSIT determines that the vehicle is eligible for early disposition, the subrecipient may dispose of the vehicle as it chooses.

#### VEHICLE INSURANCE

NJ TRANSIT requires subrecipients to submit verification of insurance. Subrecipients are required to maintain insurance coverage in the amount of one million dollars per vehicle. The subrecipient must safeguard against loss, damage or theft of equipment and list NJ TRANSIT as an additional insured. NJ TRANSIT will periodically review this requirement and adjust the amount of coverage accordingly.

### VEHICLE DESTROYED OR DAMAGED.

All vehicles purchased with Section 5317 funds must be covered by insurance. If a vehicle damaged in a fire, accident, etc. is repairable, the subrecipient should negotiate a settlement with the insurer, get the vehicle repaired and place it back in service. If the vehicle is not repairable, the entire settlement including any deductible will be returned to NJ TRANSIT who will put the insurance settlement back into the program to purchase additional vehicles, which can be assigned to an approved subrecipient. NJ TRANSIT will discuss with the subrecipient the need for a replacement and consider that need in assigning new and or transferred equipment. NJ TRANSIT reserves the right to waive the return of the deductible if it places an economic burden on the subrecipient agency.

### MAINTENANCE

During inspections and site visits NJ TRANSIT staff will inspect equipment purchased with Section 5317 funds. During these inspections NJ TRANSIT may randomly select for review maintenance records for a vehicle. Subrecipients are encouraged to have their own written preventive maintenance procedures. However, at a minimum subrecipients are expected to follow the maintenance practices contained in NJ TRANSIT'S Vehicle Preventive Maintenance Guidelines. Failure to follow these practices could lead to a subrecipient being cited for noncompliance.

### PROCUREMENT

Within the application completed by a potential subrecipient is a vehicle menu from which the applicant can select the vehicle type most appropriate for meeting their service needs. NJ TRANSIT requires that all equipment purchased under this grant program be accessible and meet ADA vehicle specification requirements. NJ TRANSIT develops the specifications. NJ TRANSIT using a formally advertised competitive bid process handles the purchasing of all vehicles. NJ TRANSIT will comply with all Buy America requirements and other federal certifications as required by law.

## **FINANCIAL MANAGEMENT**

### FINANCIAL RECORDS

Financial records, supporting documentation, and all other records pertinent to a grant must be retained by NJ TRANSIT and will be made readily available to authorized representative of the U.S. Department of Transportation and the Comptroller General of the United States for a period of three years. The retention period starts on the date of forwarding the final Financial Status Report (SF-269A) If any litigation, claim or audit is started before the expiration of the three-year period, the records must be retained beyond three years, until all litigation, claims, or audit findings involving the records have been resolved.

### AUDITS

NJ TRANSIT does not require an audit from a subrecipient when the assistance provided is solely in the form capital equipment procured directly by the state. An audit is required however, if subrecipients for any reason purchases equipment. Situations rarely occur when subrecipient purchases equipment under this program, however, the possibility does exist if equipment is purchased as the result of an insurance settlement or if other flexible funding is transferred into the Section 5317 program.

When required, subrecipients are to perform audits pursuant to the requirement of OMB Circular A-128, "Audits of State and Local Governments" or OMB Circular A-133, revised Audits of Institutions of Higher Education and Other Non-Profit Institutions" (including any future amendments thereto); Subrecipients are responsible for bringing problems to NJ TRANSIT's attention. All subrecipients are required to submit a copy of their most recent audit at the time of application.

### CLOSEOUT

NJ TRANSIT shall initiate project closeout with the FTA within 90 days after all funds are expended and all work activities for the program of projects are completed. A final Financial Status report (SF 269A), final budget and final program of projects are required at the time of closeout.

It is NJ TRANSIT'S intention for Section 5317 grants awarded for a specific program of projects be completed within three years. If small amounts of funds remain in an inactive grant, NJ TRANSIT will request that the funds be deobligated and the project closed out.

## **REPORTING REQUIREMENTS**

### **ANNUAL PROGRAM OF PROJECTS STATUS REPORTS**

NJ TRANSIT is required to submit to FTA an annual program status report for every active grant, covering the 12-month period ending September 30. The reports are due at the Regional Office within 30 days after the end of the reporting period. Reports should consist of an updated program of project and revised budget for each approved program of projects, which contains active projects. The updated version should reflect revised project descriptions, changes in projects from one category to another, and adjustments within budget categories. In addition, the state must include a narrative report indicating progress against milestones for vehicle procurements and/or construction projects, and estimating the revised completions date for the grants. Significant civil rights compliance issues occurring during the year (such as Title VI, EEO, or DBE complaints against the state or subrecipients) should be addressed in the annual status report. In addition, the state may report notable accomplishments or problems involving Section 5317 subrecipients. NJ TRANSIT has worked closely with the FTA Region II office and NJ TRANSIT includes Section 5317 Program reports as part of the quarterly reporting process.

### **FINANCIAL STATUS REPORTS**

NJ TRANSIT must submit a Financial Status report for each active grant annually, for the period ended September 30. For the purpose of this report, funds are considered encumbered when agreements are signed with vendors to purchase vehicles.

### **SUBRECIPIENT QUARTERLY REPORTS**

All subrecipients are required to submit a quarterly report to NJ TRANSIT. These reports shall be used for review and analysis of performance and compliance requirements. This report includes ridership and maintenance cost information.

### **SECTION 5317 VEHICLE INVENTORY**

The Local Programs Support Unit maintains a database for equipment purchased and leased to subrecipients under this program. Information for vehicles includes but is not limited to the name and address of subrecipient, NJ TRANSIT vehicle inventory number, license plate number, delivery date and status of insurance.

### **DBE REPORTS**

Annually, NJ TRANSIT must submit a statewide DBE program including goals for the utilization of DBEs by the state, if it is over a specified funding threshold .

## **REQUIREMENTS AND OTHER PROVISIONS**

### **SCHOOL TRANSPORTATION**

Section 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulations (49 C.F.R. Part 605) do permit regular service to be modified to accommodate school students along with the general public. For the purpose of FTA's school bus regulation, Headstart is a social service, not a school program. FTA subrecipients may operate vehicles, which meet the safety requirement for school transportation, but may not provide exclusive school service. In the State of New Jersey, in most cases, special license plates and equipment must be on school buses. Vehicles purchased under this program do not meet state laws regarding school buses and cannot be used to transport children to and/or from school or school related activities. FTA recipients may operate multi-functional vehicles, which meet the safety requirements for school transportation, but may not provide exclusive school service.

### **SAFETY AND SECURITY**

FTA'S authority in the area of transit safety is set forth in Section 5329. FTA may withhold further financial assistance from any grantee that fails to correct any safety and security deficiency. Under this section, FTA may conduct investigations into safety hazards and security risks associated with a condition in equipment, a facility, or an operation financed under Chapter 53 in order to establish the nature and extent of the condition and how to eliminate, mitigate, or correct it. FTA may also require local jurisdictions to submit a plan for eliminating, mitigating or correcting the deficiency. FTA may withhold further financial assistance from any grantee that fails to correct any safety and security deficiency.

### **DRUG AND ALCOHOL ABUSE**

Subrecipients that receive only Section 5310, Section 5316 (JARC), or Section 5317 (New Freedom) assistance are not subject to FTA's Drug and Alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold Commercial Driver's Licenses (49 CFR part 382). Section 5317 subrecipients that also received funding under one of the covered FTA programs (Section 5307 or Section 5311) should include any employees funded under section 5317 projects in their testing program.

### **DRUG-FREE WORKPLACE**

The Drug-Free Workplace Act is part of the federal government's effort to eliminate illegal drugs from the workplace. The Drug-Free Workplace Policy is a "first-tier" requirement applying to NJ TRANSIT and does not apply to subrecipients of Section 5310, Section 5311, Section 5316 and Section 5317.

### **COMMERCIAL DRIVERS LICENSE**

Under federal law all drivers of vehicles designed to transport 16 or more persons (including the driver) must have a commercial driver's license (CDL). Mechanics that drive the vehicles must also have a CDL. The State of New Jersey has additional CDL requirements. If a subrecipient is not clear on whether or not the vehicle they have received under this program requires a CDL they should contact the NJ TRANSIT Local Programs and Minibus Support Unit.

## RESTRICTION ON LOBBYING

Federal financial assistance may not be used to influence any member of Congress or an officer or employee of any agency in connection with the making of any Federal contract, grant, or cooperative agreement. NJ TRANSIT, subrecipients, and third party contractors at any tier awarded FTA assistance exceeding \$100,000 must sign a certification so stating and also must disclose the expenditure of non-Federal funds for such purposes (49 C.F.R. Part 20). Other Federal laws also govern lobbying activities. For example, Federal funds may not be used for lobbying Congressional representatives or senators indirectly, such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation (32 U.S.C. § 1352). General advocacy for transit and providing information to legislators about the services a subrecipient provides in the community are not prohibited, nor is using non-Federal funds for lobbying, so long as the required disclosures are made.

## PROTECTION OF THE ENVIRONMENT

The vehicles and other related equipment items routinely purchased under the Section 5317 program do not involve significant environmental impacts. Those projects are referred to as "categorical exclusions" in FTA's procedures because those types of projects have been categorically excluded from FTA's requirements to prepare environmental documentation. If questions or concerns arise about any unusual projects proposed by an applicant NJ TRANSIT will contact the FTA regional office for consultation regarding environmental requirements.

## CLEAN AIR ACT

The Clean Air Act, as amended, establishes many substantive requirements in order to bring air quality regions, which violate the national ambient air quality standards into attainment by prescribed dates. Most "nonattainment" areas are heavily urbanized, but in the case of areas that are nonattainment for ozone or small particulate matter (PM-10), substantial rural areas may be included within the nonattainment area boundaries.

Other Clean Air Act requirement may apply to the Section 5310 Subrecipient, e.g., phase-in of more stringent bus emission standards. The FTA regional office can supply up-to-date information on various provisions of the clean Air Act related to mobile sources.

# APPENDIX A

## DEFINITIONS

- a. Accessible Taxi: An accessible taxi is a vehicle that is used by a private provider of on-demand transportation service to the public that is regulated and licensed for such use by the municipality, county or other government entity. An accessible taxi is one which has the capacity to accommodate a passenger who uses a “common wheelchair” as defined under 49 CFR 37.3, at a minimum, while remaining in his/her personal mobility device inside the vehicle, and meets the same requirements for lifts, ramps and securement systems specified in 49 CFR part 38, subpart B.
- b. Americans with Disabilities Act (ADA): Public Law 336 of the 101<sup>st</sup> Congress, enacted July 26, 1990 (42 U.S.C. 12101 et seq.). The ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities and transportation.
- c. Chief Executive Officer of a State: The Governor of any of the 50 States or Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and Virgin Islands, the Mayor of the District of Columbia, or his/her designee.
- d. Competitive Selection Process: A process to choose which projects will be funded. The process is conducted by the designated recipient of FTA funds in cooperation with the appropriate metropolitan planning organization (MPO) in urbanized areas over 200,000 in population, or the State in areas under 200,000 in population. The projects selected must be derived from a Locally Developed, Coordinated Public Transit-Human Services Transportation Plan.
- e. Coordinated Plan: See “Locally Developed, Coordinated Public Transit-Human Services Transportation Plan.”
- f. Demand Responsive System: Any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, non-profits, and private providers. An advance request for service is a key characteristic of demand responsive service.
- g. Designated Recipient: See “Recipient.” NJ TRANSIT is the “Designated Recipient” of the State of New Jersey’s Section 5317 funds.
- h. Elderly Individuals and Individuals with Disabilities Program (Section 5310): FTA formula program for public transportation capital projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities. 49 U.S.C. 5310.
- i. Fixed Route System: Public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.
- j. Human Service Transportation: Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, older adults, and people with low incomes.
- k. Individual With a Disability: An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special

facilities, planning, or design, public transportation service or a public transportation facility. 49 U.S.C. 5302(a)(5).

- l. Job Access and Reverse Commute Program (JARC): FTA formula grant program for projects relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, and for public transportation projects designed to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities. 49 U.S.C. 5316.
- m. Locally Developed, Coordinated Public Transit-Human Services Transportation Plan: A plan that identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, provides strategies for meeting those local needs, and prioritizes transportation services for funding and implementation.
- n. Mobility Management: Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation-service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a government entity, under 49 U.S.C. Chapter 53. Mobility management does not include operating public transportation services.
- o. Non-profit Organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.
- p. Older Adults: See “Elderly Individuals.”
- q. Other than Urbanized (Nonurbanized) Area: Any area outside of an urbanized area. The term “nonurbanized area” includes rural areas and urban under 50,000 in population not included in an urbanized area.
- r. Paratransit: Comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems.
- s. Program of Projects: A list of projects to be funded in a grant application submitted to FTA by a designated recipient. The program of projects (POP) lists the subrecipients and indicates whether they are private non-profit agencies, governmental authorities, or private providers of transportation service, designates the areas served (including rural areas), and identifies any tribal entities. In addition, the program of projects includes a brief description of the projects, total project cost and Federal share for each project, and the amount of funds used for program administration from the 10 percent allowed.
- t. Recipient: In large urbanized areas over 200,000 in population, an entity designated, in accordance with the planning process under 49 U.S.C. 5303, 5304, and 5306, by the chief executive officer of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under the New Freedom that is attributable to a transportation management area. In nonurbanized areas or small urban areas under 200,000 in population, the designated recipient is the State agency designated by the chief executive officer of a State to receive and apportion amounts under New Freedom that are attributable to transportation management area. In nonurbanized areas or small urban areas under 200,000 in population, the designated recipient is the State agency designated by the chief executive officer of a State to receive and apportion amounts under New Freedom that are attributable to the State

for small urbanized and nonurbanized area. [Please note: NJ TRANSIT is the designated direct recipient of New Freedom Funds in New Jersey. As such, NJ TRANSIT may apply directly to FTA for a New Freedom grant for itself and/or on behalf of any eligible subrecipients, as defined in NJ TRANSIT's SMP/PMP, under the section entitled "Eligible Subrecipients". ]

- u. Subrecipient: Refers to a State or local governmental authority, non-profit organization, or operator of public transportation services that receives a grant under the New Freedom Program indirectly through a recipient. [Please note: NJ TRANSIT's specifies eligible subrecipients in the Section entitled "Eligible Subrecipients"]
  
- v. Urbanized Area: An area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an "urbanized area" by the Secretary of Commerce. Small-urbanized areas as used in the context of FTA formula grant programs are urbanized areas with a population of at least 50,000 but less than 200,000.

# EXHIBIT A

Vehicle Inspection Form

VEHICLE INSPECTION

DATE: \_\_\_\_\_ COUNTY: \_\_\_\_\_ # \_\_\_\_\_

TRANSPORTATION PROVIDER NAME: \_\_\_\_\_

Vehicle Year	Inspection Sticker	Plate Number	Vin Number		Securements Lift w/c amb
Make	Model	Body	Registration	Insurance Card	Odometer

All items must be inspected. If an item is not applicable to this vehicle, place "N/A" in the item box. If an item is defective or requires maintenance place a "✓" in the "D" box. Also, place a "✓" in the appropriate operable "O" box as needed.

Exterior	D O		Safety Equipment	D O		Interior	D O	
Owned by decal (2)		5	Triangles (3)		1	Mirrors		2
NJT colors		5	First Aid Kit		2	Lights		3
NJT #'s (2)		5	Bloodborne Pathogen Kit		3	Horn		2
Body damage		-	Seat belt cutter (suggested)		-	Seats		2
Windows		2	Extra electrical fuses		5	<b>Seat Belts</b>		<b>0</b>
<b>2 Outside Mirrors</b>		<b>0</b>	Fire Extinguisher		2	AC/Heat/Defroster		2
Reflectors		2	Rear door buzzer		3	<b>Wipers/washer</b>		<b>0</b>
<b>Turn Signals</b>		<b>0</b>	Exit windows/buzzers		3	Gauges and Indicators		2
<b>Flashers</b>		<b>0</b>	Roof Hatch		3	<b>Brakes (Foot/Parking)</b>		<b>0</b>
<b>Tires</b>		<b>0</b>				Floor		2
<b>Headlights</b>		<b>0</b>				Steps		2
<b>Parking lights</b>		<b>0</b>				Body Damage		5
<b>Brake lights</b>		<b>0</b>				Passenger Door		1
<b>Tail Lights</b>		<b>0</b>				Driver Door		1
<b>Backup lights</b>		<b>0</b>				Cleanliness		2
<b>Clearance/Marker</b>		<b>0</b>						
<b>Reverse Alarm</b>		<b>0</b>						
Destination Sign		2						
Cleanliness		2						

Signage/Decals	D O		Lift	D O		Securements	D O	
No Smoke/Eat/Drink		5	<b>Interlocks/Belt</b>		<b>0</b>	<b>Belt (4 floor)</b>		<b>0</b>
Seat Belts Required		5	<b>Level Platform</b>		1	<b>Lap Belt</b>		<b>0</b>
Emergency Exits		3	Lift Lights		3	<b>Shoulder belt</b>		<b>0</b>
Securement Instructions		5	<b>Electric Wires (cut, frayed)</b>		<b>0</b>	<b>Floor Track</b>		<b>1</b>
Lift Operating Instructions		5	<b>Hand Pump</b>		<b>0</b>			
Vehicle Height		5	Hand Rails on Lift (2)		1			

Comments and Observations of Inspector:

All defects must be repaired within the number of days indicated. Vehicles may be placed out-of-service for Inoperable or Defective items listed in bold and shaded print. The vehicle may not be returned to service until defect is repaired and the Manager Minibus Support in the Office of Policy Technology & Customer Service is notified of the repairs.

**General Vehicle Condition:** Excellent \_\_\_ Good \_\_\_ Fair \_\_\_ Poor \_\_\_ Rec. Retirement \_\_\_

Transportation Provider:

NJ TRANSIT Inspector:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

# EXHIBIT B

## Vehicle Preventive Maintenance Guidelines

# **NEW JERSEY TRANSIT LOCAL PROGRAMS SUPPORT UNIT**

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## RECOMMENDED VEHICLE PREVENTIVE MAINTENANCE GUIDELINES



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# INTRODUCTION

**Preventive Maintenance**: The performance of regularly scheduled maintenance procedures on a vehicle in order to prevent the possibility of malfunctions.

It's critical that a well-established, comprehensive preventive maintenance program be in place. To have a good maintenance plan is as important to a successful transportation system as the actual purchase of vehicles.

A preventive maintenance plan consists of:

- X making preventive maintenance arrangements (setting up necessary accounts)
- X adhering to a detailed preventive maintenance schedule
- X conducting daily vehicle inspections via pre & post trip inspections
- X completing corresponding inspection checklists, and
- X Keeping a thorough maintenance record on file for each vehicle.

# **P**REVENTIVE MAINTENANCE ARRANGEMENTS

Preventative Maintenance can be arranged in a variety of ways to fit your system's needs:

- **Contract maintenance out to commercial mechanics.**
- **Arrange for other agencies such as city or county garages, or school bus garages to maintain vehicles.**
- **Set up an in-house maintenance program.**
  - Major advantages to an in-house program:
    - Vehicles will be routinely checked for problems,
    - Mechanics will be familiar with the vehicles,
    - And most important, the mechanic will be your employee.
- **A combination program: In-house routine maintenance combined with other work contracted out.**

Examples:

Potential in-house work; oil change, oil filter change; air filter change and PCV valve change.

Jobs to contract out; those requiring special expertise and machinery.

- **Train drivers on how to properly inspect the vehicles for pre & post trip inspections. Ensure that all findings are communicated to maintenance personnel in a timely fashion**

**Important:**

For an effective in-house preventive maintenance program, the following minimal facilities are necessary:

A garage or building for vehicles to be brought undercover for servicing;

Proper drainage for washing vehicles in your garage;

A recycling or disposing process for motor oil and other wastes;

Equipment for lifting and jacking vehicles;

A complete set of tools – at the very least, a basic set of small tools to perform necessary minor repairs on the spot.

# **P**REVENTIVE MAINTENANCE

After you have made the arrangements for your preventive maintenance program, work with your entire staff (drivers, dispatchers, and mechanics) to develop a basic maintenance schedule.

Mechanics must be familiar with the minimum maintenance requirements for each vehicle. This can be accomplished by studying the manufacturer's maintenance manuals that are provided with the delivery of each vehicle.

With each vehicle, maintenance must be performed either at a specific mileage increment or within a specific period of time. If routine maintenance is not performed, the vehicle's reliability will suffer, its work life could be shortened and its warranty provisions might be violated.

As a general rule, follow the vehicle manufacturer's manual. It will suggest specific requirements, materials, tools and preferred time schedules. A general preventive maintenance schedule is provided on page 7 to act as a guide and supplement to your owner's manual.

# P

## REVENTIVE MAINTENANCE SCHEDULE

Be alert and ready to make schedule adjustments according to your specific needs. When making adjustments, be certain to document any changes and update this list for reference.

### Regularly

Wash vehicle interior and exterior – determine need by the amount of use and road conditions. (Salt used for clearing roads and chemical solutions used to control dust on unpaved roads may require more frequent washes.)

### Unscheduled

Alternator  
Starter motor  
Windshield wiper motor  
Windshield wiper blades  
Exhaust components; muffler, manifolds, pipes, hangers and clamps  
Headlamps, turn signal bulbs, brake lights and marker lights  
Vehicle interior fittings, seat materials  
Wheelchair lift components  
Wheelchair restraint components

### Every Year

Flush radiator  
Replace coolant  
Service air conditioner  
Lubricate all door and hood hinges  
Lubricate all door and hood locks

Lubricate door rubber weather-strips

**Every 2  
Years**

Replace all hoses; more often if necessary.

## CUTAWAY PREVENTIVE MAINTENANCE SCHEDULE



MILES (in thousands)	3	5	6	8	9	12	15	18	21	24	27	30	33
<b>MAINTENANCE OPERATION</b>													
Change engine oil, replace filter	x		x		x	x	x	x	x	x	x	x	x
Lubricate Chassis	x		x		x	x	x	x	x	x	x	x	x
Replace Fuel Filter							x					x	
Check engine idle speed (diesel)				x				x			x		
Check throttle & idle return spring	x						x			x			x
Inspect drive belts, adjust, replace				x				x		x		x	
Change air filter & PCV valve							x			x			x
Rotate Tires				x				x		x		x	
Inspect Brake System		x				x	x		x		x	x	
Change all brake pads								x				x	
Engine Tune - up													
Service transmission												x	
Pack Wheel Bearings										x			

MILES (in thousands)	39	42	45	48	51	54	57	60	63	66	69	72	75
<b>MAINTENANCE OPERATION</b>													
Transfer Case Fluid				x									
Change engine oil, replace filter	x	x	x	x	x	x	x	x	x	x	x	x	x
Lubricate Chassis	x	x	x	x	x	x	x	x	x	x	x	x	x
Replace Fuel Filter			x					x					x
Check engine idle speed (diesel)							x		x			x	
Check throttle & idle return spring				x					x			x	
Inspect drive belts, adjust, replace				x				x		x		x	
Change air filter & PCV valve				x					x			x	
Rotate Tires	x							x			x		
Inspect Brake System		x	x		x		x	x		x		x	x
Change all brake pads				x						x			
Engine Tune - up								x					
Service transmission								x					

Pack Wheel Bearings				x									x	

**CONTINUED**

MILES (in thousands)	81	84	87	90	93	96	99	102	105	108	111	114	117
<b>MAINTENANCE OPERATION</b>													
Transfer Case Fluid				x									
Change engine oil, replace filter	x	x	x	x	x	x	x	x	x	x	x	x	x
Lubricate Chassis	x	x	x	x	x	x	x	x	x	x	x	x	x
Replace Fuel Filter				x									
Check engine idle speed (diesel)							x						
Check throttle & idle return spring				x									
Inspect drive belts, adjust, replace				x				x					
Change air filter & PCV valve				x									
Rotate Tires	x							x					
Inspect Brake System	x		x	x		x		x		x		x	
Change all brake pads				x									
Engine Tune - up				x									
Service transmission				x									x
Pack Wheel Bearings				x									



### Small Bus Preventive Maintenance Schedule

MILES (in thousands)	5	10	15	20	25	30	35	40	45	50
<b>MAINTENANCE OPERATION</b>										
Change engine oil, replace filter	x	x	x	x	x	x	x	x	x	x
Lubricate Chassis	x	x	x	x	x	x	x	x	x	x
Replace Fuel Filter				x				x		
Check engine idle speed (diesel)		x		x			x			x
Check throttle & idle return spring	x		x			x			x	
Inspect drive belts, adjust, replace		x		x		x		x		x
Change air filter & PCV valve			x			x			x	
Rotate Tires		x		x		x		x		
Change all brake pads				x				x		
Engine Tune - up					x					x
Service transmission						x				
Pack Wheel Bearings						x				

MILES (in thousands)	55	60	65	70	75	80	85	90	95	100
<b>MAINTENANCE</b>										

<b>OPERATION</b>										
<b>Change engine oil, replace filter</b>	x	x	x	x	x	x	x	x	x	x
<b>Lubricate Chassis</b>	x	x	x	x	x	x	x	x	x	x
<b>Replace Fuel Filter</b>		x				x				x
<b>Check engine idle speed (diesel)</b>			x		x			x		
<b>Check throttle &amp; idle return spring</b>		x			x			x		
<b>Inspect drive belts, adjust, replace</b>		x		x		x		x		x
<b>Change air filter &amp; PCV valve</b>		x			x			x		
<b>Rotate Tires</b>	x			x			x			x
<b>Change all brake pads</b>		x				x				x
<b>Engine Tune - up</b>					x					x
<b>Service transmission</b>		x						x		
<b>Pack Wheel Bearings</b>		x						x		

## **W**HEELCHAIR LIFT PREVENTIVE MAINTENANCE

Preventive maintenance of a wheelchair lift is an essential aspect of keeping it working and increasing its operating life. Proper preventive maintenance may reduce unscheduled lift repairs, operation down time, and will increase the longevity of the lift. A regular preventive maintenance schedule is a requirement for every lift-equipped vehicle. Regular preventive maintenance procedures can be found in the instruction manual provided with the lift at the time the vehicle was delivered.

It is also very important that the preventive maintenance procedures recommended in the manufacturer's instruction manual be followed since wheelchair lift design varies among manufacturers. Please keep in mind the following recommended procedures are not meant to replace the specific procedures recommended by the individual manufacturer(s) but are to be used as a general supplement.

## **Conditions Affecting Preventive Maintenance**

The time interval for preventive maintenance of wheelchair lifts varies due to several factors. Lift usage, weather conditions and contamination are three important factors that will affect maintenance. Large agencies or agencies that serve a larger disabled population require more maintenance because of increased lift usage.

Be advised that harsh weather conditions will also affect lift operation and regular maintenance. Rain, snow, sun and other weather elements can cause additional wear & corrosion which will consequently increase the amount of maintenance that will be needed.

To that extent, large amounts of snow tend to corrode lifts more rapidly. This is due to the lift coming into contact with road salt, which causes the actual corrosion. Additionally, be aware that vehicles operated close to saltwater tend to become corroded due to the high levels of moisture in the air. Likewise, dusty & sandy conditions can cause contamination of your lift as well. Bottom line is that in any extreme condition, pay special attention to keeping the lift clean and well lubricated.

## **Preventive Maintenance Requirements of the ADA**

The ADA requires transportation providers/agencies to ensure that service will not be denied to individuals with disabilities due to inoperative lift equipment. The act requires agencies to properly maintain their lift equipment to ensure proper operating conditions are not interrupted. The ADA also requires agencies to effect timely repairs if the lift equipment does malfunction or fail.

There are five primary requirements of the ADA that an agency must keep in mind when developing a preventive maintenance program for its lifts.

- *Establish a system of frequent preventative maintenance checks of all lift equipment sufficient to determine they are in proper working order.*

The first requirement does not specifically require that the lift be cycled daily. If you have another means of testing the lift such as using the lift in service every day or every other day, then this method may be used. However it is unacceptable to allow a lift to remain idle for several days. This would be in direct violation of the act.

- *Ensure that the vehicle operator reports to the entity, by the most immediate means available, any failure of a lift to operate in service.*

When a lift breaks down in-service, it is the responsibility of the driver to inform the entity by the most immediate means available. If the vehicle is equipped with a radio or telephone, then the driver must call in the problem on the spot. Otherwise the driver must call in the problem at the first available opportunity such as at a pay phone. It is unacceptable to wait until the end of the day to report the problem.

- *Take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.*

The vehicle may finish the remainder of the service day if there is an in-service failure. However, the vehicle must be repaired before returning to service.

- *When there is no spare vehicle available to take the place of a vehicle with an inoperable lift, and taking the vehicle out of service will reduce the transportation service the entity is able to provide, the agency may keep the vehicle in-service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.*

Once the allowable times have elapsed, the vehicle must go into the shop, and not returned until the lift is repaired. In the event a spare vehicle becomes available, it must be used in place of the vehicle with the inoperative lift or an inaccessible spare vehicle that is being used in its place.

- *In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the agency must promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.*

This requirement would accommodate passengers who could not use an inaccessible vehicle. It provides that the agency have an alternative accessible vehicle so as to not cause an inconvenience to passengers

### **Periodic Maintenance**

Thorough preventative maintenance procedures should be performed at designated intervals. These intervals may be stated in terms of time (months, weeks, etc.) or number of lift cycles. It is recommended that the cycle interval be used on vehicles with high lift usage (at a level of approximately eight lift cycles per day). Measuring lift usage in this manner will allow the lift to have preventive maintenance performed based on the frequency of use.

On vehicles that have fewer than eight lift cycles per day, a time interval should be employed.

This is very important for vehicles with lifts that are rarely used. Even if a lift is not used very often, lubricants can become contaminated and parts on the lift can become loose due to vibrations from everyday driving. These are in addition to the daily pre-trip and post-trip inspections and any maintenance daily inspections may reveal as immediately necessary. A lift cycle counter can be useful for determining when periodic maintenance is due if the number of lift cycles is the standard used. Each agency should evaluate their individual maintenance programs as local conditions may require more frequent intervals. Manufacturers often provide a recommended maintenance schedule in their manuals and these schedules should be followed for the corresponding equipment.

General lubrication and minor adjustments of external working parts on the lift mechanism should be performed once or twice per month or once every 50 – 200 lift cycles. Once every year or every 1,250 to 2,400 cycles a more thorough maintenance check is necessary.

Generally the best time for lift maintenance is when the vehicle is brought in for preventive maintenance checks. Ideally, this consists of an inspection by a mechanic qualified to perform lift repairs and adjustments. However, there are some relatively simple tasks that other personnel may be capable of performing.

On hydraulic lifts, check the fluid level in the pump. The fluid should be free of contaminants and should not be discolored. If either is present, the fluid should be changed immediately. On all lifts, movable external parts can be inspected for wear, damage or misalignment and can be properly lubricated as well.

**Due to the new Federal Motor Carrier Safety Regulations, the new “Section 403” lifts are equipped with warning alarms and lights. These components must also be checked frequently and added to your preventative maintenance program. For specifics on these components, please refer to the manufacturer’s literature.**

## Lubrication

Lubrication of the lift is perhaps the most important component of your preventive maintenance program. Due to various operating conditions the implementation of a regular lubrication schedule can reduce the number and severity of breakdowns. Weather can cause binding, possibly destroy electrical connections, and wash away lubricants. Severe conditions may require more frequent lubrication. Cleaning the lubrication points at every maintenance check is important. It will ensure that contaminants are removed.

Proper lubrication of the lift requires the use of proper lubricants. Each lift manufacturer recommends a type and frequency of lubrication. Check the operating instructions for the type of lifts you are operating. If you do not have these recommendations, the following information is provided.

For specific lubricant types, please refer to manufacturer's literature which is provided with the vehicle at the time of delivery. If the literature is not clear, please call the manufacturer directly. In the event that all measures are unsuccessfully exhausted producing no results, please contact the NJ TRANSIT Warranty Administrator at the following:

**Robert Cowan**  
**Warranty Administrator**  
**Minibus Support**  
**(973) 491-7986**

# WHEELCHAIR LIFT MAINTENANCE SCHEDULE

Perform lift maintenance at scheduled intervals according to number of cycles or elapsed time, whichever comes first. Correct any potentially dangerous situations at once. (Refer to provided manufacturer literature for more detailed information)

---

## Daily or 10 LiftCycles

- Cycle Lift
  - Inspect for worn or loose parts
  - Inspect for smooth operation (both directions)
  - Inspect for capability of holding weight (stand on lift for one complete cycle)
  - Inspect for leaks
  - Listen for unfamiliar noises
  - Check hydraulic fluid
  - Ensure all lights and alarms are functional
- 

## Monthly or 50 Lift Cycles

- Inspect and lubricate all platform hinges
  - Inspect and lubricate shoe assembly
  - Inspect handles and mounting or pivot pins
  - Inspect cylinder mounting pins/brackets and emergency release pin
  - Inspect stanchion assembly bolts
  - Inspect and lubricate platform pick-up fold bearings
  - Inspect platform assembly
  - Inspect platform shaft connection and fold axles
  - Check platform for level alignment - adjust as needed
  - Ensure all lights and alarms are functional
- 

## Yearly or 1,200 Lift

## Cycles

Check manual lift operation (with and without weight on platform)

Check/replace bushings

Inspect power cord and connections

Inspect safety features for proper operation

Inspect frame for bends, cracks and breaks

Inspect arm pins/pivot points for excessive wear

Inspect platform pick-up fold bearings and cam for excessive wear

Inspect bridge plate and front safety barrier for proper operation

Ensure all lights and alarms are functional

## DAILY VEHICLE INSPECTION

Daily vehicle inspections are crucial to the success of the Preventive Maintenance Program and contribute to the establishment of strong communication between drivers, mechanics and management. Investing a short time on a daily basis to inspect each vehicle will help detect problems early, thereby improving safety and decreasing vehicle repair costs.

Attached is the recommended sample **Pre-Trip** Inspection form. Please add or delete items you feel are not, appropriate for your operation. Be advised that this form closely resembles the form used by the Department of Transportation. Thus NJ TRANSIT highly recommends this form be utilized

The very first line of defense in the proper preventive maintenance quest belongs to the vehicle operators. Each operator must inspect his or her vehicle **prior** to departure and complete a Pre-Trip Inspection form. The completed form is submitted to a supervisor prior to the start of the day's activities so that necessary maintenance or repairs can be noted and scheduled. NJ TRANSIT also recommends the operator perform a **post trip** inspection at the end of the run to ensure the vehicle is in the condition it needs to be for the next operator.

**The previous 90-days of Daily Pre-Trip Inspection forms must be included in the permanent vehicle file. This record will be reviewed during NJ TRANSIT site visits.**

## COMPREHENSIVE MAINTENANCE RECORD

A Comprehensive Maintenance Record, attached, must be kept on file for each vehicle as part of that vehicle's permanent file. This record must be filled out every time any maintenance is performed on that vehicle.

Benefits of keeping a Comprehensive Maintenance Record:

- *Provides a quick reference to the vehicle*
- *Provides a complete history of repairs*
- *Identifies chronic problems*
- *Shows trends in mileage and fuel consumption*
- *Tracks responsibility for repairs*
- *Records amount of time vehicle is out of service*
- *Meets NJ TRANSIT lease requirements*

**These records will be reviewed during NJ TRANSIT site visits.**

NJ TRANSIT also recommends that a file be kept for each vehicle that includes all work orders, outside vendor receipts, and any other documentation that is related to that vehicle

# **A**TTACHMENTS

**1. PRE-TRIP INSPECTION  
FORM**

**2. COMPREHENSIVE  
MAINTENANCE RECORD**

**VEHICLE DAILY PRE-TRIP INSPECTION**

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

VEHICLE #: \_\_\_\_\_

**SIGNATURE OF DRIVER:** \_\_\_\_\_

All items must be inspected prior to departure each day. If an item is damaged or requires maintenance place an "X" on the line next to the item and provide a brief description of the "defect". If an item is not applicable to your vehicle, place "N/A" on the line.

---

**ENGINE INSPECTION**

- \_\_\_\_ Battery Fluid/Connection
- \_\_\_\_ Transmission Fluid
- with
- \_\_\_\_ Oil Level
- \_\_\_\_ Windshield Washer Level
- \_\_\_\_ Brake Fluid
- \_\_\_\_ Hoses/Belts
- speed
- \_\_\_\_ Water Level/Radiator
- during

**EXTERIOR INSPECTION**

- \_\_\_\_ Tampering/Body Damage
- \_\_\_\_ Windows/wipers
- \_\_\_\_ Mirrors
- \_\_\_\_ Reflectors
- \_\_\_\_ Turn Signals/4-way Flashers
- torn
- \_\_\_\_ Tires/Wheels/Suspension
- properly
- \_\_\_\_ Headlights/Parking Lights/Marker Lights
- operates
- \_\_\_\_ Doors
- \_\_\_\_ Cleanliness
- secure

**SAFETY EQUIPMENT**

- \_\_\_\_ Triangles
- \_\_\_\_ First Aid Kit
- \_\_\_\_ Bloodborne Pathogens Kit (Spill Kit)
- seurements
- \_\_\_\_ Seat Belt Cutter
- \_\_\_\_ Extra Fuses

**ACCESSIBILITY EQUIPMENT**

- \_\_\_\_ One Complete Lift Cycle
- \_\_\_\_ Lift deploys only
- parking brake set and/or
- transmission in park
- \_\_\_\_ Smooth movement
- \_\_\_\_ Works at proper
- \_\_\_\_ Platform is level
- entire operation
- \_\_\_\_ Smoothly clears door
- frame and opened door
- \_\_\_\_ Lift light operates
- \_\_\_\_ No physical damage to
- lift
- \_\_\_\_ Electric wires not cut
- frayed, corroded,
- \_\_\_\_ Switches operate
- \_\_\_\_ Hand pump
- properly
- \_\_\_\_ Hoses/fittings
- \_\_\_\_ Cables/belts/chains
- \_\_\_\_ Hydraulic fluid leaks
- \_\_\_\_ Mounting bolts
- \_\_\_\_ Bridge Plate
- \_\_\_\_ Handrails
- \_\_\_\_ Mobility aid
- \_\_\_\_ Floor plates
- \_\_\_\_ Lift Alarms

- \_\_\_\_\_ Fire Extinguisher
- \_\_\_\_\_ Rear Door Buzzer
- \_\_\_\_\_ Exit Windows/Buzzers
- \_\_\_\_\_ Roof Hatch
- \_\_\_\_\_ Two-way radio
- \_\_\_\_\_ Spare Tire/Jack/Lug Wrench

\_\_\_\_\_ Lift Lights

**INTERIOR**

- \_\_\_\_\_ Mirrors
- \_\_\_\_\_ Lights
- \_\_\_\_\_ Horn
- \_\_\_\_\_ Registration/Insurance
- \_\_\_\_\_ Seats/Seat Belts
- \_\_\_\_\_ AC/Heat/Defroster/wipers
- \_\_\_\_\_ Transmission Selector
- \_\_\_\_\_ Gauges and Indicators
- \_\_\_\_\_ Brakes (foot/parking)
- \_\_\_\_\_ Signage/Decals
- \_\_\_\_\_ Cleanliness

**COMMENTS**

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# **EXHIBIT C**

Governor's Executive Order

# GOVERNOR CORZINE SIGNS EXECUTIVE ORDER CREATING NEW JERSEY COUNCIL ON ACCESS AND MOBILITY

By [Governors Press...](#) - October 26, 2007 - 5:05pm

Tags: [Governor Jon S. Corzine](#),

Release Date: October 26, 2007

TRENTON - Noting that October is National Disability Employment Awareness month, Governor Jon S. Corzine today signed an executive order creating the New Jersey Council on Access and Mobility. This council will work to make the most efficient and effective use of State resources to ensure that the elderly, disabled and transportation disadvantaged have access to community based transportation services.

## EXECUTIVE ORDER NO. 87

WHEREAS, the State of New Jersey has made great strides in the last 20 years in providing community based transportation services to its seniors, persons with disabilities, and economically disadvantaged populations; and

WHEREAS, having access to employment, health care, education, and other community services and amenities is critical to the quality of life of transportation-disadvantaged citizens; and

WHEREAS, enhancing access to transportation will improve mobility, employment opportunities, and availability of community services to citizens who are transportation-disadvantaged; and

WHEREAS, both State and federal government have allocated millions of dollars to fund human service transportation programs through a variety of agencies within this State; and

WHEREAS, federal law now requires that human service transportation projects selected for certain federal funding be derived from a locally developed, coordinated public transit human services transportation plan; and

WHEREAS, at the federal level this coordination activity is centered around the United We Ride Initiative; and

WHEREAS, there is a need to both identify additional resources as yet untapped or underutilized and maximize the benefit of the State's monetary resources currently earmarked for human service transportation programs through the creation of strategies that efficiently and effectively deliver services and centralize the management of information and resources; and

WHEREAS, the quality of decision making in these matters can be enhanced by providing a forum that brings together input and insight from the participating agencies, the providers, and the consumers of these transportation services;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established in the Department of Human Services the New Jersey Council on Access and Mobility (the “Council”).

2. The Council shall be composed of four public members appointed by and serving at the pleasure of the Governor, one selected from each of the following communities: physically challenged individuals, seniors, individuals with developmental disabilities or mental health challenges, and low income individuals. The public members shall serve without compensation. In addition, the following individuals shall serve on the Council in an ex officio capacity and may appoint a designee to serve in his or her place: the Commissioners of Children and Families, Community Affairs, Education, Health and Senior Services, Human Services, Labor and Workforce Development, and Transportation, the State Treasurer, the Adjutant General, and the Executive Director of New Jersey Transit Corporation.

3. The Governor shall designate a chairman and vice chairman of the Council from among its members.

4. The Council is authorized to call upon any department, office, or agency of State government to provide such information, personnel, and assistance as deemed necessary to discharge its responsibilities under this Order. Each department, office, and agency of State government is hereby required, to the extent not inconsistent with law, to cooperate with the Council and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purpose of this Order.

5. The Council shall inventory existing State and federal transportation funding sources used for transportation services within the various

departments and agencies in the State, study ways to improve coordination of resources, and make recommendations for improving services and programs.

6. The Council shall participate in the Federal United We Ride Program and coordinate activities with the Federal Council on Access and Mobility.

7. The Council shall meet no less than four times a year. The Council shall establish an appropriate number of subcommittees which may be composed of staff from a department or agency identified in paragraph 2 and representatives of consumers served by that department or agency. Such subcommittees shall meet monthly and report to the Council on a quarterly basis. All Council progress will be documented in written reports. By December 31st of each year of the Council's existence, the Council shall make a report of its activities, findings, and recommendations to the Governor and Legislature.

8. The Council shall expire on January 1, 2010.

9. This Order shall take effect immediately.