

MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT)
OFFICE OF PASSENGER TRANSPORTATION (OPT)

FTA SECTION 5310 AND SECTION 5311 COMPLIANCE REVIEW REPORT

TRANSIT AGENCY: _____

REVIEW TYPE: _____

REVIEW DATE: _____

SECTION I. AMERICANS WITH DISABILITIES ACT (ADA) Applicable Y N

Title II (requirements for state and local governments) and Title III (requirements for places of public accommodation) of the American with Disabilities Act of 1990 provide that no agency shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service. The regulations do not require that agencies have written policies detailing how they comply with these service provisions; however, if the transit agency's securement policy requires mobility devices to be secured according to the manufacturer's recommendations, that policy should be in writing, or else a passenger may refuse to allow the driver to secure the device. The agency should be able to provide reasonable documentation to demonstrate that staff is trained in these requirements and how the agency enforces their implementation.

REFERENCES

[49 CFR Part 27](#) Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance

[49 CFR Part 37](#) Transportation Services for Individuals with Disabilities and [ADA Standards for Transportation Facilities](#)

[49 CFR Part 38](#) Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles

[DOT Disability Law Guidance](#)

[FTA ADA Reasonable Modification Guidance](#)

Transit Vehicle Accessibility

For fixed route service, each transit agency operating a fixed route system purchasing or leasing a new bus or other new vehicle for use on the system must ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

For demand response service, each transit agency operating a demand response system for the general public purchasing or leasing a new bus or other new vehicle for use on the system must ensure that the vehicle is readily accessible to and usable by individuals with disabilities,

including individuals who use wheelchairs. If the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase or lease new vehicles that are not readily accessible to and usable by individuals with disabilities.

A demand response system is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals.

Were all new vehicles acquired for fixed routes accessible? Y N N/A

Were all new vehicles acquired for demand response service accessible? Y N N/A

If no, does the system provide adequate equivalent service? Y N

Describe any needed improvement.

Lift Availability

1. The agency shall establish a system of regular and frequent maintenance checks on lifts sufficient to determine if they are operative.
2. The agency shall ensure that vehicle operators report to the agency, by the most immediate means available, any failure of a lift to operate in service.
3. Except as provided in this section, when a lift is discovered to be inoperative, the agency shall 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.
4. If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the agency is able to provide, the public agency may keep the vehicle in service with an inoperable lift for no more than five days (if the agency serves an area of 50,000 or less population) or three days (if the agency serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.
5. In any case 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 shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.

Review records for lift failures until a sample is found that equals at least 10 percent of the fleet and note compliance to above requirements.

Examine maintenance records for repair on the lifts, and discuss process used when lift vehicles are out of service.

Describe any needed improvement.

Lift and Securement Use

1. This section applies to public and private entities.
2. All common wheelchairs and their users shall be transported in the agency's vehicles or other conveyances. The agency is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.
3. (a) For vehicles complying with part 38 of this title, the agency shall use the securement system to secure wheelchairs as provided in that Part.
(b) For other vehicles transporting individuals who use wheelchairs, the agency shall provide and use a securement system to ensure that the wheelchair remains within the securement area.
(c) The agency may require that an individual permit his or her wheelchair to be secured.
4. The agency may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.
5. The agency may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The agency may not require the individual to transfer.
6. Where necessary or upon request, the agency's personnel shall assist individuals with disabilities with the use of securement systems, ramps, and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.
7. The agency shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.

Review agency's procedures regarding the use of lifts and securement systems and note compliance to above requirements.

Examine lift and securement incident reports since last review and how problem was resolved.

Randomly ride buses to observe the use of lifts and securement systems.

Describe any needed improvement.

Service Animals [ADA Service Animal Guidance](#)

The ADA regulations define service animal as a dog trained to work or perform tasks for an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. It is discriminatory to require a person with a disability to certify or register a service animal.

Does the agency have a compliant written service animal policy? Y N

Describe any needed improvement.

Portable Oxygen

Under DOT hazardous materials rules, a passenger may bring a portable medical oxygen supply on board a vehicle if it can be properly secured. Since the hazardous materials rules permit this, transit providers cannot prohibit it. For further information on hazardous materials rules, as they may affect transportation of assistive devices, entities may contact the Department's Research and Special Programs Administration, Office of Hazardous Materials Transportation (202-366-0656)

Does the agency have a compliant written oxygen tank policy? Y N

Describe any needed improvement.

Accessibility Training

The agency shall ensure that vehicle operators and other personnel make use of accessibility related equipment or features required by [49 CFR Part 38](#). The ADA requires that each fixed-route or demand responsive service operator ensure that personnel are trained to proficiency, as appropriate for their duties. This training is required so that personnel operate vehicles and equipment safely, properly assist passengers, and treat persons with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among persons with disabilities. The agency must establish appropriate standards for its operation. There is no requirement for recurrent or refresher training, but there is an obligation to ensure that each employee is always proficient. The training must be appropriate to the duties of each employee and must address both technical requirements and human relations. Note that training is required not only for vehicle operators and those who maintain and repair vehicles and equipment, but for other personnel such as dispatchers who interact with passengers as appropriate.

Is the agency able to provide reasonable documentation to demonstrate that staff is trained in these requirements? Y N

Determine how agency ensures compliance to above requirements by reviewing training procedures, materials, bulletins provided to personnel, including meeting agendas and attendance records.

Describe any needed improvement.

Lift Deployment at any Designated Stop

The agency shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the agency, preclude the safe use of the stop by all passengers.

Randomly ride buses to observe lift deployment. Discuss procedures regarding lift deployment.

Describe any needed improvement.

Adequate Time for Vehicle Boarding and Disembarking

The agency shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

Randomly ride buses to observe vehicle boarding and disembarking. Describe any needed improvement.

Reasonable Modification

The ADA mandates that an agency providing fixed route or demand response service shall respond to requests by individuals with disabilities for reasonable modification to policies and practices consistent with specific guidelines as outlined in the regulations. In addition, the agency providing fixed route or demand responsive service is required to make information available to the public detailing how individuals can contact the agency to request reasonable modification.

Is information available to the public for the process of requesting a reasonable modification to the agency's fixed route or demand response service? Y N

Has agency received any requests for reasonable modifications? Y N

If so, were the requests approved? Y N N/A Denied? Y N N/A

Describe any needed improvement.

ADA Complaints

Grantees are required to have an internal complaint review system and to retain copies of complaint for at least one year and a summary of all complaints for at least five years.

Examples of ADA complaints are, but not limited to:

- Unreasonable administrative burdens in applying for ADA paratransit eligibility
- Bus drivers passing by riders using wheelchairs waiting at a bus stop
- Vehicle operators not announcing stops or identifying routes
- Personnel refusing to allow a rider's service animal in a station or on a vehicle

The following types of service-related complaints are not areas of noncompliance:

- Comfort while riding (e.g., driving style)
- Having to ride in a complementary paratransit vehicle with another rider
- Lack of or limited service (e.g., not serving a particular community or limited evening or weekend service)

Does the agency have a compliant written ADA complaint policy? Y N

Date approved by MDOT OPT: _____

Date approved by agency's governing authority: _____

Have any ADA complaints been filed since the last review? Y N

Has the issue been resolved? Y N N/A

Has agency retained copies for at least one year? Y N N/A

Has agency provided a summary of complaints from last five years? Y N N/A

If yes, is there a pattern of ADA discrimination? Y N

Describe any needed improvement.

This Section Applicable for Operators of Fixed Route Service

Applicable Y N

ADA Paratransit Eligibility

An agency providing ADA complementary paratransit service is required to establish a process for determining ADA paratransit eligibility. Eligibility is to be limited to certain categories of individuals:

1. Any person with a disability who is unable to board, ride or disembark from an accessible vehicle without the assistance of another person (except for the operator of a lift or other boarding device).
2. Any person with a disability who could ride an accessible vehicle, but the route is not accessible, or the lift does not meet ADA standards.
3. Any person with a disability who has a specific impairment-related condition that prevents the person from traveling to or from a boarding/disembarking location.

A determination of whether, as a practical matter, the individual can use fixed route transit under given circumstances is needed. The goal of the process is to ensure that only persons who meet the regulatory criteria are regarded as ADA eligible. The process may include functional evaluation or testing of applicants. Evaluation by a physician or health professional may be part of the process, but a diagnosis of a disability does not establish eligibility. The agency is not prohibited from providing service to other persons; however, the eligibility process must distinguish whether someone is ADA eligible or is provided service on some other basis. The agency must process a completed application within 21 days of submittal. If after 21 days, the agency has not made an eligibility determination, the applicant is presumed eligible and must be provided service unless the grantee later denies the application.

The agency is required to establish an appeals process for persons denied eligibility or granted conditional eligibility. The applicant must be given written reason for the determination and notice of the right to an appeal. Applicants should be required only to state their intent to appeal, not be required to give a full justification in writing prior to an opportunity to be heard. The agency may require that an appeal be filed within 60 days of the denial of a person's application. The process must include an opportunity to be heard and to present information. The person hearing the appeal must be separate from the person who made the original decision to deny eligibility. The agency is not required to provide ADA complementary paratransit service pending the determination of the appeal, but if the decision takes longer than 30 days, paratransit must be provided from that time until a decision to deny the appeal is issued. A written notification of an appeal determination, with the reason for it, is also required.

ADA Paratransit Service

Provision of Service: ADA complementary paratransit must be provided to an ADA eligible individual, including those with temporary eligibility, the personal care attendant (PCA), if a PCA is necessary, and one other individual accompanying the ADA-eligible individual, if requested. Additional companions may be provided service if space is available. Service also must be provided to visitors. Any visitor who presents ADA eligibility documentation from another jurisdiction must be provided service. If a visitor does not have ADA eligibility documentation, the agency may request proof of residency, and if the disability is not apparent, proof of disability. The agency must accept a certification by the visitor that he or she is unable to use fixed route transit. The agency is not required to provide more than 21 days of service within a 365-day period. It may request that the visitor apply for eligibility to receive additional service beyond this number of days.

Service Area: The regulations specify “origin-to-destination” service. In certain instances, this might require service beyond strict curb-to-curb. See DOT Disability Law Coordinating Council guidance. The ADA service area at a minimum includes all origins and destinations within corridors with a width of 3/4-mile of each fixed route. Within the core service area, any small areas not inside a corridor but surrounded by corridors also must be served. Outside the core service area, the grantee may designate corridors with widths of up to one and ½ miles on each side of the fixed route, based on local circumstances.

Response Time: Requests for reservations must be accepted during normal business hours on a “next day” basis (not 24 hours in advance) on all days prior to days of service (e.g., weekends, holidays) and trips must be scheduled within one hour of the requested pickup time. Reservations may be permitted up to 14 days before a desired trip.

Fares: The ADA complementary paratransit fare cannot exceed twice the fare for a trip of similar length, at a similar time of day, on the fixed-route system. No fare may be charged for PCAs. Any companions must pay the same fare as the ADA eligible individual. Agencies that provide free fare zones and/or operate free shuttle routes in downtown areas or in other parts of their service area must extend the free fares to all “comparable” complementary paratransit trips. Discounted fares or free fares offered on a promotional basis on fixed-route services (e.g., ozone alert days) do not require a corresponding reduction of the ADA complementary paratransit fare.

Days and Hours of Service: The days and hours of service for fixed route service and ADA complementary paratransit service must be the same.

Trip Purpose: No restrictions or priorities may be based on trip purpose.

Subscription Service: Unless there is non-subscription capacity, subscription service may not absorb more than 50 percent of the number of trips available at a given time. If there are no capacity constraints within the agencies system, subscription service is free to absorb as much as the agency chooses.

Service Capacity: The DOT ADA regulations specify that an agency may not limit the availability of complementary paratransit to eligible individuals by placing restrictions on the number of trips an individual will be provided, implementing wait lists for access to non-subscription service, and using various capacity constraints to limit service. Any operational pattern or practice that has the effect of limiting availability, such as limited phone reservation capacity is also prohibited.

Grantees should have a mechanism in place for monitoring, tracking, and verifying these indicators of capacity constraints. While there is no regulatory requirement for record-keeping or monitoring in any way, the agency must be able to demonstrate that the trip denials it does have, as well as the missed trips, late pickups, trips of excessive length, etc., are not an operational pattern or practice that significantly limits the availability of ADA paratransit service. Grantees should track service for ADA trips separately from non-ADA trips.

No-Show Policy: Policy must be narrowly tailored to ensure that suspension is only imposed for a true pattern or practice of missing scheduled trips. For example, three no-shows in 30 days would not be a pattern or practice for a frequent or daily rider. Such a policy would consider frequency of rides and no-shows, and not use a simple number threshold, such as 15% of scheduled rides are no-shows in 30 days. Only no-shows that are under the rider’s control may

be counted against the rider. No-shows caused by reasons beyond the rider's control (e.g., scheduling problems, late pickups, and operational problems on the part of the transit provider or a family emergency or sudden turn for the worse in a variable medical condition) or operator error must not be counted against the rider.

FTA has permitted transit providers to include late cancellations in their suspension policy, but only to the extent that late cancellations have the same effect on the system as a no-show, and only for late cancellations within the rider's control. In most cases, a provider should be able to absorb the capacity of a trip cancelled two hours or less before the scheduled pickup.

Systems may not impose a mandatory financial penalty as part of a no-show policy, including charging for the fare for the no-show trip. 49 CFR 37.125(h) permits only the establishment of an administrative process to suspend, for a reasonable amount of time, the provision of complementary paratransit service to eligible individuals who establish a pattern or practice of missing scheduled trips. In very limited cases, however, transit operators and riders facing suspension have mutually agreed to make and accept payment for the missed trips in lieu of suspension. Where such arrangements are made voluntarily, FTA has elected not to intervene.

Review procedures and paratransit plan for compliance. Are the following requirements being met?

- | | |
|-------------------------------|---|
| Eligibility determinations | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Service criteria | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Service capacity | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Origin-to-destination service | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Visitor's service | <input type="checkbox"/> Y <input type="checkbox"/> N |
| No-show policies | <input type="checkbox"/> Y <input type="checkbox"/> N |

Describe any needed improvement.

The agency shall announce stops as follows:

1. The agency shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.
2. The agency shall announce any stop on request of an individual with a disability.

Randomly ride fixed route buses to observe the announcements on vehicles. Describe any needed improvement.

Vehicle Identification Mechanisms

Where vehicles or other conveyances for more than one route serves the same stop, the agency shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.

Ride fixed route buses. Discuss whether there is more than one vehicle using the same stop and the means for identifying the proper vehicle. Describe any needed improvement.

This Section Applicable for Operators of Marine Ferry Service

Applicable Y N

The purpose of 49 CFR Part 39 is to carry out the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 with respect to passenger vessels. This rule prohibits owners and operators of passenger vessels, including U.S. and foreign-flag vessels, from discriminating against passengers on the basis of disability; requires vessels and related facilities to be accessible; and requires owners and operators of vessels to take steps to accommodate passengers with disabilities.

REFERENCES

[49 CFR Part 27](#) Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance

[49 CFR Part 37](#) Transportation Services for Individuals with Disabilities and [ADA Standards for Transportation Facilities](#)

[49 CFR Part 39](#) Americans with Disabilities Act (ADA) Accessibility Specifications for Passenger Vessels

[DOT Disability Law Guidance](#)

[FTA ADA Reasonable Modification Guidance](#)

Refusal of Service

1. As a PVO (private vessel operator), you may act to deny transportation or restrict services to a passenger with a disability if necessitated by legitimate safety requirements. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
 - a. You may take such action in order to comply with Coast Guard safety regulations.
 - b. You may take such action if accommodating a large or heavy wheelchair would, together with its occupant, create weight and balance problem that could adversely affect the seaworthiness of the vessel or impede emergency egress from the vessel.
 - c. You may restrict access to a lifeboat for a mobility device that would limit access to the lifeboat for other passengers.
 - d. You may take such action if the U.S. or international public health authorities have determined that persons with a particular condition should not be permitted to travel or should travel only under conditions specified by the public health authorities AND an individual has a condition that is both readily transmissible by casual contact in the context of traveling on or using a passenger vessel and has serious health consequences.

- e. Only passengers meeting both criteria in (d) would allow the PVO to refuse transportation, delay the passenger's use of the vessel, impose any condition on the passenger, or require the passenger to provide a medical certificate.
- 2. In acting pursuant to legitimate safety requirements, you must take the action that imposes the minimum feasible burdens or limitations from the point of view of the passenger. For example, if you can meet legitimate safety requirements by a means short of refusing transportation to a passenger, you must do so.
- 3. You may take action to deny transportation or restrict services to a passenger if the passenger poses a direct threat to others. In determining whether an individual poses a direct threat to the health or safety of others, the PVO must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:
 - a. The nature, duration, and severity of the risk.
 - b. the probability that the potential injury will actually occur and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.
- 4. If you refuse to provide transportation or use of a vessel to a passenger on a basis relating to the individual's disability or communicable disease, you must provide to the passenger a written statement of the reason for the refusal. This statement must include the specific basis for your opinion that the refusal meets the standards of §39.27 or is otherwise specifically permitted by this part. You must provide this written statement to the person within ten calendar days of the refusal of transportation or use of the vessel.
- 5. Passengers must not be required to provide advance notice in order to obtain services or privileges except for the following situations. The reservation system has to ensure that when advance notice is provided that the notice is communicated, clearly and on time, to the people responsible for providing the requested service or accommodation.

Have any denials for service been issued to a passenger with a disability since the last review?
 Y N

If yes, does the PVO have proof that a written statement was provided to a denied passenger within ten calendar days? Y N N/A

Describe any needed improvement.

Advance Notice

Passengers must not be required to provide advance notice in order to obtain services or privileges except for the following situations. The reservation system has to ensure that when advance notice is provided that the notice is communicated, clearly and on time, to the people responsible for providing the requested service or accommodation.

- 1. If ten or more passengers with a disability seek to travel as a group, you may require 72-hour notice.
- 2. Reasonable advance notice can be required to guarantee availability of auxiliary aids or services.

Does the PVO have any written policies that discuss communication with passengers in regard to advance reservation notice? Y N

Describe any needed improvement.

Access to Services

1. A PVO cannot require that a passenger with a disability travel with another person as a condition of being provided transportation on or use of a passenger vessel.
2. PVO personnel are not required to perform personal tasks (e.g., assisting with eating, dressing, toileting) for a passenger.
3. A PVO cannot charge higher fares, surcharges, or other fees to passengers with a disability that are not imposed on other passengers for transportation or use of the vessel.
4. If accessible areas of the vessel are more expensive than the type or class of service than other areas, the PVO must provide the accessible accommodation at the price or type of class of service as other vessel areas.
5. A PVO cannot require passengers with a disability to sign any release or waiver of liability not required of all passengers in order to receive transportation or use of a vessel or to receive services relating to a disability
6. A PVO cannot require passengers with a disability to sign waivers of liability for damage to or loss of wheelchairs or other mobility or assistive devices.

Did the PVO provide training documentation showing that all employees are aware of the above policies? Y N

Describe any needed improvement.

Information for Passengers

1. If you are a PVO that is a public entity, you must furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity. In determining what type of auxiliary aid or service is necessary, you must give primary consideration to the requests of individuals with disabilities.
2. If you are a PVO that is a private entity, you must furnish appropriate auxiliary aids or services where necessary to ensure effective communication with individuals with disabilities.
3. If a provision of a particular auxiliary aid or service would result in a fundamental alteration in the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or in an undue burden, you shall provide an alternative auxiliary aid or service, if one exists, that would not result in a fundamental alteration or undue burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the goods, services, facilities, privileges, advantages, or accommodations you offer.
4. As a PVO, it is your responsibility, not that of a passenger with a disability, to provide needed auxiliary aids and services.

5. As a PVO, you must provide the following information to individuals who self-identify as having a disability (including those who are deaf or hard of hearing or who are blind or visually impaired) or who request disability-related information, or persons making inquiries on the behalf of such persons. The information you provide must, to the maximum extent feasible, be specific to the vessel a person is seeking to travel on or use.
 - a. The availability of accessible facilities on the vessel including, but not limited to, means of boarding the vessel, toilet rooms, staterooms, decks, dining, and recreational facilities.
 - b. Any limitations of the usability of the vessel or portions of the vessel by people with mobility impairments.
 - c. The services, including auxiliary aids and services, available to individuals who are deaf or hard of hearing or blind or visually impaired.
 - d. Any limitations on the ability of the vessel to accommodate passengers with a disability.
6. If, as a PVO, you provide telephone reservation or information service to the public, you must make this service available to individuals who are deaf or hard-of-hearing and who use a text telephone (TTY) or a TTY relay service (TRS).
 - a. You must make service to TTY/TRS users available during the same hours as telephone service for the general public.
 - b. Your response time to TTY/TRS calls must be equivalent to your response time for your telephone service to the general public.
7. If, as a PVO, you provide written (*i.e.*, hard copy) information to the public, you must ensure that this information is able to be communicated effectively, on request, to persons with vision impairments. You must provide this information in the same language(s) in which you make it available to the general public.
8. As a PVO, you must keep a current copy of [49 CFR Part 39](#) on each vessel and each U.S. port or terminal you serve and make it available to passengers on request.

Did the PVO provide proof of written documents that are provided to individuals who self-identify as having a disability? Y N

Describe any needed improvement.

Accessibility of Vessels and Landside Facilities

1. You must ensure that there is an accessible route between the terminal or other passenger waiting area and the boarding ramp or device used for the vessel
2. As a PVO, you must ensure that the information you provide to the general public at terminals and other landside facilities is effectively communicated to individuals who are blind or who have impaired vision and deaf or hard-of-hearing individuals, through the use of auxiliary aids and services. To the extent that this information is not available to these individuals through accessible signage and/or verbal public address announcements or other means, your personnel must promptly provide the information to such individuals on their request, in languages (*e.g.*, English, Norwegian, Japanese) in which the information is provided to the general public. The types of information you must make available include, but are not limited to, information concerning ticketing, fares, schedules and delays, and the checking and claiming of luggage.

3. As a PVO, if you provide, contract for, or otherwise arrange for transportation to and from a passenger vessel in the U.S., you must ensure that the transfer service is accessible to and usable by individuals with disabilities.
4. You must also provide assistance requested by or on behalf of a passenger with a disability in moving between the terminal entrance of a terminal and the place where people get on or off the passenger vessel. This requirement includes assistance in accessing key functional areas of the terminal, such as ticket counters and baggage checking/claim. It also includes a brief stop upon request at an accessible toilet room.
5. If a passenger with a disability can readily get on or off a passenger vessel without assistance, you are not required to provide such assistance to the passenger. You must not require such a passenger with a disability to accept assistance from you in getting on or off the vessel unless it is provided to all passengers as a matter of course.
6. With respect to a passenger with a disability who is not able to get on or off a passenger vessel without assistance, you must promptly provide assistance that ensures that the passenger can get on or off the vessel. When you have to provide assistance to a passenger with a disability in getting on or off a passenger vessel, you may use any available means to which the passenger consents (e.g., lifts, ramps, boarding chairs, assistance by vessel personnel).

Did the PVO provide training documentation showing that all employees are aware of the above policies? Y N

Describe any needed improvement.

Service Animals

1. As a PVO, you must permit service animals to accompany passengers with a disability. In the marine environment, a service animal definition is a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
2. You must permit the service animal to accompany the passenger in all locations that passengers can use on a vessel, including in lifeboats.
3. You must permit the passenger accompanied by the service animal to bring aboard a reasonable quantity of food for the animal aboard a vessel at no additional charge. You must accept the following as evidence that an animal is a service animal:
 - a. identification cards, other written documentation,
 - b. presence of harness, tags, and/or the credible verbal assurances of a passenger with a disability using the animal.

Did the PVO provide a copy of their current service animal policy? Y N

Describe any needed improvement.

Wheelchairs and Other Assistive Devices

1. As a PVO subject to Title III of the ADA, you must permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.
2. As A PVO subject to Title III of the ADA, you must make reasonable modifications in your policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless you can demonstrate that a device cannot be operated on board the vessel consistent with legitimate safety requirements you have established for the vessel.
3. In determining whether a particular other power-driven mobility device can be allowed on a specific vessel as a reasonable modification, the PVO must consider:
 - a. The type, size, weight, dimensions, and speed of the device.
 - b. The vessel's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year).
 - c. The vessel's design and operational characteristics (e.g., the size and balance requirements of the vessel, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user).
 - d. Whether legitimate safety requirements can be established to permit the safe operation of a device in the specific vessel.
4. As a PVO subject to Title III of the ADA, you must not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. You may ask a person using another power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. In response to this inquiry, you must accept the presentation of a valid, State-issued disability parking placard or card, or State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a PVO shall accept as a credible assurance a verbal representation not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability.
5. As a PVO, you are not required to permit passengers with a disability to bring wheelchairs or other powered mobility devices into lifeboats or other survival craft, in the context of an emergency evacuation of the vessel.

Did the PVO provide training information showing that all employees are aware of the above policies? Y N

Describe any needed improvement.

Complaints Resolution Official (CRO)

All private vessel operators must designate one or more Complaints Resolutions Officials. A CRO must be available for contact on each vessel and at each terminal that you serve. If a telephone link to the CRO is used, TTY or TRS service must be available to for persons with hearing impairments. You must make the CRO service available in the language that you make your other services available to the general public.

Name of CRO for vessel: _____

1. CRO contact information must be given to any person that complains or raises a concern with your personnel about discrimination, policies, or services with respect to passengers with a disability, and your personnel do not immediately resolve the issue to the customer's satisfaction or provide a requested accommodation.
2. Reservation agents, websites, and contractors must also be able to provide CRO contact information to passengers.
3. You must ensure that your CRO has the authority to make dispositive resolution of complaints on behalf of the private vessel operator. This means that the CRO has the power to overrule the decision of any other personnel, except that the CRO may not be given authority to countermand a decision of the master of a vessel with respect to safety matters.

Did the PVO provide proof of ferry accessibility information and ferry complaint resolution posting(s) on vessel, ticketing area, and website? Y N

Describe any needed improvement.

Responding to Direct Complaints

1. When a complaint is made directly to a CRO (e.g., orally, by phone, TTY) the CRO must promptly take the following actions:
 - a. If an alleged violation of a provision has occurred and the CRO agrees that a violation has occurred, the CRO must provide the complainant a written statement setting forth a summary of the facts and what steps the PVO proposes to take in response the violation
 - b. If the CRO determines that the PVO's action does not violate a provision, the CRO must provide the complainant a written statement including a summary of the facts and reasons for the determination.
 - c. The statements required to be provided must inform the complainant of his or her right to complain to the Department of Transportation and/or Department of Justice. The CRO must provide the statement in person to the complainant if possible; otherwise, it must be transmitted to the complainant within ten calendar days of the complaint.

Responding to Written Complaints

1. As a PVO, you must respond to written complaints received by any means (letter, fax, email, instant message) concerning complaints regarding disability discrimination.
2. A passenger making a written complaint, must state whether he or she had contacted a CRO in the matter, provide the name of the CRO and the date of contact, and enclose any written response received from the CRO.
3. As a PVO, you are not required to respond to a complaint from a passenger postmarked or transmitted more than 45 days after the date of the incident.
4. As a PVO, you must make a dispositive written response to a written disability complaint within 30 days of its receipt. The response must specifically admit or deny

that a violation has occurred. The response must be effectively communicated to the recipient.

- a. If you admit that a violation has occurred, you must provide to the complainant a written statement setting forth a summary, or the facts and the steps that you will take in response to the violation
- b. If you deny that a violation has occurred, your response must include a summary of the facts and your reasons for the determination

Have any ADA complaints been filed since the last review? Y N

Has the issue been resolved? Y N N/A

Has agency retained copies for at least one year? Y N N/A

Has agency provided a summary of complaints from last five years? Y N N/A

If yes, is there a pattern of discrimination? Y N N/A

Describe any needed improvement.

SECTION II. CHARTER SERVICE

Applicable Y N

FTA grantees are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. The prohibition applies to recipients of Section 5307, 5310, and 5311 financial assistance. Grantees are allowed to operate community-based charter services exempted and excepted under the regulations and some irregular or limited duration services.

REFERENCES

[FTA Charter Regulations Guidance](#)

[FTA Charter Registration Guidance](#)

The FTA charter ombudsman can be emailed at ombudsman.charterservice@dot.gov.

The FTA Office of the Chief Counsel can be contacted at 202-366-4011.

Charter Definition

Transportation provided by a transit agency at the request of a third party for the exclusive use of a bus or van for a negotiated price. Under this portion of the definition, any of the following features suggest that the service being provided is regulated charter:

1. A third party pays the transit provider a negotiated price for the group.
2. Any fares charged to individual members of the group are collected by a third party.
3. The service is not part of the transit provider's regularly scheduled service,

- or is offered for a limited period; or
4. A third party determines the origin and destination of the trip as well as scheduling.
 5. Transportation provided by a transit agency to the public for events or functions that occur on an irregular basis or for a limited duration and (1) a premium fare is charged that is greater than the usual or customary fixed route fare; or (2) the service is paid for in whole or in part by a third party.

Exemptions

Federal charter service regulation does not apply to the following. **No record-keeping or reporting is required.**

1. A transit agency that is transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.
2. Private charter operators that receive, directly or indirectly, federal financial assistance under FTA programs or other specified programs.
3. A transit agency that is transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.
4. A transit agency that uses federal financial assistance from FTA for program purposes only.
5. Actions directly responding to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration. For the first 45 days, the transit agency is exempt. If the emergency lasts more than 45 days, the transit agency must follow specific procedures in the rules to continue the service.
6. Transit providers in a non-urbanized area that are transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

Exceptions

Listed below are exceptions (regulated charter) that may be provided if specific guidelines are met, and procedures are followed. **This service must be reported quarterly to MDOT OPT and records must be kept by the transit agency for three years. The transit agency must have an MDOT OPT approved cost allocation plan.**

1. Government officials on official government business (no more than 80 hours within the geographic service area; and does not generate revenue except as required by law.
2. Qualified human service organizations for the purpose of serving persons (a) with mobility limitations related to advanced age; (b) with disabilities; or (c) with low income.
3. When no registered charter provider responds to a notice from a recipient.
4. Agreement with all registered charter providers within the agency's geographic service area.
5. Petitions to the Administrator to provide charter service directly to a customer for:
 - a. events of regional or national significance.

- b. hardship (only for nonurbanized areas under 50,000 in population or small urbanized areas under 200,000 in population); or
 - c. unique and time sensitive events (e.g., funerals of local, regional, or national significance) that are in the public's interest.
6. Leasing FTA funded equipment and drivers to registered service providers under the following conditions:
- a. The private charter operator is registered on the FTA charter registration website.
 - b. The registered charter provider owns and operates buses or vans in a charter service business.
 - c. The registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated the registered charter provider or the number of accessible vehicles operated by the registered charter provider.
 - d. The registered charter provider has exhausted all the available vehicles of all registered charter providers in the recipient's geographic service area.

Does the agency operate any service that falls under one or more of the allowed exemptions?
 Y N

If yes, which exemption(s)?

Does the agency provide charter service with locally owned vehicles? Y N

If the vehicle(s) is stored and maintained in a federally funded facility, the service must be reported to MDOT OPT as charter service. Files will be reviewed to ensure this service is separate from federally funded public transportation service.

Does the agency operate and report any charter service under the exceptions above, as defined in the regulation (i.e., service provided on an irregular basis or for limited duration, receives subsidies from third parties for service)? Y N

Under which exception(s)?

If applicable, were the quarterly reports submitted in a timely manner and reflect under which exception the grantee performed the charter service? Y N N/A

Did the agency or the state (on the agency's behalf) request an advisory opinion from the Office of Chief Counsel? Y N

If yes, what was the response and was it followed?

Did any registered charter provider file a cease-and-desist order against the agency? Y N

Did any registered charter provider file a complaint with the Office of the Chief Counsel alleging noncompliance against the agency? Y N

If yes, did the agency file an answer within 30 days of the date that the FTA notification was served? Y N N/A

SECTION III. COMMERCIAL DRIVER'S LICENSE

Applicable Y N

Grantees that receive only Section 5310 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 (CDL).

All drivers of vehicles designed to transport sixteen or more passengers, including the driver, must have a CDL. Mechanics that drive the vehicles must also have a CDL. Therefore, those transit agencies who receive Section 5310 funds and have vehicles designed to transport sixteen or more, must be included in a drug and alcohol testing program.

REFERENCES

[49 CFR Part 382](#) FMCSA Controlled Substances and Alcohol Use and Testing

The FMCSA website regarding drug and alcohol testing and all reporting requirements is <https://www.transportation.gov/odapc/MISreporting> or you may contact the Office of Drug and Alcohol Policy and Compliance (ODAPC) at 1-202-366-3784.

Does the agency have vehicles which would require a CDL? Y N

If yes, is the agency following FMCSA regulations? Y N N/A

Does the agency have a drug and alcohol testing program? Y N

Verify staff determining reasonable suspicion tests are certified. Y N

Name: _____ Date Certified: _____

Name: _____ Date Certified: _____

Describe any needed improvement.

SECTION IV. COST ALLOCATION PLANS (CAP)

Applicable Y N

The following are activities that may require a CAP: Please note that the following list is only illustrative and not all inclusive, and other conditions may require a CAP. If you incur expenses for any activities that are not considered public transportation and are conducted for another entity, you may need a CAP. Please mark "yes" or "no" for each item and add any not listed.

List any current CAP:

Package Delivery/Meal Delivery Programs Y N

Does your agency provide any package delivery or meals on wheels service? If so, it cannot conflict with public transit services, nor result in a reduction of service to transit passengers.

Charter Service Y N

Does your agency provide incidental charter service?

Multiple Operating Funding Sources Y N

Does your agency receive state or federal operating funds for more than one program? (Example: An agency that participates in the Job Access Reverse Commute program and provides Regular Service)

Rental/Other Income Y N

Does your agency rent space, vehicles, or parking lots to others? (Examples: concession stand, candy counters, restaurants, office space, garage space)

Maintenance Services Y N

Does your agency sell maintenance services to others?

Contributed Service Y N

Does your agency receive donated services that benefit transit operations and would need to be purchased if the services were not donated?

Joint Costs with Others Y N

Is your agency a department, office, etc. of a local (city, county, or township) government that has joint cost with other units of the local government? (Examples: building maintenance, bookkeeping services, information technology, payroll service, insurance, joint job responsibilities between departments). This does not apply to transit authorities.

Other Activities Y N

If so, list them here.

--

- A. If “yes” was indicated in Part II, a CAP is required - continue to B. If only “no” was indicated in Part II, and you are unsure if a CAP is required contact your Project Manager otherwise end of process. Y N
- B. Is a corresponding CAP listed in Part I? If yes, has the CAP been approved by MDOT? If yes, continue to C, if no, continue to D. Y N
- C. Has the methodology changed since the plan was approved? If yes, continue to D. If no, end of process. Y N
- D. An approved CAP methodology or updated methodology is required. Your agency needs to formulate the plan methodology and submit it to your project manager. Contact your project manager if you have questions.

SECTION V. DRUG AND ALCOHOL TESTING

Applicable Y N

Agencies receiving FTA Section 5307 and Section 5311 financial assistance must have an approved drug and alcohol policy and testing program for all safety-sensitive employees. Section 5310 agencies that receive Section 5311 funds from a Section 5307 agency must meet the same requirement. The FTA mandated drug and alcohol testing program is separate from, and in addition to, the provisions of the Drug-Free Workplace Act (DFWA).

REFERENCES

[49 USC §5331](#) Alcohol and Controlled Substances Testing for Public Transportation Employees

[49 CFR Part 655](#) Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

[49 CFR Part 40](#) Procedures for Transportation Workplace Drug and Alcohol Testing Programs

Areas to be Examined

- 1. Policy statement on prohibited drug use and alcohol misuse in the workplace.
- 2. Types of tests and substances.
- 3. Rate of random testing
- 4. Post-accident determinations
- 5. Monitoring contracts and/or subrecipients with safety sensitive employees.
- 6. Monitoring program vendors.

The agency must conduct the following types of drug and alcohol testing.

- 1. Pre-employment
- 2. Random
- 3. Post-accident
- 4. Reasonable suspicion
- 5. Return-to-duty
- 6. Follow-up

Does the agency have a written drug and alcohol testing policy? Y N

Date the policy was approved by the agency’s governing board: _____

Do all employees receive a copy of the policy and sign an acknowledgement of receipt that is maintained on file? Y N

Review records for 10% of employees (up to five to) determine if a pre-employment test was conducted and verified results maintained on file.

Describe any needed improvement.

How does the agency check on the drug and alcohol testing record of new hires and transfers that they are intending to use to perform safety sensitive duties? Describe any needed improvement.

Verify the agency is completing a release of information form and sending it to the new employee's previous employer. Y N

Is the release form on file? Y N

How does the agency assure testing is completed at an annual random rate of 50 percent for drugs and 10 percent for alcohol, or as defined by FTA regulations?

Describe any needed improvement.

Verify the agency prepares and maintains an annual Management Information System (MIS) report of drug and alcohol test results. Y N

Total number of safety sensitive employees reported: _____

Total number of random alcohol tests completed: _____

Total number of random drug tests completed: _____

Randomness of Testing

Review both the completed Drug and Alcohol Annual Summary and the Drug and Alcohol Random Testing Template documents to determine if the agency has a predictable testing pattern. If the documents have not been completed, or they have not presented alternative documents, instruct the agency to complete them and submit them for review prior to the compliance review closing process.

Were the random testing matrix documents completed? Y N

Was a predictable testing pattern detected? Y N

Verify the agency is using a notification for testing form. Y N

Verify the notification of testing forms on file? Y N

Policy: Amount of time employee must report to test site: _____

Are the notification time and site arrival time being documented? Y N

Is the employer copy of the custody and control form on file ? Y N

Are verified test results on file? Y N

Describe any needed improvement.

Post-Accident Testing

Did the agency have any post-accident tests since the last review? Y N

If yes, was the test performed in accordance with their policy? Y N N/A

Is the post-accident testing determination form completed and on file? Y N N/A

Are accident reports and other documentation on file? Y N N/A

If a test was given under the transit agency's own authority, was a non-federal testing form used? Y N N/A

Describe any needed improvement.

Reasonable Suspicion Testing

Did the agency have any reasonable suspicion tests since the last review? Y N

If yes, was the test performed in accordance with their policy? Y N N/A

Verify staff determining reasonable suspicion tests are certified. Y N

Name: _____

Date Certified: _____

Name: _____

Date Certified: _____

Name: _____

Date Certified: _____

Are reasonable suspicion training certificates on file? Y N

Is the reasonable suspicion determination report on file? Y N N/A

Describe any needed improvement.

Return-to-Duty and Follow-Up Testing

Does the agency have a zero-tolerance policy? Y N

Did the agency have employee(s) return-to-duty since the last review? Y N N/A

If yes, was the test performed in accordance with their policy? Y N N/A

Did the employee(s) complete the treatment protocol prior to testing? Y N N/A

Were follow-up tests performed in accordance with their policy and at the employee(s) expense? Y N N/A

Were return-to-duty and follow-up tests direct observation? Y N N/A

Are substance abuse professionals properly identified in the agency's policy and provided to employees in the event of a verified positive test? Y N

Describe any needed improvement.

Medical Review Officer (MRO) Certification

Name of MRO: _____ Date Certified: _____

Is a current copy of the MRO certification on file? Y N

Collection Site and Personnel Certification

Name of Collection Site: _____

Name of DOT Specimen Collector: _____ Date Certified: _____

Name of Breath Alcohol Tester (BAT): _____ Date Certified: _____

Are current copies of collection site personnel certifications on file? Y N

Is the collector registered to receive updates from the DOT Office of Drug and Alcohol Policy and Compliance [ODAPC Listserv](#)? Y N

Describe any needed improvement.

File Security and Agency Testing Program Review

Verify drug and alcohol testing program records are maintained in a separate secured location with controlled access. Y N

Are employee training records on file to include at least 60 minutes of drug and alcohol education and awareness? Y N

How does agency ensure the lab is testing for substances identified in their plan?

What efforts does the agency make to monitor the FTA Drug and Alcohol testing program requirements of its contractors, lessees, etc. with safety-sensitive employees?

If the agency contracts out any or all aspects of its Drug and Alcohol Program, (e.g., collection sites, MROs, etc.), what steps is the agency taking to monitor their compliance with program requirements?

Date of last collection site mock collection or observation: _____

Discuss the agency's policy or procedure for monitoring CDL requirements.

Describe any needed improvement.

SECTION VI. EQUAL EMPLOYMENT OPPORTUNITY

Applicable Y N

Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination for agencies receiving Federal financial assistance. Specifically, Title VII makes it unlawful for an employer to hire or discharge any individual, or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of an individual's race, color, religion, sex, disability, or national origin in matters of hiring, training, promotions, discipline, firing, and all workplace conduct (42 U.S.C. Section 2000e).

REFERENCES

[49 CFR Part 27](#) Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance

[FTA Circular 4704.1A](#) FTA Equal Employment Opportunities

[Rehabilitation Act of 1973 Section 503](#)

[Rehabilitation Act of 1973 Section 504](#)

[Equal Pay Act of 1963](#)

Threshold

Subrecipients that receive capital or operating assistance in excess of \$1 million or planning assistance in excess of \$250,000 and employ fifty or more transit related employees must submit to the State an EEO plan. For agencies with one hundred or more employees, a full seven-part EEO program is required. For agencies with 50-99 employees, only the five-part EEO program is required. Program updates are due every four years.

EEO Officer Designation

The designation of an agency's EEO Officer responsible for management and oversight reflects the agency's EEO commitment. As such, FTA requires agencies to designate an executive as EEO Officer who will report to and is directly responsible to the agency's CEO/GM.

FTA requires agencies to name the EEO Officer and publicize the individual's contact information in all internal and external communications regarding the agency's EEOP. FTA encourages agencies to compensate the EEO Officer at the same level as other agency executives.

FTA requires agencies to ensure that no conflicts of position or conflicts of interest occur or appear to occur with respect to the EEO Officer's role. This means separating the EEO Officer from human resources official(s) in order to maintain the integrity of the EEO investigative and decision-making process.

Does the EEO Officer report directly to the CEO/Executive Director? Y N

Is the EEO Officer separate from the Human Resources department of the agency? Y N

Describe any needed improvements.

Utilization Analysis and Goals

FTA requires agencies to complete a utilization analysis. A completed utilization analysis identifies job categories that have an underutilization and/or concentration of minorities and women in relation to their availability in the relevant labor market. The analysis also establishes the framework for goals and timetables to correct employment practices that contributed to any identified underutilization or concentration.

The workforce analysis includes the number of employees and salary ranges for each job category for men and women in the following sub-categories:

1. White (not Hispanic or Latino)
2. American Indian/Alaska Native (not Hispanic or Latino)
3. Black or African American (not Hispanic or Latino)
4. Hispanic or Latino
5. Asian (not Hispanic or Latino)
6. Native Hawaiian and Other Pacific Islander (not Hispanic or Latino)
7. Two or more races (not Hispanic or Latino)

The analysis also summarizes the following EEO job categories: officials and administrators, professionals, technicians, administrative support workers, skilled craft workers, and service and maintenance workers.

Agencies must also compile information on the availability of minorities and women in the workforce at large and to analyze participation rates of minorities and women at the various levels in the workforce in comparison with their availability in the relevant labor market. The completed utilization analysis will show where problems may exist in the agency. Based on these statistics, the agency will be able to set numerical goals and timetables. FTA requires agencies to provide percentage and numerical goals (using the one-person rule) along with timetables for the next three-year period for any categories of underutilization identified in the utilization table

Verify that the EEO plan contains a utilization analysis showing the underutilization and/or concentration of minorities or women. Y N

Was a copy of the utilization analysis obtained during the review? Y N

Describe any needed improvements.

Does the goals and timetable section of the EEO plan show percentages and numerical goals along with three-year timeline for any underutilized category? Y N

Describe any needed improvements.

Narrative and Statistical Assessment of Employment Practices

Agencies can use self-analysis to ascertain whether their employment practices are contributing to underutilization and/or concentration. FTA requires agencies to document their employment practices in both narrative and statistical formats with sufficient detail to identify any practices that may operate as employment barriers.

FTA requires agencies to identify all problem areas and propose a program of remedial actions as part of their EEO program. A proper assessment and identification of problem areas evaluates the impact of an agency's evaluation of external factors (e.g., applicants not knowing where to apply for jobs or the unavailability of bilingual materials and information) and internal

factors (e.g., recruitment, testing, hiring, promotions, transfers, seniority, training, compensation, benefits, disciplinary procedures, and terminations).

Does the EEO plan contain statistical data to document the impact of employment practices in the following categories based on race and sex: hired, promotions, training, terminations, and discipline? Y N

Describe any needed improvements.

FTA requires agencies to have a clearly described complaint process that includes employees knowing where and how to file a complaint.

FTA requires agencies to maintain a log that documents the name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, resolution reached, and the name of the investigator.

FTA requires agencies to maintain cumulative records on applicants, hires, transfers, promotions, training, and termination. Such records provide current information needed to prepare yearly targets and to identify where the program is not working or working effectively enough to meet the goals

FTA requires agencies to maintain records documenting progress and efforts to ensure nondiscrimination (e.g., agendas and sign-in sheets for training or meetings, job postings published, advertisements placed, a log of recruitment locations and dates).

Does the agency maintain a complaint log that contains name of complainant, basis of the complaint, the protected group, date of initial contact, date of resolution, resolution reached and name of the investigator? Y N

Describe any needed improvements.

Does the agency maintain cumulative records on applicants, hires, transfers, promotions, training, and termination to show that the agency is comparing their yearly targets to actual hiring practice? Y N

Describe any needed improvements.

Is the EEO Policy Statement posted on bulletin boards, near time clocks and break rooms, website, personnel office, or other applicable areas? Y N

Describe any needed improvements.

Does the agency maintain sign in sheets from semi-annual meeting of supervisory staff in the review of the EEO plan? Y N

Describe any needed improvements.

Does the agency maintain sign in sheets from meetings with employees to seek input on the program implementation? Y N

Describe any needed improvements.

Does the agency maintain signed forms showing the employees' acknowledgement of receiving the EEO Plan? Y N

Describe any needed improvements.

Does the agency maintain proof that management/supervisory staff was trained on the EEO Plan within 90 days of their hiring? Y N

Describe any needed improvements.

Do the agency job postings or advertisements show EEO language? Y N

Describe any needed improvements.

SECTION VII. FACILITIES AND EQUIPMENT

Applicable Y N

This section only applies to agencies with federally funded facility construction, improvements, or renovations, and/or equipment, including administrative vehicles. It does not apply to federally funded revenue vehicles.

Agencies must maintain satisfactory and continuing control over federally funded facilities and equipment and ensure that they are used properly in transit service.

Real property is the land and effects permanently attached to the land, such as trees, buildings, and stationary mobile homes. Anything that is not real property is termed personal property.

Property no longer needed should be used for other purposes or removed from service. The agency is required to notify MDOT OPT when property is removed from the service that was originally intended in the grant award and put to additional or substitute use.

REFERENCES

[2 CFR Part 1201](#) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

[FTA Circular 5010.1E Award Management Requirements](#) Chapter I Section 5(76) on incidental use and Chapter 4 Section 2(i) on property management

[FTA Circular 9040.1G Formula Grants for Rural Areas](#) Chapter V Section 4 on satisfactory continuing control and responsibility

[FTA Circular 9070.1G Enhanced Mobility for Seniors and Individuals with Disabilities](#) Chapter VI Section 8 on satisfactory continuing control and responsibility

[Davis-Bacon Act](#)

Is the facility properly identified in PTMS? Y N N/A

Describe any needed improvements.

If the facility is not federally funded, note general condition and proceed to the "Equipment" section.

Facility

Since the last review, has the agency constructed a new transit facility? Y N

If yes, is the facility ADA accessible? Y N N/A

If no, did the agency obtain a finding of equivalent facilitation from FTA?
 Y N N/A

Since the last review, identify any facility improvement including cost and funding source.

Are all improvements in accordance with ADA Accessibility Guidelines? Y N N/A

Have all improvements been added to PTMS? Y N N/A

For construction or improvements over \$2,000, review one week of the certified payroll records for each project for compliance with the Davis-Bacon Act.

Describe any needed improvement.

Since the last review, have any of the accessible features (elevators, signage, and systems to facilitate communications, etc.) been found non-operative? Y N

If yes, were they repaired promptly? Y N N/A

FTA Transit Asset Management (TAM) rating of facility and real property: _____

Identify any incomplete significant features and describe incomplete construction.

Is there any unused space? Y N

If yes, does the agency have an excess real property utilization plan? Y N N/A

Are there any agreements for usage by other agencies? Y N

If yes, is there an MDOT OPT approved cost allocation plan? Y N N/A

Describe any needed improvement.

Does the agency have an approved facility maintenance plan? Y N

MDOT OPT Approval Date: _____

The facility/equipment maintenance plan should identify specific items, i.e., buildings, parking lots, electric distribution and control equipment, plumbing systems, overhead doors, vehicle maintenance lifts, vehicle washers and wash water recycling systems, heating and/or air conditioning units, generators, administrative vehicles, etc. The facility/equipment maintenance plan should describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals. Maintenance intervals might be measured in terms of days or monthly, annually, or in terms of usage, i.e., hours of use. Records of completed facility inspections and repairs must be retained on file.

Verify compliance with approved facility/equipment maintenance plan. Y N

Is equipment purchased since last review added to the maintenance plan? Y N N/A

Describe any needed improvement.

Equipment

The agency must maintain continuing and satisfactory control of all federally funded equipment. Randomly select a minimum of three federally funded equipment items and verify presence at the agency facility.

Item: _____ Serial number: _____
Verified equipment at agency: Y N

Item: _____ Serial number: _____
Verified equipment at agency: Y N

Item: _____ Serial number: _____
Verified equipment at agency: Y N

At the agency, randomly select a minimum of three equipment items and verify inclusion in PTMS equipment listing.

Item: _____ Serial number: _____
Verified equipment in PTMS: Y N

Item: _____ Serial number: _____
Verified equipment in PTMS: Y N

Item: _____ Serial number: _____
Verified equipment in PTMS: Y N

Has the agency conducted a physical inventory in the past two years? Y N

If yes, what method of inventory was used?

Does the agency have a system to prevent loss, damage, or theft? Y N

If yes, describe the system.

Since the last review, has the agency disposed of any equipment? Y N

If yes: Had the equipment met useful life? Y N
Did the agency obtain MDOT permission for disposal? Y N
What method of disposal was used? _____
Has the equipment been removed from PTMS? Y N

Describe any needed improvement.

Incidental Use

Does the agency have any real property or equipment that is used for non-transit purposes, including any acquired since the last review? Y N

If yes, identify the item(s) and answer the following questions:

Does the agency receive revenue for incidental use of the above? Y N N/A

If yes, is the revenue used for capital and/or operating expenses for the provision of public transportation? Y N N/A

Does the agency still need and use the above equipment/property for an FTA program or project? Y N N/A

Does the incidental use of the above equipment/property interfere with the agency's public transportation operations? Y N N/A

Does the agency have incidental use of a fueling facility? Y N N/A

If yes, do they collect all applicable excise taxes? Y N N/A

Date of last signed incidental use affidavit: _____

Describe any needed improvement.

SECTION VIII. PROCUREMENT

Applicable Y N

Agencies will use procurement procedures that reflect applicable agency and local laws and state and federal regulations to ensure competitive procurement. Procedures will conform to applicable federal law including 49 CFR Part 18, specifically §18.36, FTA Circulars 4220.1F and 5010.1E, and the MDOT Master Agreement. Agencies will maintain a records system that ensures that contractors perform in accordance with terms, conditions, and specifications of their contracts or purchase orders.

REFERENCES

[49 CFR Part 18](#) Subpart C §18.36 on procurement

[FTA Circular 4220.1F](#) Third party contracting guidance

[FTA Circular 5010.1E](#) Grant management requirements

[MDOT Procurement Guidelines](#)

[MDOT Review of Procurements](#)

[Employee Rights Under Davis-Bacon Act](#)

[Davis-Bacon Certified Payroll Form](#)

Open Competition

Agencies must conduct procurement transactions in a manner providing full and open competition. Agencies are prohibited from restricting competition in federally supported procurement transactions. Some situations that restrict competition include, but are not limited to, unreasonable qualification requirements, unnecessary experience requirements, excessive bonding, noncompetitive pricing practices between firms, noncompetitive awards to firms on retainer, organizational conflicts of interest, “brand name” only specifications, or any arbitrary action in the procurement process. **Justification for sole source and single bid awards must be documented and approved by MDOT OPT.**

FTA and MDOT OPT prohibit agencies from using local geographic preferences in the evaluation of bids or proposals in federally assisted procurements, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Geographic location may be a selection criterion in procurements for architectural and engineering services provided its application leaves an appropriate number of qualified firms to compete for the contract.

Micro-Purchases (\$10,000 or less) may be made without obtaining competitive quotations if the agency determines that the price to be paid is fair and reasonable. These purchases should be distributed equitably among qualified suppliers in the local area and should not be split to avoid the requirements for competition above the micro-purchase threshold.

Small Purchase (more than \$10,000 but less than \$250,000) procedures require that price or rate quotations be obtained from a minimum of three (3) qualified sources. The solicitations and quotations will be in writing. Quotes will be documented and available upon request.

Procurements of \$250,000 or more require sealed bids or competitive proposals.

Sealed Bids/IFB – Bids are publicly solicited and advertised, the award is made to the lowest (best price), responsive (meets all specifications), and responsible (is qualified to perform the work) bidder. IFB must contain specific language that low bid will be awarded the contract.

Competitive Proposals/RFP – Proposals are publicly solicited and advertised from an adequate number of sources and the award is made to the firm whose offer is most advantageous to the agency. Agencies must identify their evaluation factors and indicate the relative importance that each has toward the award.

Architectural and Engineering (A&E) services (including some design-build procurements) must be procured using a qualifications-based process (Brooks Act). Services subject to this requirement are program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, and related services that lead to construction. Price must not be considered during the selection phase in these procurements. Firms are selected based only on their qualifications. Price is then

negotiated with the most qualified firm. If an agreement cannot be reached, then the agency may negotiate with the next most qualified firm and so on until an agreement is reached on a price that the agency determines is fair and reasonable.

Revenue contracts involving FTA-funded facilities or assets (e.g., advertising on buses, at bus shelters, or at transit centers) must be awarded on a competitive basis. Income derived from such contracts must be used to offset program costs.

Third party contracts or subcontracts in excess of \$100,000 must be submitted to MDOT OPT for written approval.

Does the agency have an MDOT approved written procurement policy? Y N

Date of MDOT OPT policy approval: _____

Review procedures, procurement files, legal notices, and solicitation documents to determine that agency does ensure full and open competition for all methods of procurement. Particular attention should be paid to product specifications to ensure that "brand name" only specifications have been used appropriately (i.e., the agency also must describe the product's salient characteristics in the specification). While the review of procurement files should focus on awards that exceed the simplified acquisition threshold of \$250,000, the reviewer should discuss procurement actions for micro- and small purchases with the agency to ensure that these also have been conducted competitively.

Review up to three files to ensure that prompt payment was made to the vendor/contractor within 10 days of the agency receiving reimbursement from MDOT OPT.

Describe any needed improvement.

SECTION IX. SCHOOL BUS TRANSPORTATION

Applicable Y N

The state and its subrecipient agencies are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service. School tripper service that operates and looks like all other regular service is allowed.

REFERENCES

[40 CFR Part 605](#) School Bus Operations

Exemptions

An FTA subrecipient agency may operate exclusive school bus service with locally funded buses, when stored in locally funded facilities, under the following conditions:

1. The subrecipient agency operates a school system in the area and operates a separate and exclusive school bus service for that school system.
2. Existing private school bus operators are unable to provide adequate, safe transportation.
3. The subrecipient agency, a public entity, operated the service prior to August 12, 1973, or received a grant for facilities before November 26, 1974.

Does the subrecipient agency operate exclusive school bus service? Y N

If yes, under which exemption above does it qualify? _____

Describe any needed improvement.

Is the service operated with locally owned equipment? Y N

If yes, is it stored or maintained in a federally funded facility? Y N N/A

Describe any needed improvement.

Does the subrecipient agency provide tripper service? Y N

If yes, does this service meet the following criteria?

- | | |
|--|---|
| Regularly scheduled public transportation service. | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Buses are clearly marked as open to the public. | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Service was modified to meet needs of students/school personnel. | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Service uses various fare collection systems or subsidies. | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Buses have no special designations (e.g., "school bus") . | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Buses use regular bus stops. | <input type="checkbox"/> Y <input type="checkbox"/> N |
| Service is noted on published schedules. | <input type="checkbox"/> Y <input type="checkbox"/> N |

School tripper service that does not meet the above requirements must modify the service to comply with FTA requirements or discontinue the service.

Describe any needed improvement.

FTA defines tripper service as regularly scheduled mass transportation service which is open to the public, and which is designed or modified to accommodate the needs of school students and personnel, using various fare collections or subsidy systems. Buses used in tripper service must be clearly marked as open to the public and may not carry designations such as "school bus" or "school special". These buses may stop only at a grantee or operator's regular service stop. All

routes traveled by tripper buses must be within a grantee's or operator's regular route service as indicated in their published route schedules. **Therefore, tripper service analysis is only required for agencies providing fixed route service.** Demand response agencies may provide student transportation if it matches all other operational characteristics.

SECTION X. TITLE VI

Applicable Y N

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the ground of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "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" (42 U.S.C. Section 2000d).

REFERENCES

[FTA Circular 4702.1B](#) Title VI Requirements and Guidelines for Federal Transit Administration Recipients

This circular is to help FTA recipients:

1. Ensure the level and quality of public transportation service is provided in a nondiscriminatory manner.
2. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin.
3. Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

A Title VI Notice to the Public must be displayed to inform a recipient's customers of their rights under Title VI. At a minimum, recipients must post the notice on the agency's website, in public areas of the agency's office(s), including the reception desk and meeting rooms, transit shelters and stations, and on transit vehicles (e.g., buses, rail cars, etc.). The Title VI Notice is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then the notice should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, this statement in the notice - "If information is needed in another language, then contact [phone number]" - should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold

Does the agency have a compliant Title VI policy document on file? Y N

Date the policy was approved by MDOT OPT: _____

Date the policy was approved by the agency's governing board: _____

If the agency does not have a current policy, they must complete one for review prior to the compliance review closing process.

Does the agency's service area have any LEP language group that exceeds 5 percent of the service area or 1,000 persons? Y N

If yes, does the agency provide written translations of vital documents in that/those languages(s)? Y N N/A

Describe any needed improvement.

Does the agency's Title VI Notice to the Public include the following information?

1. Agency Name: Y N
2. Statement that the Agency operates its programs and services without regard to race, color, and national origin: Y N
3. The procedures that the public should follow to request additional information on the agency's Title VI obligation: Y N
4. The procedures that the public should follow to file a Title VI discrimination complaint against the agency: Y N

If applicable, is this information provided in another language spoken by the LEP population that meets the Safe Harbor Threshold? Y N N/A

Describe any needed improvement.

Where is the Title VI information displayed?

- | | | | |
|---------------------------|----------------------------|----------------------------|------------------------------|
| 1. Brochures | <input type="checkbox"/> Y | <input type="checkbox"/> N | <input type="checkbox"/> N/A |
| 2. *Facility/Headquarters | <input type="checkbox"/> Y | <input type="checkbox"/> N | |
| 3. *Transit Vehicles | <input type="checkbox"/> Y | <input type="checkbox"/> N | |
| 4. Transit Shelters | <input type="checkbox"/> Y | <input type="checkbox"/> N | <input type="checkbox"/> N/A |
| 5. Transit Stations | <input type="checkbox"/> Y | <input type="checkbox"/> N | <input type="checkbox"/> N/A |
| 6. *Website: | <input type="checkbox"/> Y | <input type="checkbox"/> N | |
- *Required areas

Describe any needed improvement.

How does the agency ensure its subrecipients are complying with Title VI?

Describe any needed improvement.

Since the last review, have any of the four-factors changed that might result in an updated analysis and Language Assistance Plan (LAP)? Y N

If yes, have the updated analysis and LAP been done? Y N N/A

Since the last review, what outreach and involvement activities has the agency performed to seek out and consider the viewpoints of minority and LEP populations?

Describe any needed improvement.

Do the agency's non-elected boards and committees include minorities? Y N

Since the last review, what has the agency done to encourage minority representation?

Describe any needed improvement.

Has the agency made land acquisition or performed facility construction using federal funds since the last review? For purposes of this requirement, "facilities" are referred as vehicle storage facility, maintenance facility, operation center, etc.; they do not include bus shelters, as these are transit amenities and are covered FTA Circular in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Y N

If yes, has the agency performed a Title VI equity analysis as described in *Chap. III-11, 13. Determination of Site or Location of Facilities*? Y N N/A

If required, obtain a copy of the Title VI equity analysis document. Y N/A

DETERMINATION OF SITE OR LOCATION OF FACILITIES

Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and

are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. To comply with the regulations:

1. The recipient shall complete a Title VI equity analysis during the planning stage regarding where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
2. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
3. If the recipient determines that the location of the project will result in a disparate impact based on race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact based on race, color, or national origin.

The recipient must show how both tests are met; it is important to understand that to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact based on race, color, or national origin, and then implement the least discriminatory alternative.

Describe any needed improvement.

Does the agency provide fixed route service? Y N

If yes: Do they have system-wide service standards and policies, and how do they monitor them? Y N

When did the agency last conduct a passenger survey to collect the required demographic ridership and travel patterns? (Required at least every 5 years.)
