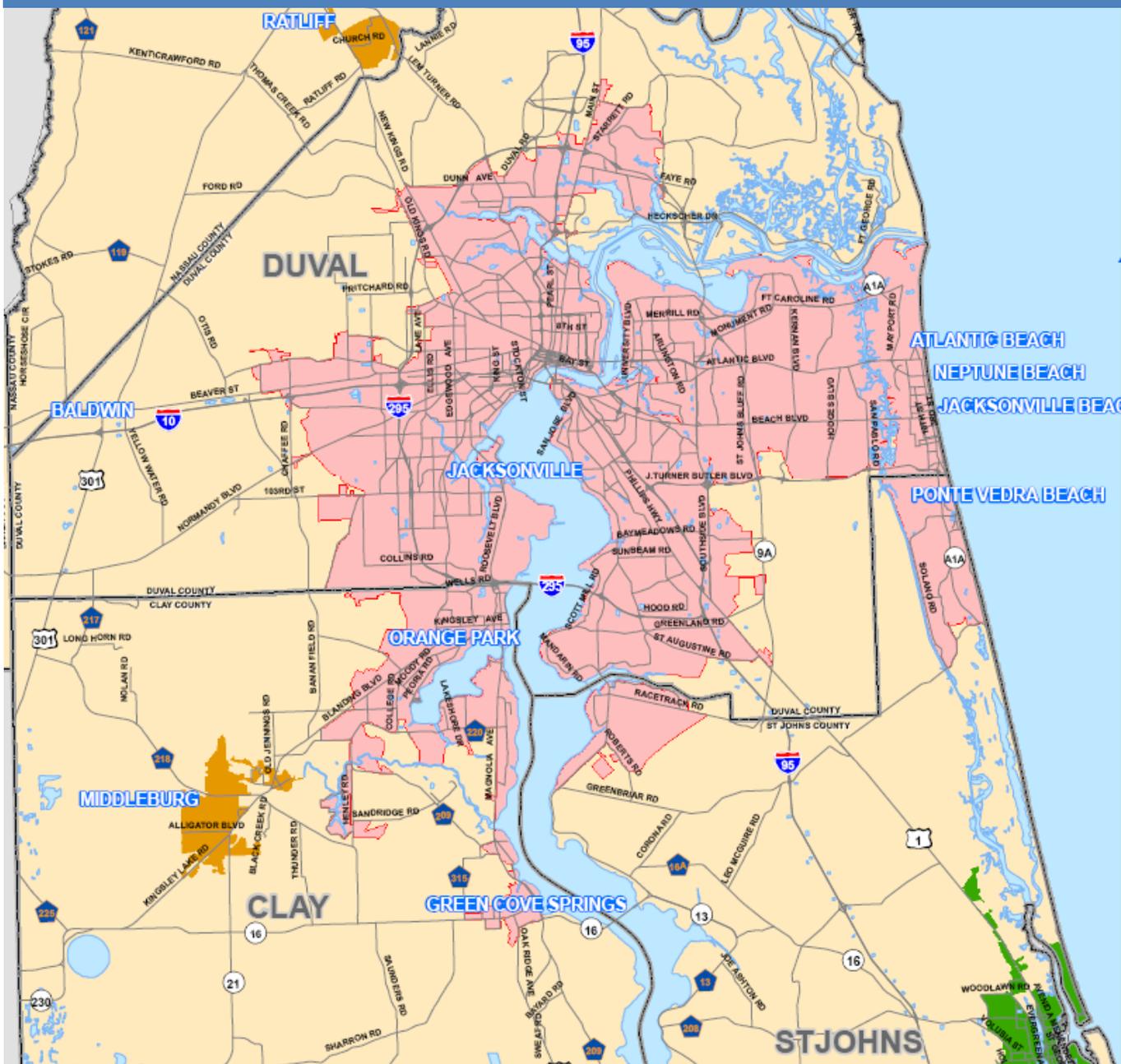


# Sub-Recipient Monitoring Process and Procedures

## Jacksonville Urbanized Area



# SUB-RECIPIENT MONITORING PROCESSES AND PROCEDURES

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Approvals:

Vice President, Long Range Planning & System Development \_\_\_\_\_ Date: \_\_\_\_\_

Deputy Chief Administrative Officer \_\_\_\_\_ Date: \_\_\_\_\_

Vice President, Transit Operations \_\_\_\_\_ Date: \_\_\_\_\_

Vice President, Finance & Technology \_\_\_\_\_ Date: \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_ Date: \_\_\_\_\_

# JACKSONVILLE URBANIZED AREA SUB-RECIPIENT MONITORING PROCESS AND PROCEDURES

**Introduction:** The Jacksonville Transportation Authority is the designated recipient of Federal Section 5307 Urbanized Area funding for the Jacksonville Urbanized Area. The designated recipient has the principal authority and responsibility for administering Urbanized Area Formula Program funds within a UZA. The designated recipient's responsibilities include:

- a. Allocating the relevant apportionment among recipients in the urbanized area based on local needs and arrangements, and in coordination with the MPO;
- b. Identifying and selecting the projects (capital, operating, job access and reverse commute, or planning);
- c. Submitting a grant application for the Section 5307 program of projects (POP) and/or authorizing other eligible applicants to apply for all or part of the apportionment, and notifying FTA of such authorizations; and
- d. **Monitoring projects for compliance to all applicable Federal requirements according to 49 U.S.C. 5307(c)(1)(C) and FTA Circular 5010.1, "Grant Management Requirements".**

JTA has adopted a risk-based approach in monitoring its federally funded sub-recipients. In this approach, JTA will conduct annual compliance reviews of select areas covering all areas at least once every three years.

A principle tenant of the JTA approach to the Sub-recipient Monitoring Program is the provision of technical assistance. The JTA will assist each sub-recipient under review to understand the requirements of any particular circular, rule, regulation or law, to provide copies of relevant regulatory citations and technical assistance materials, and to render additional assistance in sub-recipient remedy of findings, as necessary.

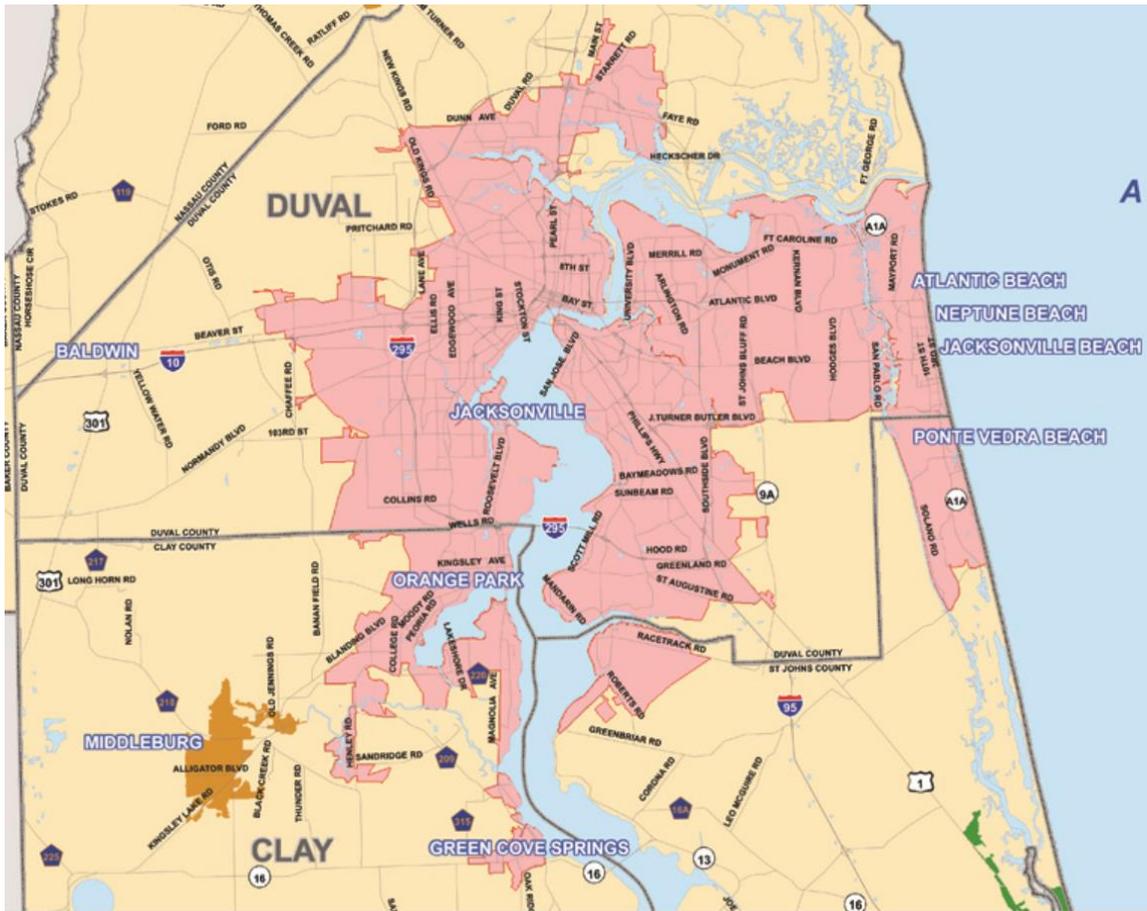
This document details the JTA's sub-recipient monitoring requirements, processes and procedures. The Long-Range Planning and System Development Division has the overall responsibility of sub-recipient monitoring with support from many other JTA Departments. These Departments include but are not limited to: Grants Management and Accounting, Safety and Security, Maintenance, Ethics and Compliance, Budget and Financial Analysis, Diversity and Equity and Procurement.

**Urbanized Area (Section 5307) Funding:** Section 5307 (49 U.S.C. § 5307) is a formula grant program for urbanized areas providing capital, operating, and planning assistance for mass transportation. These funds constitute a core investment in the enhancement and revitalization of public transportation systems in the nation's urbanized areas, which depend on public transportation to improve mobility and reduce congestion. These funds are apportioned to urbanized areas (UZAs) utilizing a formula based on population, population density, and other factors associated with transit service and ridership.

UZAs generally correspond to U.S. cities and their densely populated suburbs. Most UZAs include multiple independent jurisdictions, and some include multiple cities, if those cities are linked by a densely populated area. The criteria for qualification as an UZA are based on geographic and demographic factors determined by the Bureau of the Census. The specific factors used to determine which adjacent areas are included in an UZA are subject to change in each decennial census. Once published, these population counts and boundaries are used by FTA for funding apportionments and program eligibility determinations.

The Jacksonville Urbanized Area includes large portions of Duval and Clay Counties and some portions of St Johns County.

*Illustration 1: Map of the Jacksonville Urbanized Area*



A detailed map of the Jacksonville Urbanized Area may be found on the U.S. Census website at [http://www2.census.gov/geo/maps/dc10map/UAUC\\_RefMap/ua/ua42346\\_jacksonville\\_fl](http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua42346_jacksonville_fl).

**Program Management and Administrative Requirements:** FTA recipients and sub-recipients must annually certify that they are in compliance with federal transit law as well as other federal requirements. As the Direct Recipient of the Jacksonville Urbanized Area Section 5307 funds, the JTA must inspect and assist sub-recipients in meeting compliance with these federal requirements which include but are not limited to:

**Legal, Financial, and Technical Capacity.** A recipient must certify that it has or will have the legal, financial, and technical capacity to carry out the program.

**Satisfactory Continuing Control.** A recipient must annually certify that it “has or will have satisfactory continuing control over the use of equipment and facilities” through operation, lease, or otherwise. An FTA recipient must maintain control over federally funded property by ensuring the grantee uses it in public transportation service and disposes of it according to federal requirements.

**Maintenance.** A recipient must certify that it will maintain its federally assisted facilities and equipment. The recipient must keep equipment and facilities acquired with federal assistance in good operating order. This includes maintenance of rolling stock (revenue and nonrevenue), machinery and equipment, and facilities. Every recipient of Section 5307 program funds must have a maintenance plan. The maintenance plan should identify the goals and objectives of a maintenance program, which may include, for example, vehicle life, frequency of road calls, and maintenance costs compared to total operating costs. The maintenance plan should establish the means by which the grantee will meet such goals and objectives. Additional guidance is available on FTA’s website at [www.fta.dot.gov/13248.html](http://www.fta.dot.gov/13248.html).

**National Transit Database (NTD) Reporting.** The NTD was established by Congress to be the nation’s primary source for information and statistics on the transit systems of the United States. Recipients (including sub-recipients and contractors) of Section 5307 program funds are required by statute to submit data to the NTD. A recipient of FTA grants that is required to report to the NTD must provide a complete report to the NTD of all transit operations, regardless of whether or not those operations are funded in whole or part by FTA. The complete reporting requirements for the NTD, along with information on due dates, extensions, and waivers can be found in the current versions of the NTD Reporting Manuals found at [www.ntdprogram.gov](http://www.ntdprogram.gov).

- **NTD Annual Report.** Recipients or beneficiaries of Section 5307 grants must annually report financial and nonfinancial data in accordance with the USOA as well as other data on operations, organizational relationships, available resources, and capital assets.
- **NTD Monthly Report.** Recipients or beneficiaries of Section 5307 grants are required to file monthly reports on transit operations to the NTD. These monthly reports include information on unlinked passenger trips, vehicle revenue miles, vehicle revenue hours, vehicles operated in maximum service, and regular service days for each month.
- **NTD Safety and Security Report.** Recipients or beneficiaries of Section 5307 grants are required to file monthly safety and security reports. These monthly reports include information on fatalities, injuries, collisions, derailments, fires, hazardous material spills, evacuations, arrests, and significant security events.

**Other Provisions:** In addition to the program-specific requirements, FTA recipients are held to a number of FTA-specific and other federal requirements.

**Americans with Disabilities Act of 1990:** The Sub-recipient will comply with all the requirements as imposed by the Americans with Disabilities Act of 1990 (ADA) including changes made by the ADA Amendments Act of 2008.

**Charter Bus Services.** Title 49 U.S.C. 5323(d) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604, Charter Service, amended effective April 30, 2008 (73 FR 2326, January 14, 2008). Each recipient must enter into an agreement with FTA stating that the recipient will not engage in charter service unless permitted by FTA charter service regulations.

**Civil Rights.** The recipient agrees to comply with all applicable statutes and implementing regulations under Title VI of the Civil Rights Act of 1964 including, but not limited to:

- a. **Nondiscrimination in Federal Public Transportation Programs.** The recipient agrees to comply and assures the compliance of each third-party contractor at any tier and each sub-recipient at any tier under the project, with the provisions of 49 U.S.C. 5332. These provisions prohibit discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibit discrimination in employment or business opportunity.
- b. **Nondiscrimination on the Basis of Disability.** The recipient agrees to comply and assures the compliance of each third-party contractor and each sub-recipient at any tier of the project, with the applicable laws and regulations for nondiscrimination on the basis of disability.

**Equal Employment Opportunity.** The recipient agrees to comply and assures the compliance of each third party contractor and each sub-recipient at any tier of the project, with all equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e), and with 49 U.S.C. 5332 and any implementing regulations DOT may issue.

**Nondiscrimination on the Basis of Sex.** The recipient agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. 1681 et seq.), with DOT implementing regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.

**Nondiscrimination on the Basis of Age.** The recipient agrees to comply with all applicable requirements of the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), and Department of Health and Human Services’ (DHHS) implementing regulations, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance” (45 CFR part 90), which prohibit discrimination against individuals on the basis of age. In addition, the recipient agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, “Age Discrimination in Employment Act” (29 CFR part 1625), which prohibit employment discrimination against individuals on the basis of age.

**Disadvantaged Business Enterprise (DBE) Program.** To the extent required by federal law, regulation, or directive, the recipient agrees to take measures to facilitate participation by DBEs.

**Drug and Alcohol Testing.** In the interest of safety in transit operations, recipients of funding from the 5307 Urbanized Area Formula Program, 5309 Capital Investment Program, 5311 Rural Area Formula Program, and other programs as determined by the secretary are required by 49 U.S.C. 5331 to establish drug and alcohol (D&A) testing programs.

**Environmental Justice.** Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires the U.S. DOT and the FTA to make environmental justice (EJ) part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on our programs, policies, and activities on minority populations and/or low-income populations. Environmental justice at FTA includes incorporating environmental justice and nondiscrimination principles into transportation planning and decision-making processes as well as project-specific environmental reviews. FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients” provides FTA recipients and sub-recipients with guidance and instructions necessary to carry out the executive order.

**Documenting and Reporting of Regional Support:** The JTA is committed to supporting the overall health and sustainability of transportation throughout the urbanized area. Support is provided through specific capital and operational project funding as well as federal program management and support (EEO, Title VI, etc), grant administration, procurements, planning and engineering activities and training. These activities and the costs associated with them will be documented and reported as part of the JTA's regional support. A template for reporting the time spent on regional support activities is included in the Templates section.

**Document structure:** In the sections that follow, the subject areas and questions that may be asked during the review are detailed. These areas include:

- Fixed Asset Management
- Substance Abuse Program Monitoring
- Safety and Security
- Drug and Alcohol
- Maintenance activities
- Financial
- ADA compliance
- DBE Program compliance
- Title VI Program compliance
- Charter and School Bus Program
- Reporting (Quarterly and NTD)

Note that procurement compliancy is not included in the document because the JTA procures all capital assets on the behalf of Section 5307 sub-recipients.

This document includes 3 subsections. The first outlines the processes for all reviews as well as specific target reviews. The second section includes templates to be used during reviews and the third section includes pertinent resources for the reviewers.

## Resources

**Charter and School Bus Program Compliance:** [FTA Charter Bus Service site](#), [49 CFR Part 604, Charter Service Final Rule](#); [49 CFR Part 605, School Bus Operations](#); [FTA Master Agreement](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); and [FTA C 9050.1](#)

**Civil Rights:** [FTA Office of Civil Rights](#)

**ADA Compliance:** [Titles II and III of the Americans with Disabilities Act of 1990](#); [49 CFR Part 27](#); [49 CFR Part 37](#); [49 CFR Part 38\(b\)](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); and [FTA C 9050.1](#)

**DBE Program Compliance:** [FTA Disadvantaged Business Enterprise site](#), [FTA Master Agreement](#); [49 CFR Part 26](#); [Executive Order 11988](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); and [FTA C 9050.1](#)

**Title VI Program Compliance:** [Title VI of the Civil Rights Act of 1964](#); [49 CFR Part 21](#); [FTA C 4702.1B](#); [Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); and [FTA C 9050.1](#)

**Drug and Alcohol Program Compliance:** [49 CFR Part 655](#); and [49 CFR Part 40](#)

**FDOT State Management Plan:** Portions of this document were extracted from the Florida Department of Transportation's 2015 State Management Plan

**Financial Compliance:** [FTA C 9070.1G](#); [FTA C 9030.1E](#); [FTA C 5010.1D](#); [FTA C 8100.1C](#); [FTA Master Agreement](#)

**Maintenance Compliance:** [49 CFR 18.32\(a\)](#), [18.32\(b\)](#); [FTA C 9040.1F](#), Ch. VI; [FTA C 9070.1G](#), Ch. VI; [FTA C 9050.1](#), Ch. VI; Ch. VI; and [FTA C 5010.1D](#), Ch. II.

**National Transit Database:** [Urban Reporting Manuals](#)

**Oversight:** [FTA Office of Program Oversight including Triennial Reviews](#)

**Reporting:** [FTA C 9070.1G](#); [FTA C 9030.1E](#); [FTA C 5010.1D](#); [FTA Master Agreement](#); [49 CFR Part 18](#); [Public Law 109-282, Federal Funding Accountability and Transparency Act of 2006](#); [49 CFR Part 20](#); [OMB Standard Form LLL](#); [49 CFR Part 633](#); [Executive Order 11988](#); [49 CFR Part 26](#); and [49 CFR Part 604, Charter Service Final Rule](#)

**Safety/Security:** [F.S. 341.061\(2\)](#); and [Rule 14-90, F.A.C](#)

**Single Audit Compliance:** [49 CFR Part 18](#); [Single Audit Act Amendment of 1996](#); [OMB Circular A-133](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); and [FTA C 9050.1](#)

## ANNUAL REVIEW PROCESS

### Goal

The goal of the Jacksonville Urbanized Area Sub-Recipient Monitoring Program is to provide a consistent and thorough review of the compliance practices of JTA sub-recipients.

### General Approach

JTA has adopted a risk-based approach in conducting on-site periodic compliance reviews of its federally funded sub-recipients. In this approach, JTA will conduct annual compliance reviews of select areas and will cover all areas at least once every three years.

A principle tenant of the JTA approach to the Sub-recipient Monitoring Program is the provision of technical assistance. The JTA will assist each sub-recipient under review to understand the requirements of any particular circular, rule, regulation or law, to provide copies of relevant regulatory citations and technical assistance materials, and to render additional assistance in sub-recipient remedy of findings, as necessary.

The process will consist of both a desk review and an on-site visit by the review team. Following each site visit, the sub-recipient will be given a report outlining the areas reviewed, compliance deficiencies, actions necessary by the sub-recipient to remedy the deficiency, and the timeframe for corrective action.

### JTA Responsibilities

Oversight visits are conducted in conjunction with other required activities such as Biennial Federal Assets Inventory, Bus System Safety Reviews and Maintenance Audits. The Project Manager will coordinate with various other JTA Departments, the areas for review based on areas covered during the past 2 years and particular areas of concern. A team of subject matter experts will be created in coordination with Department heads to conduct the reviews.

The Project Manager will contact, in writing, sub-recipient agencies to schedule the activities associated with the oversight visit. The Team will provide a draft report, including any identified findings or recommendations, to the Project Manager. The draft report must include all attachments related to or documenting any of the findings and/or recommendations.

### System Safety and Security Program Oversight

The Safety and Security Department shall be responsible for monitoring and reviewing activities associated with System Safety and Security Program implementation and federal compliance. These activities shall include:

1. Reviewing safety certifications submitted by the sub-recipient to determine compliance with *Section 341.061(2), F.S.*, and *Rule Chapter 14-90.010, F.A.C.*
2. Maintaining records of sub-recipient and applicable contractor certifications of compliance in accordance with 49 CFR Part 655.
3. Advising sub-recipients of the requirements for certification and reporting as a condition for receiving financial assistance.

4. Documenting receipt of annual FTA-MIS reports for sub-recipients and applicable contractors.
5. Maintaining records of FTA-MIS report reviews that indicate any discrepancies or inaccuracies, or that are incomplete or that have non-compliance items.
6. Reviewing and assuring that each sub-recipient develops, adopts, and complies with a System Safety Program Plan (SSPP) and Security Program Plan (SPP) in accordance with the minimum established criteria set forth in *Rule Chapter 14-90, F.A.C.* SSPP or SPP, at least once every three years, either before or during the on-site review, and any other time as needed or requested by the bus transit system. The SPP shall be reviewed on-site only at the location of the bus transit system and protected from disclosure.
7. Providing technical assistance in development and implementation of safety and security programs.
8. Establishing and maintaining communication with sub-recipients regarding safety standards, security standards, or regulatory requirements.
9. Conducting a review at least once every three (3) years, of each sub-recipient to assess performance and compliance with *Rule Chapter 14-90, F.A.C.* and the bus transit system's adopted SSPP and SPP.
10. Initiating action to suspend sub-recipient's service if a deficiency or unsafe condition exists to the extent that the continued operation of the system, or a portion thereof, is not safe for passenger service, or is posing a potential danger or threat to public safety.

### **Qualifications of Compliance Reviewers**

The Program Manager must ensure that each person conducting a sub-recipient review is qualified for the specific area of review. The size of the review staff should be a function of the review team skills, experience, scope of the review, size of the sub-recipient, and length of the planned review.

The lead reviewer (not necessarily the Program Manager) should have at least (3) years of professional working experience in transportation/transit systems safety and/or experience working in a transit agency's safety program with a responsibility for reviewing safety and security programs, to include conducting safety and security compliance audits. If technical expertise is needed, the Lead project safety and security reviewer should determine the types of technical requirements needed to assist in the review activities. Lead safety and security reviewer must be:

1. Familiar with and have a working knowledge of Florida Statute 341.061(2), and the most current versions of Rule 14-90, Florida Administrative Code, and the Department Bus System Safety Program Procedure (725-030-009-j),
2. Familiarization and working knowledge must include an understanding of all applicable federal laws and regulations, applicable state statutes and rules, to include any required forms relating to Federal and State compliance requirements.

3. Must have an understanding of the principles, procedures and standard practices of public transportation/transit - system safety, system security, including data analysis and evaluation techniques, recordkeeping, reporting requirements, investigative techniques, and experience assessing and handling emergency incidents
4. Must have the ability to analyze, audit, and inspect bus transit system safety plans, procedures, rules, documents, and any other area and/or condition to identify potential hazards, findings, and areas of concern.
5. Must be able to recommend corrective actions for any identified finding, areas of concern, identified hazards, and/or unsafe conditions or practices.
6. Must be able to articulate problem areas clearly, verbally and in writing, to the bus transit system.

All other section reviewers must have, at a minimum, basic knowledge of transit operating functions, and must have experience related to compliance oversight reviews.

### **Notification and Request for Pre-Audit Materials:**

The sub-recipient must be notified by the JTA, in writing, at least six (6) weeks prior to a safety and security review (formal email notification, with JTA signed document attachment is acceptable). The Program Manager should coordinate scheduling of the onsite review with the sub-recipient prior to the written notification. Both JTA and the sub-recipients will be provided 30 days to compile and upload desk review items. The review team will have a minimum of 14 days desk review time prior to conducting the site visit.

Written notification to the sub-recipient should also include a request for pre-audit materials to review prior to onsite review activities. Documentation requested will allow the reviewers to maximize its familiarity with the sub-recipient and to create onsite review checklists and review agenda prior to beginning the on-site review activities. This process will ensure maximum utilization of on-site review time. Additional materials and/or follow up materials to those provided by the sub-recipient may be required during the on-site review, including more detailed records and documents. Pre-audit materials that should be requested by the review team, but not limited to:

- a. The approved System Safety Program Plan and associated procedures and policies.
- b. Safety policy documents and any current safety bulletins
- c. Organizational Chart with position responsibility
- d. Operational standards and procedures.
- e. Employee/Driver "handbook"
- f. Dispatch policies/procedures
- g. Bus driver selection policies and procedures.
- h. Bus driver and employee training policies, procedures, and manuals (include list of courses and syllabuses).
- i. List of all bus vehicles, make, models
- j. Copy of Accident/Event investigation policies and procedures.
- k. Include a list of Investigations for the last three years.
- l. Hazard identification and resolution policy/procedure.

- m. Copy of hazard analyses and/or investigations for the last three years.
- n. Medical Examinations policy/procedures
- o. Medical Examiner Office and address
- p. Drug Free Workplace & Substance Abuse Management Policy
- q. Any safety certification materials
- r. List and location of all sub-recipient maintenance and operating facilities
- s. Internal audit reports, findings, and corrective action plans implemented during the last three years (opened and closed).

## Onsite Review Process

1. **Entrance Meeting:** On the date of the scheduled on-site review, an entrance meeting must be held between the review team and the sub-recipient's Director, the Safety Director, Authorized Official and/or others as the sub-recipient deems necessary. The purpose of this meeting is to finalize the safety review schedule and answer any preliminary questions regarding any aspect of the review process and/or assessment materials. The sub-recipient should assign a staff member(s) to accompany each group of the review team throughout the on-site review process. This meeting's agenda should include:
  - a. Introductions- review team and agency personnel.
  - b. Outline areas of review and answer any questions
  - c. Go over review process: how and who on the review team will conduct the specific area review
    - i. Interviews – Management, Supervisors, drivers, etc.
    - ii. Observations - bus, maintenance, dispatch, etc.
    - iii. Bus Inspections
    - iv. Route Checks
    - v. Record checks
  - d. Explain when the final report will be issued to the agency
  - e. Explain audit findings thresholds
  - f. Explain requirements for a Corrective Actions Plan (CAP)
  - g. Explain the option to address any observation made by the JTA staff
2. **Exit Briefing:** The purpose of the exit briefing is to ensure that the sub-recipient is presented with all results, both positive and negative. The Review Team leader is responsible to assure the attendees understand all the findings deficiencies, areas of concern, and recommendations.
  - a. Provide a summary of findings and any immediate need for correction action.
  - b. Make request for any additional documents and/or other items.
  - c. Answer any questions/concerns the sub-recipient may have
  - d. Discuss final report- submittal to sub-recipient

## Final Report

1. **Draft Report:** The draft report will be organized by subject matter. Some subject areas may be consolidated for efficiency in the on-site review process. Within 30 days after the site review, the review team will issue the draft compliance report. The report will provide narrative on the following subject areas:
  - a. Name and address of the sub-recipient, the dates the review was conducted, and the name of each reviewer.
  - b. An overview of the process and general compliance elements of each subject
  - c. The results of the review in each subject area
  - d. Identification of deficiencies in the subject area
  - e. Recommended remedial actions
  - f. A requirement for the sub-recipient to develop and submit a corrective action plan (CAP) and implementation schedule for each deficiency and /or area of concern within 30-calendar days from the date of the final report.
  - g. A requirement that the sub-recipient verify in writing, completion of required corrective action(s).
  - h. A description of any planned follow-up activities

At the end of each report, all compliance findings will be summarized in tabular form.

3. **Sub-recipient Review and Response:** The sub-recipient will have 30 days to review the draft report. During this review period, the sub-recipient may present additional information regarding compliance actions in the event the sub-recipient disagrees with a review finding. Any such rebuttals will be reviewed by JTA so that a final determination may be made.

During the review period, the sub-recipient will have opportunity to begin remedy of the finding. To the extent possible, JTA encourages sub-recipients to utilize the review period to prepare remedies for identified compliance deficiencies.

The sub-recipient's response, along with all proposed remedial actions that may have been accomplished during the review period, will be submitted to the JTA for determination of potential closure of the finding.

4. **Final Report:** Following receipt of the sub-recipient's response, the JTA will issue the Final Report. The final report will document which findings have been satisfactorily addressed and closed during the review period. For all remaining open findings, the sub-recipient will have agreed to the proposed timeframe for remedy and will initiate work on corrective actions pursuant to that schedule.

The JTA must notify the sub-recipient of its approval or rejection of each corrective action and implementation schedule within 15-calendar days of receiving the plan. In the event the JTA rejects a CAP, the JTA shall state its reasons in writing and recommend revisions. The JTA shall require the sub-recipient submit a revised CAP and implementation schedule, for each CAP not approved, no later than 15 calendar days following receipt of the notification.

5. **Deficiency** (Rule 14-90.012, F.A.C.): If the JTA determine during the review that a deficiency or unsafe condition exists to the extent that the continued operation of the system, or a portion thereof, poses an immediate danger or threat to public safety, they are required to:
  - a. Immediately notify the sub-recipient of the unsafe condition, followed by a certified letter describing the deficiency or unsafe condition. The notification shall include the following. (The normal 30-day window is not required)
  - b. The immediate required corrective action for the deficiency or unsafe condition.
  - c. The requirement for the sub-recipient to certify, in writing to the JTA, the completion of the required corrective action in accordance with an established implementation schedule
  - d. Suspend affected passenger service operations if the sub-recipient fails to correct the deficiency in accordance with this rule and the established implementation schedule.
  - e. If a deficiency or unsafe condition is immediately corrected prior to the final report, a complete description of the deficiency, unsafe condition, or threat and completed corrective action will be documented in the final report. For other deficiencies, a detailed Corrective Action Plan (CAP) and implementation schedule for each item is required to be developed by the sub-recipient within 30-calendar days of the date of the final report and submitted to the JTA for approval.

## **Follow Up**

The JTA is responsible for monitoring subsequent corrective actions and findings closure after issuance of the final report. The JTA should conduct a follow-up review to verify completion of a corrective action that resulted from a deficiency or unsafe condition that existed to the extent that continued operation of system or a portion thereof, posed an immediate danger or threat to public safety.

## FEDERAL ASSET INVENTORY MANAGEMENT PROCESS

**Purpose and Scope:** This section outlines the requirements for continuing management control, inventory, transfer and disposal actions for all capital equipment procured under the FTA Section 5307 (Urbanized Area) program.

The principal users of this procedure are the Program Manager, Grants Fixed Asset Clerk and Maintenance staff.

**Procurements and Continuing Control:** All capital equipment funded through this program shall be procured by the Program Manager through the JTA's standard purchasing procedures. The sub-recipient shall be listed as the title holder (as applicable). The JTA shall be listed as the lien holder (as applicable) until the asset has exceeded its useful life.

All Federal assets must be received by the Program Manager who will process the necessary documents and apply the appropriate asset tag (control number) before the asset can be placed into service. This tag shall not be removed until after the useful life has expired and the asset has been removed from inventory per the Asset Disposal procedure.

All vehicles shall be inspected by a member of the JTA Maintenance Department promptly after the vehicle is delivered by the vendor.

**Periodic Reports and Inspections:** The Program Manager shall conduct periodic analysis of vehicle data to assess utilization, forecast replacement requirements, evaluate the distribution of resources and coordination of transportation services. A biennial physical inventory of assets is required as a condition of Federal grants (*49 CFR 18.32*). These inventories/inspections shall be accomplished and documented by the JTA Program Manager and the JTA Maintenance Department. A copy of the inspection results shall be forwarded to the Grants Fixed Asset Clerk for updating of the inventory. These inspections shall be conducted, completed and reported no later than September 1 of each even year. In addition, the JTA shall provide the sub-recipient with written documentation of the findings resulting from the aforementioned inspection.

**Insurance:** Sub-recipients are required to insure the vehicles in accordance with published Jacksonville Urbanized Area Program Management Plan instructions. The JTA shall be named as "certificate holder" on the insurance policy throughout the time period the JTA is the only lien holder. The intent is not for the JTA to be insured under the sub-recipient's policy, but rather to have the JTA notified by the insurance company of any insurance claims, break in coverage, or other issues affecting insurance coverage. The sub-recipients shall be required to submit proof of insurance showing minimum coverage and the JTA listed as "certificate holder".

**Useful Life Standards:** Assets procured with Federal funds shall be maintained in transit service for the duration of its useful life as defined below:

**Type A Vehicle, Transit Buses Heavy Duty:** Heavy Duty Buses, approximately 30-40 feet, using diesel (or alternative fuel) engines, and are considered to have a minimum useful life of twelve (12) years, and/or 500,000 miles.

**Type B Vehicle, Transit Bus Medium Duty:** Transit Buses, approximately 30 feet in length and under, using diesel (or alternative fuel) engines, and are considered to have a minimum useful life of ten (10) years, and/or 350,000 miles.

**Type C Vehicle, Transit Bus:** May be purpose built which are assembled using add-on bodies installed by a manufacturer other than the original equipment chassis supplier. These vehicles are usually under thirty (30') feet in length and are considered to have a minimum useful life of seven (7) years, and/or 250,000 miles.

**Type D Vehicle, Transit Bus:** Assembled using add-on bodies installed by manufacturers other than the original equipment chassis supplier, usually under twenty-eight (28') feet and are considered to have a minimum useful life five (5) years, and/or 200,000 miles.

**Type E Vehicle, Transit Bus (Modified Mini Vans):** Vehicles with modified original equipment by manufacturers of the body and chassis which may include the installation and use of manual ramps for accessibility. They shall be classified as having a minimum useful life of five (5) years, and/or 200,000 miles.

**Type F Vehicle, Sedans/Station Wagons/Vans:** Vehicles supplied by original equipment manufacturer only with capacities of up to twelve (12) passengers. These units shall not be structurally modified by aftermarket manufacturers. They shall be classified as having a minimum useful life of four (4) years and/or 100,000 miles.

**Type G Vehicle, Service Trucks:** (up to 1/2-ton capacity) shall be classified as having a minimum useful life of five (5) years and/or 150,000 miles.

**Other Assets,** where a useful life policy has not been defined by FTA, the grantee, in consultation with the FTA regional or metropolitan office must "make the case" by identifying a useful life period for all equipment, rolling stock and facilities with an acquisition value greater than \$5,000 to be procured with Federal funds. In the grant application, the grantee shall propose and identify a useful life for the capital asset to be purchased with Federal funds. FTA approval of the grant represents FTA concurrence of the final determination of useful life for the purpose of project property acquisition. This in turn will identify the useful life of the Federal interest for the disposition of the project property in later years. For additional information, please refer to FTA's Grant Management Requirements Circular 5010.1.

**Federal Asset Disposal:** The useful life specified in the *Useful Life Standards*, shall be used as the basis for determining the minimum disposal criteria unless there are extenuating circumstances which justify premature disposal actions (i.e. major incident resulting in total loss).

When an asset has been determined to have reached the end of its useful life, the sub-recipient shall submit a letter to the JTA requesting disposal of the asset. If a vehicle has reached both age and the minimum mileage, the lien will be released without question. If one of the minimum requirements has not been reached, the JTA may require additional documentation. It is at the discretion of the JTA to request release of the lien on any vehicle that has not satisfied either minimum requirement.

The following conditions shall be adhered to in the disposal of the equipment:

1. Gross proceeds of sale \$5,000.00, or per unit of equipment shall be used for capital replacement for the program or projects under which the equipment was originally acquired.
2. Gross proceeds of sale less than \$5,000.00, per unit of equipment shall be retained by the owner agency, and the JTA shall have no further interest in the equipment or proceeds.

Disposition of asset(s) shall be documented by the Program Manager.

## Asset Inventory Inspection Process

### Purpose

The Asset Inventory Inspection Process outlines the roles and responsibilities of the JTA in performing inventory inspections. A biennial physical inventory of assets is required as a condition of Federal grants (49 CFR 18.32).

### JTA Responsibilities

The asset inventory inspections will be completed by Program Manager. These inspections shall be conducted, completed and reported no later than September 1 of each even year. The asset inventory inspection is a visual inspection of the condition and location of each Federal asset.

The results of the asset inventory inspection are to be recorded on the Federal Asset Tracking Sheet and delivered to the Fixed Asset Clerk.

*Illustration: Federal Assets Tracking Sheet*

	A	C	D	E	F	G	H	I
1	<b>Federal Assets</b>							
2							<b>Location</b>	
3	<b>Asset Tag</b>	<b>1</b>	<b>Description</b>	<b>Date Acquired</b>	<b>Cost</b>	<b>Grant</b>	<b>2013</b>	<b>2014</b>
4	24086	1	Clay County Multimodal Transportation Center (Blac	1/6/2014	\$923,691.07	FL96X012	N/A	County Road 220
5	25031	1	Server HP Proliant DL 320E	6/12/2014	\$1,015.17	FL90X774	N/A	2nd Floor Server Room
6	23746	1	RADIO COMMUNICATIONS SYSTEM (TJ)	4/2/2013	\$12,117.75	FL90X774	1st Floor data room	
7	23851		<b>MODULAR WORKSTATION COMPONENTS</b>		<b>\$4,301.04</b>	<b>FL90X774</b>	<b>Cubicle #1</b>	
8		1	Chair Mid Back Pneumatic	3/11/2013			Cubicle #1	Cubicle #1
9		1	Cubicle & Components	3/11/2013			Cubicle #1	Cubicle #1
10	25023	1	Computer Workstation Lenovo LS2023 w/monitors (1S10	6/12/2014	\$3,190.00	FL90X774	N/A	Cubicle #1
11	23852		<b>MODULAR WORKSTATION COMPONENTS</b>		<b>\$4,141.57</b>	<b>FL90X774</b>	<b>Cubicle #2</b>	
12		1	Chair Mid Back Pneumatic	3/11/2013			Cubicle #2	Cubicle #2
13		1	Cubicle & Components	3/11/2013			Cubicle #2	Cubicle #2
14	25024	1	Computer Workstation Lenovo LS2023 w/monitors (1S10	6/12/2014	\$3,190.00	FL90X774	N/A	Cubicle #2
15	23853		<b>MODULAR WORKSTATION COMPONENTS</b>		<b>\$4,141.56</b>	<b>FL90X774</b>	<b>Cubicle #3</b>	

## Vehicle Inventory Inspection Process

The vehicle inventory inspections will be completed by Program Manager and JTA Maintenance staff. Items to be checked include:

1. Exterior body check for damage, glass condition and overall exterior cleanliness
2. Interior condition, overall condition and cleanliness
3. Check to see if vehicle has safety reflectors, first aid kits and fire extinguishers
4. Visually inspect all tires, wheels, lights, mirrors, windshield wipers and warning devices for wear or damage
5. Cycle wheelchair lift and make sure all belts and tie downs are in good condition

The results of the vehicle inventory inspection can be recorded on the Vehicle Inventory Data and Record of Biennial Inspection form (below) and delivered to the Fixed Asset Inventory Clerk.

### Biennial Vehicle Inventory Inspection Form

JTA ASSET#: \_\_\_\_\_ SUB-RECIPIENT #: \_\_\_\_\_ DATE: \_\_\_\_\_

VEHICLE LOCATION: \_\_\_\_\_

\_\_\_\_\_ COUNTY: \_\_\_\_\_

VEHICLE TYPE: \_\_\_\_\_ (Bus, Van, S/W, Mini-Van, Sedan, P/U)

VEHICLE MODEL YEAR: \_\_\_\_\_

VEHICLE ID. # (V.I.N.): \_\_\_\_\_

SEATING CAPACITY: \_\_\_\_\_ (ambulatory seats)

SPECIAL EQUIPMENT: \_\_\_\_\_

(W/C Lift- mfr., Ramp, Raised Roof, No. W/C positions, etc.)

MILEAGE: \_\_\_\_\_ DATE OF READING: \_\_\_\_\_

CONDITION (Use reverse side, if required): \_\_\_\_\_

\_\_\_\_\_

# SUB-RECIPIENT REVIEW TEMPLATES

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*Draft*

## **NOTIFICATION AND REQUEST FOR DOCUMENTS LETTER**

[Date – at least 6 weeks prior to review]

[Sub-Recipient Agency CEO]

[Sub-Recipient Agency Name]

[Sub-Recipient Agency Address]

Dear [Sub-Recipient Agency CEO],

The [Sub-Recipient Agency Name] performs an essential part of providing public transportation in Northeast Florida. As the Designated Recipient of Section 5307 (49 U.S.C. § 5307) in the Jacksonville Urbanized Area, the JTA has been delighted to be able to pass federal funding to your agency to allow you to continue providing transit service in [sub-recipient service area]. As required by 49 U.S.C. 5307(c)(1)(C) and FTA Circular 5010.1, “Grant Management Requirements” and the JTA’s contract with you, the JTA will be performing an annual monitoring review on [date].

This monitoring review will include an audit of:

- [list review areas]

The review process will consist of both a desk review and an on-site visit by the review team. Following the review, you will be given a report outlining the areas reviewed, compliance deficiencies, actions necessary to remedy the deficiency, and the timeframe for corrective action. The JTA will assist you in understanding the requirements, provide technical assistance materials and render additional assistance to remedy the findings as necessary.

To allow the review team to maximize its familiarity with your operations and to create onsite review checklists agenda prior to beginning the on-site review activities, please provide the following pre-audit materials to [Project Manager] within 30 days:

1. [list materials]

Once the review team has received and reviewed these materials, a detailed review agenda will be sent to you. If you have any questions or concerns, please contact me at [Project Manager phone and email].

Sincerely,

[Project Manager Name]

[Project Manager Title]

TEMPLATE: TRIENNIAL REVIEW

**Triennial Review**  
**Of**  
**[Name of Sub-recipient System]**  
**By: The Jacksonville Transportation Authority**

**FINAL REPORT**

Review Date(s): \_\_\_\_\_ Prepared by: \_\_\_\_\_

Report Date: \_\_\_\_\_ Approved by: \_\_\_\_\_

Program Manager:

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

Email: \_\_\_\_\_

**INTRODUCTION**

On \_\_\_\_\_ [date] \_\_\_\_\_ the JTA conducted an on-site review of [Sub-recipient Name] at [address]. The purpose of the review was to determine your agency's compliance with [list review areas].

**JTA staff who conducted the review included:**

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Sub-recipient staff who were interviewed and/or assisted in the review:**

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

**Section 1. Agency Information** (to be completed upon every review)

1. Provide a brief description of the composition of the sub-recipient's governing body:
2. Provide a copy of the sub-recipient's organizational chart:
3. Provide contact information for the Chief Executive Officer, Chief Financial Officer and persons responsible for Operations, Maintenance and Safety and Security.

Total Number of drivers \_\_\_\_\_

Full-time \_\_\_\_\_ PartTime \_\_\_\_\_ Volunteers \_\_\_\_\_

Number of operational buses: \_\_\_\_\_

Buses W/C accessible \_\_\_\_\_

Number of Type I buses \_\_\_\_\_ Type II buses \_\_\_\_\_

Dispatch Location(s): \_\_\_\_\_

Maintenance Location(s): \_\_\_\_\_

Passenger service operations: (Describe)

\_\_\_\_\_  
\_\_\_\_\_

**Section 2. Financial and Reporting Capability**

4. What are the Federal and State funds received by this sub-recipient during the last three years (check all that apply) and how were they used?

- Section 5307 \_\_\_\_\_
- Section 5309 \_\_\_\_\_
- Section 5310 \_\_\_\_\_
- Section 5311 \_\_\_\_\_
- State Block Grant \_\_\_\_\_
- Commuter Assistance \_\_\_\_\_
- Service Development \_\_\_\_\_
- Park & Ride \_\_\_\_\_
- Transit Corridor Program \_\_\_\_\_
- Other \_\_\_\_\_

5. What are the sources being used to generate the local match?
6. Is the sub-recipient generating sufficient local match for the grant?
7. Does the sub-recipient appear financial sound?

8. Do sub-recipient financial records appear to be maintained using Generally Accepted Accounting Principles?
9. Sample invoice to ensure reported expenditures are supported by the proper documentation?
10. When was the sub-recipient's last quarterly report? Is it timely and consistent with the Agreement?
11. **NTD:** When did the sub-recipient last provide a complete report to NTD of all transit operations?
12. **Audit:** Review the agency's most recent A-133 audit performed in accordance with the Single Audit Act. Ask the agency if there are any audit exceptions included in the audit, and discuss these with the agency to determine the nature and severity of the exceptions. *(An A-133 audit is required for any entity that exceeds \$750,000 or more in Federal awards in a single year. If the entity expends less than \$750,000 in Federal awards in a year they are exempt from the Federal audit requirements for that year.)*

### Section 3. Equipment

1. Does the sub-recipient maintain satisfactory continuing control over all JTA administered federally funded assets (e.g., maintains direct control over the asset)?  Yes  No
2. Does the sub-recipient use all equipment acquired with FTA funds in a manner consistent with the original project application or purpose?  Yes  No
3. Has the sub-recipient suffered any casualty loss of project equipment during the last three years?  Yes  No  
If "Yes," did the sub-recipient receive an insurance settlement?  Yes  No  
Did the sub-recipient request guidance from JTA on the procedures for re-investing the settlement proceeds in a replacement vehicle?  Yes  No
4. Does the sub-recipient utilize project equipment for use on other projects or programs supported directly or indirectly by the Federal government?  Yes  No
5. Does the sub-recipient have any project equipment that is no longer needed for transportation purposes?  Yes  No
6. Has the sub-recipient disposed of any project equipment during the last three years?  No  Yes  
If "Yes," had the equipment exceeded its useful life?  Yes  No
7. Does the sub-recipient maintain property/asset records for all equipment acquired with FTA funds?  Yes  No  
If "Yes," are all the required data elements contained in the inventory record?  
 Yes  No      Description of the property  
 Yes  No      Serial number or other identification numbers  
 Yes  No      Source of the property (grant source, program number)  
 Yes  No      Name of the title holder  
 Yes  No      Acquisition date

- Yes  No Cost
- Yes  No Percentage of Federal participation in the cost of the property
- Yes  No Location of the equipment
- Yes  No Use and current condition
- Yes  No Disposition information (if applicable), including date of disposal and sales price

8. If the sub-recipient disposed of any project equipment prior to the end of useful life via a transfer to another project, what methods were used to establish fair market value?
9. Has the sub-recipient transferred any project equipment with remaining useful life to another entity?  Yes  No
10. What system does the sub-recipient have in place to prevent loss, damage or theft of FTA funded property, equipment and rolling stock?
11. Does the sub-recipient use FTA funded equipment to engage in homebound meal delivery?  Yes  No
12. What is the sub-recipient's revenue vehicle spare ratio? (*# of revenue vehicles \_\_\_\_\_ - number of vehicles required for maximum service = number of spare vehicles/number of vehicles required for maximum service*)
13. Is there a bus contingency fleet?  Yes  No If yes, is the contingency plan up to date?

#### **Section 4. Title VI**

1. Has the sub-recipient developed a Title VI Program?  Yes  No  
If "Yes," has it been adopted by the sub-recipient's governing board?  Yes  No
2. Has the program been submitted to JTA?  Yes  No
3. Does the plan include the agency's Title VI Notice to the Public and the list of locations where the notice is posted?  Yes  No
4. How has the sub-recipient disseminated the Title VI notice?
5. Does the plan include the agency's Title VI Complaint Procedures (i.e. instructions to the public regarding how to file a Title VI discrimination complaint)?  Yes  No
6. Does the sub-recipient have procedures for investigating and tracking Title VI complaints and for making such complaints available to the public?  Yes  No
7. Has any Title VI investigations, complaints and lawsuits been filed against the sub-recipient?
8. Does the sub-recipient have procedures for soliciting and considering public comments prior to a fare increase or a major service reduction?  Yes  No
  - a. What is considered to be a "major" service reduction?
  - b. How are public comments solicited?
  - c. How are these procedures documented?

9. Has the sub-recipient integrated into its established public participation process procedures that ensure involvement and participation by minority and LEP populations?  Yes  No

If "Yes," describe these activities. \_\_\_\_\_

10. Does the sub-recipient use the following FTA "best practices:"

Yes  No Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities

Yes  No Employing different meeting sizes and formats

Yes  No Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.

Yes  No Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.

Yes  No Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

11. Since the last Triennial Review, has the sub-recipient  raised a fare or  reduced service?

a. Describe:

b. Was the locally developed process followed?  Yes  No

12. Has the sub-recipient assessed and addressed the ability of persons with limited English proficiency (LEP) to use transit services?  Yes  No

13. Describe the sub-recipient's efforts to provide access to information and services by LEP persons. \_\_\_\_\_

14. Who is responsible for ensuring that EEO obligations are fulfilled on behalf of the sub-recipient? \_\_\_\_\_

15. Has the sub-recipient posted an EEO statement in a conspicuous and accessible place in the workplace?  Yes  No

16. Is the sub-recipient's EEO policy included in personnel policies and/or employee handbook?  Yes  No

17. Are EEO statements included on the sub-recipient's job applications and employment notices/job postings?  Yes  No

18. How does the sub-recipient ensure non-discrimination for ADA-eligible persons in terms of employment? \_\_\_\_\_

19. Has the sub-recipient made accommodations for hiring a person with disabilities in accordance with Title I of the ADA?  Yes  No

If "Yes," describe the accommodation. \_\_\_\_\_

20. Were any EEO complaints or lawsuits received in the past three years?  Yes  No

If "Yes," describe the nature of the complaint or lawsuit. \_\_\_\_\_

21. Did the sub-recipient report the complaint or lawsuit to JTA?  Yes  No

22. Does the sub-recipient (*check all that apply*):

- Have 50 or more transit-related employees? AND
- Receive capital or operating assistance in excess of 1 million? OR
- Receive planning assistance in excess of \$250,000?

If "Yes," to 1 and 2, or 3, sub-recipient must prepare an Affirmative Action Plan.

### **Section 5. Disadvantaged Business Enterprise (DBE)**

1. Does the sub-recipient have a DBE program plan?  Yes  No If yes, provide the plan.
2. Is the recipient undertaking and documenting the necessary and reasonable steps required by FTA for compliance with the Federal DBE Program requirements?
3. Does the sub-recipient have any contracts with a certified DBE vendor?  Yes  No
4. Has any DBE complaints been filed against the sub-recipient?  Yes  No

### **Section 6. Americans with Disabilities Act (ADA)**

1. Evaluate the scope of services and determine all modes of service operated by the sub-recipient. For each sub-recipient, check all the primary and sub-modes that apply:

Fixed route

- Non-commuter bus
- Commuter bus
- Inter-city bus
- Route/point deviation with deviations limited to certain riders

Demand Response

- ADA complementary paratransit
- Route/point deviation with deviations for the general public
- Other demand responsive service

2. If the sub-recipient offers route deviation service, how does it advertise the deviation request process? Does the agency schedule deviations for all riders, not just those with disabilities?

\_\_\_\_\_

3. If the sub-recipient provides fixed route service, does the agency have an ADA Complementary Paratransit Plan? Does the plan include the agency's procedures for eligibility determinations, service criteria, service capacity, origin-to-destination service, visitors' service, and no-show policies? Is the complaint and/or appeal process readily available? \_\_\_\_\_
4. Following are examples of common policies that discriminate against persons with disabilities. Determine if the sub-recipient engages in any of these actions, or has any other policies that discriminate:

- Yes  No Does the sub-recipient have policies that impose any special charges for individuals with disabilities, including wheelchair users?
  - Yes  No Does the sub-recipient deny service to any individual because its insurance company conditions coverage or rates?
  - Yes  No Does the sub-recipient require that wheelchairs have working brakes, be “in good working condition,” or place any other restrictions on mobility devices? (Exception: situation that poses a “direct threat to others.)
  - Yes  No Does the sub-recipient have policies that suggest a denial of service for rude behavior, swearing, or other behaviors that do not rise to illegal or seriously disruptive?
  - Yes  No Does the sub-recipient **require** individuals with disabilities to use designated priority seats?
  - Yes  No Does the sub-recipient require persons traveling in securement areas to wear seat belts or shoulder straps when all other passengers do not have the same requirement?
  - Yes  No Does the sub-recipient require wheelchair users to wear a body belt when traveling up and down on the lift?
  - Yes  No Does the sub-recipient policy prohibit respirators or portable oxygen supplies
  - Yes  No Does the sub-recipient have any other policy that could discriminate against persons with disabilities?
5. Does the sub-recipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?  Yes  No
- If “Yes,” are supervisors, dispatchers, and drivers trained on this policy?  Yes  No
6. Is there an appropriate appeal policy for any service refusals?  Yes  No
7. Does the sub-recipient have an established process for making decisions and providing reasonable modifications under the ADA?  Yes  No
- If “Yes,” is information about the process, and how to use it, readily available to the public, including individuals with disabilities? (For example, included in printed media and/or available on the agency’s website).  Yes  No

**Attendant Policies**

Individuals with disabilities should be allowed to travel with attendants. Attendants cannot be required, though, except if service could otherwise be refused for illegal, violent or seriously disruptive behavior.

- 8. Does the sub-recipient allow persons with disabilities to travel with attendants?  Yes  No
- 9. If “Yes,” does definition of attendant extend beyond assistance during travel to also include assistance at destination?  Yes  No
- 10. Are any claimed attendants allowed (*i.e.*, no registration of only certain persons who can be attendants)?  Yes  No

11. Are persons with disabilities allowed to travel without attendants, even if they indicate they sometimes use attendants (Exception: Caregiver or guardian requests that attendant always be present, or documented past behavior allows refusal and person/caregiver agree to use attendant to mitigate issues)?  Yes  No

### Service Equivalency

12. **Service Area:** Consider the service area and how accessible and inaccessible vehicles are distributed throughout the area. Are persons with disabilities who need an accessible vehicle able to travel throughout the area on an equivalent basis to all other riders?  Yes  No
13. **Response Time:** Consider the advance notice requirement to use the service. If accessible vehicles are operated separate from or different from inaccessible vehicles, consider the advance notice required for use of each type of vehicle. Is the same (or lesser) advance notice required of riders with disabilities who need and use accessible vehicles?  Yes  No
14. **Fares:** Is the fare the same (or lower) for riders with disabilities who need to use accessible vehicles?  Yes  No
15. **Days and Hours:** Are the days and hours the same (or greater) for persons with disabilities who need and use accessible vehicles?  Yes  No
16. **Trip Purpose:** Are persons with disabilities able to travel for the same purposes (or more) than individuals who do not need accessible vehicles?  Yes  No
17. Are there any trip denials, or are wait lists or trip caps used?
- |  |   |
|--|---|
| <input type="checkbox"/> Yes, Trip Denials | <input type="checkbox"/> Yes, Trip Caps |
| <input type="checkbox"/> Yes, Wait Lists   | <input type="checkbox"/> No             |
- If there are denials, wait lists, or trip caps, are persons with disabilities who need to use accessible vehicles denied/wait-listed, capped at the same (or lower) rate than other riders?
18. Is information and communications provided in accessible formats, and are persons with disabilities who need an accessible vehicle able to get information and reservations assistance in an equivalent way?  Yes  No
19. Do the sub-recipient permit standees to use the lift?  Yes  No
20. Does the sub-recipient require scooter users or wheelchair passengers to transfer to another seat?  Yes  No
21. Do the sub-recipient's operators assist individuals with disabilities with the use of securement systems, ramps, and lifts?  Yes  No
22. Does the sub-recipient permit service animals on system vehicles?  Yes  No
23. Is the sub-recipient's service animal policy consistent with regulatory requirements? (The policy should not require certification of training, should not inappropriately limit type of animal—except emotional support or comfort animal, or animal that cannot be trained to assist.)  Yes  No
24. Does the sub-recipient make available to individuals with disabilities adequate information concerning transportation services?  Yes  No

25. Does the sub-recipient 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 entity, preclude the safe use of the stop by all passengers?  Yes  No
26. Does the sub-recipient ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities?  Yes  No

## **Section 7. Charter and School Bus Service**

1. Does the sub-recipient provide charter service?  Yes  No
2. Does the sub-recipient provide charter service with locally owned vehicles? If yes, are the vehicles stored and maintained in a locally funded facility?
3. Can all of the sub-recipient's services be called "program" transportation?  Yes  No
4. Does the sub-recipient provide transportation of school children to/from school done on an exclusive basis (e.g., in demand response mode is the run built entirely on school children)?
  - a. Does the service operate only with non-FTA funded equipment and facilities?
5. Does the sub-recipient provide school "tripper service" promoted to the general public?

Charter Bus Service information can be obtained on the FTA Website  
[www.fta.dot.gov/laws/leg\\_reg\\_179.html](http://www.fta.dot.gov/laws/leg_reg_179.html) and [www.fta.dot.gov/CharterRegistration](http://www.fta.dot.gov/CharterRegistration)

## Section 8. System Safety and Security Review

The JTA may combine a safety and security compliance review with other required on-site compliance reviews, but only findings or comments resulting from compliance with Rule Chapter 14-90, F.A.C. and the sub-recipient's SSPP and SPP should be included in the safety and security formal review written report submitted to the sub-recipient.

**Pre-Review Documents:** Sub-recipient's documents to be obtained and reviewed prior to the on-site visit include:

1. Most current FTA Drug and Alcohol Program Audit Final Report.
2. Most current Substance Abuse Policy adopted by the governing board or highest ranking agency official.
  - a. Verify that the sub-recipient has adopted written policies on prohibited drug use and alcohol misuse in the workplace. *(Reference 49 CFR Part 655.15)*
    - I. The policy should be consolidated and address both drugs and alcohol. *(Reference 49 CFR Part 655.15)*
    - II. The policy should reflect components of the "Drug-Free workplace Act". *(Reference 49 CFR Part 32)*
  - b. Ascertain the implementation of an employee (for drug program only) and supervisor education and training program for probable drug use and alcohol misuse. *(Reference 49 CFR Part 655.14)*
  - c. Verify that a prohibited drug and alcohol testing program has been implemented for employees and applicants for employment in safety sensitive positions. *(Reference 49 CFR Parts 655.11, 655.12, 655.15, 655.16, 655.17)*
  - d. Verify that an employee evaluation program has been established for employees who have violated the drug and alcohol regulations. *(Reference 49 CFR Parts 655.61, 655.62)*
  - e. Verify that administrative procedures, addressing the following areas, have been developed for compliance with the regulations:
    - I. Retention of Records *(Reference 49 CFR Part 655.71)*
    - II. Reporting *(Reference 49 CFR Part 655.72)*
    - III. Releasing information *(Reference 49 CFR Part 655.73)*
    - IV. Certifying compliance *(Reference 49 CFR Part 655.83)*
    - V. Employee background checks *(Reference 49 CFR Part 40.25)*
3. Most recent Drug and Alcohol Management Information Systems report (commonly referred to as an "MIS" report).
4. Blank copy of the Release of Information form. This is the form that the agency uses to request drug and alcohol information from an applicant's previous U.S. DOT employers (49 CFR Part 40.25).
5. Blank copy of the "notice to Test" or "Testing Notification" form. This is the form on which the agency documents written notification/direction to the employee to proceed to a collection site for an FTA/DOT required urine collection or alcohol test.

6. Blank copy of the Post Accident Decision and Documentation form used to determine if an event (accident) meets the FTA threshold requiring Post Accident drug and alcohol testing.
7. Sample of 3-5 Post Accident Decision and Documentation forms that were completed within the previous 12-month period, in where the accident met the FTA criteria for testing. (Redact names and any other personal information).
8. System Safety Program Plan (SSPP) (Rule 14-90.004, F.A.C.) and verify that it contains the following items:
  - a. Safety policies and responsibilities
  - b. Vehicle and equipment standards
  - c. Operational standards
  - d. Bus driver and employee selection
  - e. Driving requirements
  - f. Bus driver and employee training
  - g. Vehicle maintenance
  - h. Investigation of events
  - i. Hazard identification and resolution
  - j. Equipment for transporting wheelchairs
  - k. Safety data acquisition and analysis
  - l. SSPP requirements for contractors
  - m. Records retention
  - n. Certification requirements
  - o. Requirements for annual safety inspections of all revenue vehicles
  - p. Wireless Communications Plan (WCP) (Rule 14-90.004, F.A.C.) and verify that it:
    - o. Prohibits the use of a personal wireless communications device while the transit vehicle is in motion.
    - o. Requires all personal wireless communications devices be turned off, with any earpieces removed from the operator's ear while occupying the driver's seat.
    - o. Policy on the use of a wireless communications device issued to the operator by the transit system.
    - o. Guidelines for the use of a wireless communications device in emergency situations (medical emergencies, family emergencies, and/or when regular issued equipment is inoperable during emergency).
    - o. Policy that guarantees the use of a wireless communications device will not interfere the operator's safety related duties.
    - o. Wireless communications driver educational training program.
    - o. Addresses the proper use of a wireless communications device issued by the transit system.
    - o. Addresses hazards associated with the use of a wireless communications device.
9. Qualification, Selection, and Training of Drivers (Rule 14-90.004, F.A.C.) and verify that it contains the following:
  - a. Standards for driver qualifications and criteria for background checks.
  - b. Driver and criminal background checks for all new drivers.

- c. Verification and documentation of valid driver licenses for employees who drive buses.
  - d. Driver training program provides explicit training and testing in the following areas
    - Safety and operational policies and procedures
    - Bus and equipment inspections
    - Bus equipment familiarization
    - Basic operations and maneuvering
    - Safe approaches and departs from a transit bus stop to avoid contact with pedestrians and other hazards
    - Boarding and alighting passengers
    - Operations of wheelchair lifts and other special equipment
    - Defensive Driving
    - Passenger assistance and securement
    - Handling of emergencies and security threats
    - Security & threat awareness
    - Driving Conditions
10. Operational and Safety Procedures (Rule 14-90.004)(3)(e), F.A.C.) and verify that it contains the following:
- a. Communication & handling of hazards, unsafe conditions, security threats, and emergencies.
  - b. Familiarization and operation of safety and emergency equipment, wheelchair lift equipment and restraining devices.
  - c. Application and compliance with all applicable federal and state laws, rules, and regulations
  - d. Requirements for drivers to complete and submit a daily inspections report. (Rule 14-90.006, F.A.C.).
11. Certification (Rule 14.90.010, F.A.C.). The reviewer must verify that the sub-recipient has submitted an annual safety and security certification to the JTA for the prior calendar year, and the certification is on file and current. Safety Certification address SSPP, SPP, and safety inspections.

### **Drug Free Workplace (Rule 14-90.004(3)(h), F.A.C.)**

Verify that the sub-recipient has established a drug free workplace policy statement in accordance with Drug-Free Workplace Act [Reference Title 49, Code of Federal Regulations, Part 32 and Rule 14-90.004(3)(h) and a substance abuse management and a testing program pursuant to 49CFR parts 40 and 655.

1. How is the written policy distributed to all transit-related employees?
2. What is the sub-recipient ongoing drug-free awareness program?
3. What training tools does the sub-recipient use to ensure that all safety-sensitive employees receive a minimum of sixty minutes of training of the effects and consequences of prohibited drug use?

4. What training tools does the sub-recipient use to ensure that selected supervisory personnel and other designated sub-recipient officials receive the required training to become authorized to make reasonable suspicion testing referrals?
5. How does the sub-recipient check on the drug and alcohol testing records of new hires and transfers that will work in safety-sensitive positions? At what point in the hiring process are applicants placed in safety-sensitive positions?
6. With regard to the sub-recipient Random Testing Program:
  - a. How often are random selections generated? (Ex: quarterly, monthly).
  - b. How does the sub-recipient ensure that every safety-sensitive employee is included in the random testing pool prior to each random draw (such as new hires and transferees)?
  - c. How does the sub-recipient ensure that random testing is performed sporadically throughout the testing period, so as not to reveal any predictable pattern of testing?
  - d. How does the sub-recipient ensure that random testing is spread reasonable throughout all hours of operation, so as not to create and predictable pattern of testing? (Is testing performed in the early morning, late evening, weekends, and holidays?).
7. Under what circumstances does the sub-recipient conduct post-accident testing?
8. How does the grantee ensure that drug and alcohol testing program records are maintained in a secure location with controlled access?
9. During the review period, when did the grantee submit annual calendar year Management Information System (MIS) reports for itself, subrecipients, contractors, subcontractors, and lessees summarizing drug and alcohol test results?
10. Does the sub-recipient operate vehicles that require the driver to hold a Commercial Driver's License?  Yes  No

**Onsite records review:** The sub-recipient must maintain Driver Records, Maintenance Records, Safety Inspections Records, Investigation Reporting and Investigation Records, and Medical Records for a minimum of 4 years.

Records selected for review should be random and cover the sub-recipient's last 3-year period.

The reviewer must select the driver records for review by randomly selecting 30% (30 bus driver minimum) of ALL sub-recipient Drivers. If applicable, up to 33% of the driver selection must be new hires (bus operators hired within the last 3 years and not currently in training) Review ALL sub-recipient driver records less than 30. If the reviewer notices a major problem in a specific review area, an additional 30% selection of driver records should be reviewed. If the additional review produces the same troubling results, then all records for the review section must be reviewed. If during their review of an area, the reviewer notices an issue with a specific record, they have the option to expand their review to include that particular record in their review.

1. **Driver Records** (Rule14-90.004)(3)(g), F.A.C.)
  - a. Records of bus drivers background checks and qualifications.
  - b. Detailed description of training administered & completed by each driver.

- c. Each bus drivers daily duty status: total days worked, on-duty hours, driving hours and time reporting on and off duty
- d. Driver Licenses: Visually check license; picture, CDL class as applicable, endorsement, expiration date, and any restrictions.
  - i. Cross check date of hire with date issued.
  - ii. Make sure license is current: run a free online check at: <https://services.flhsmv.gov/DLCheck/DLCheckResultView.aspx>

## 2. **Operating and Driving Requirements** (Rule 14.90.006, F.A.C.)

Carefully review the hours of service requirements outlined in Rule 14-90.006.

- a. Drivers are to report the suspension or revocation of a license to operate a motor vehicle immediately or no later than the end of the business day following the day he or she received the notice.
- b. A driver is not permitted or required to driver more than 12-hours in a 24-hours period, or drive after having been on duty for 16 hours in a 24-hours period. After reaching these limits, a driver must have 8 consecutive hours off duty to end this period.
- c. A driver shall not be required or permitted to be on duty more 72 hours in any period of seven consecutive dates; a driver must be off duty 24 consecutive hours to end this period.
- d. Review bus operator schedules to ensure scheduling compliance by sub-recipient.
- e. Review actual bus driver work records for hours of service compliance.
- f. Select at least 2 separate (not in the same year) 2-week periods over the prior 3-year review range for review.

## 3. **Medical Certifications** (Rule 14-90.0041. F.A.C.)

For determining compliance with the medical examination requirements, the reviewer should only involve the inspection of the medical examination certificate for certification status, dates, signatures, and completion of information. The reviewer should never record an individual's personal medical history or examination results. All driver medical records are required to include proof of Biennial, Pre-employment, and any Follow-up medical exams of employee bus drivers. The reviewer should verify that:

- a. Driver files contain only the driver medical certifications and no medical forms.
- b. A completed and signed medical examination certificate (signed by medical examiner and driver) is available for each bus driver, dated within the past 24 months. Medical examinations are completed for all new drivers. Medical Examination requirements are established using Form Number 725-030-011, effective 05/09, or an equivalent form that meets or exceeds standards. Cross check date of hire with date on the medical certificate.
- c. A return to duty examination is completed (prior to returning to duty) for any driver that has been off duty for 30 or more days due to an illness, medical condition or injury.

- d. The Sub-recipient's Designated Employer Representative (DER) is the individual responsible for the management of the drug and alcohol program, and the recipient of drug and alcohol test results. Please provide below the contact information (Name, phone number and email address) for the sub-recipient's DER.
  - e. Record the number of safety sensitive\* (FTA covered) employees currently employed at the sub-recipient agency:
  - f. Record the hours of operation that safety-sensitive functions are performed with this agency. (hours of the day and days of the week in which ANY safety-sensitive function is being performed. For example: 5 am through midnight, six days per week.)
  - g. Does the sub-recipient utilize the services of a Third-Party Administrator (TPA) to aid in the management of their drug and alcohol testing program?  Yes  No  
If yes, identify the TPA: \_\_\_\_\_
4. **Security Program Plan (SPP)** (Rule 14-90.004, F.A.C.) All security sensitive items and files must be REVIEWED ONSITE ONLY. The sub-recipient should prepare the following items for review as part of the Security Program Plan:
- a. Security policies, goals, and objectives: The overall goal of a Security Program Plan is to identify, eliminate, minimize and control security hazards and their risks by establishing requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for the organization. This overall theme should be express in the sub-recipient SPP. The sub-recipient should begin with this overall goal and should have developed specific goals applicable to its own program. Goals should be system-specific goals, tailored to the individual needs of the sub-recipient.
    - o Goals express should be long-term. Goals can be adjusted, but those expressed in the SPP must have a broad and continual relevance throughout the life of the sub-recipient.
    - o Goals expressed should be meaningful.
    - o Goals expressed should be realizable. Any goal expressed in the first two bullets but cannot be attained is meaningless.
  - b. The Approved SPP must be adopted (dated and signed by the Chief Executive Officer/General Manager of the sub-recipient) and clearly comply with or exceed the established standards outlined in Rule 14-90, F.A.C.
  - c. Organization, roles, and responsibilities:
    - o Detailed organizational diagrams/chart showing the title of each position (should cover from General Manager/Director to operating employees)
    - o Diagram of the structure of the sub-recipient safety unit identifying the key positions and showing the relationship and lines of communications between the safety unit and other units of the agency
  - d. Procedures for investigation of events described under subsection 14-90.004(5), F.A.C.

- e. Emergency management processes and procedures for mitigation, preparedness, response, and recovery. Plans must be in place for prevention and also for response and recovery should an event occurs. This may also be included in the sub-recipient interagency planning.
- f. Interagency Coordination: it is important that the sub-recipient address communications process relative to safety, security, and emergency issues. Check for:
  - o Procedures for the establishment of interfaces with emergency response organizations.
  - o Procedures for interagency coordination with local law enforcement jurisdictions.
  - o At a minimum, the sub-recipient must have a list of agencies with which regular contact and coordination is or may be required. Such items as training of emergency response personnel, emergency drills (internal and with external agencies) and familiarization processes, and procedures for actual emergencies should be developed in coordination with these agencies. The procedures must be documented, exercised and administered on a regular basis.
- g. Employee security and threat awareness training programs.
  - o Security and threat awareness training should be included in the sub-recipient training program/syllabus and topics outlined in the SPP. This part is especially important in the “new employee orientation training”.
  - o Some of the training to look for are:
    - Overall security awareness, such as explaining the importance of observing, identifying and reporting suspicious people or behavior
    - Transit system threats and vulnerabilities such as identifying general security threats, vulnerabilities, and potential consequences to the sub-recipient property and assets
    - Security concerns such as trespassing, workplace violence, vandalism, and theft.
    - How to recognize, react, and report transit crime and other security related activities.
    - Sub-recipient employee roles in following agency security policies and procedures, such wearing and looking for proper employee ID and uniforms.
- h. Security data acquisition and analysis:
  - o Did the sub-recipient conduct a threat and vulnerability assessment? A threat and vulnerability assessment is an analysis of safety hazards and security threats including vehicle and workplace accidents; acts of nature; criminal acts; terrorism; and other risks that can cause loss of life, personal injuries, and property damage and disrupt operations.
  - o Does the sub-recipient have a process for conducting trend analysis? Note: this process may be included in the SSPP section.

- o The review should also make an analysis and look for trends in information reviewed onsite.
- i. Requirements for private contract transit providers that engage in continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.
- j. Procedures for SPP maintenance and distribution. The SPP and associated documents are secure items and the sub-recipient is prohibited by Section 119.071(3)(a), F.S., from publicly disclosing the SPP or the security portion of the SSPP, as applicable, under any circumstance. The sub-recipient must have procedures in place that document who and how the security documents are maintain, by whom, and how they are distributed.

### **Event and Incident Reporting and Investigation Records (Rule 14-90.004)(7)**

The sub-recipient's SSPP should include a written investigation policy and procedures for any event involving a bus or taking place on the bus transit system. Procedures should vary for events where there is:

- a fatality or where an individual is confirmed dead within 30 days of a bus transit event.
- injuries involving medical attention away from the scene for two or more individual.
- property damage over \$1,000 to transit system buses, non-bus transit system vehicles, other bus system property or facilities, or any other property.
- evacuation of bus due to life safety event, where there is imminent danger to the passengers.

The Event Investigation Procedures should also include procedures for a final report that includes a description of the investigation activities, identified causal factors and any identified corrective actions.

Review for a sample of Driver Event Investigations for the last three years. Each review should include any findings and corrective actions (opened and close during the last three years). Look for trends, patterns, and other issues when reviewing reports. Files should be complete and contain information more other than the local law enforcement report. Select one additional 30% list of drivers if no records of events exist for the initial 30% sample selected. Verify that corrective action plans are developed that identify planned actions and a schedule for implementation. How does the sub-recipient monitor and track the implementation and completion of each corrective action?

**Hazard Investigation Records:** Review a sample of hazard analyses and/or investigations for the last three years (review onsite if this information is too sensitive or too big to transmit). Each review should include any findings and corrective actions (opened and close during the last three years). Look for trends, patterns, and other issues when reviewing reports.

Identify and locate all facilities and equipment with safety-related characteristics. This will include fire protection equipment, emergency communications equipment, and employee safety devices. Facility inspections should be closely coordinated with hazard with the hazard analysis.

## Operating and Driving Requirements (Rule 14.90.006, F.A.C.)

Buses to be operated at all times in compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which they are being operated.

1. **Observations:** Be ready to come in early and stay late to observe start up and closing procedures
  - a. Review interaction and monitoring of drivers as they report for duty.
  - b. Monitor bus pre-inspections (go out to the bus). Pre-operational or daily inspections and reporting are required for drivers to identify defects and deficiencies.
  - c. Observe yard operations for safety
  - d. Take the opportunity to communicate with bus drivers, supervisor, maintenance personnel, and supervisors.
  - e. Observe training classes
  - f. Observe dispatch operations
2. **Route and driver performance checks:** Riding the bus route to review routes coverage area, bus stop locations, and to assess the bus driver performance in order to verify compliance with road traffic laws, ADA regulations, Rule 14-90, and the sub-recipient policies, procedures and training, is one of the most important components of the safety and security review process. Reviewers should select bus driver schedules and routes schedules that covers various times of the day, morning, noon, evening, and night routes. At least one shift route from one-third of the selected 30% of drivers should be reviewed. The reviewer must schedule adequate time, no less than 1-hour, to conduct a thorough route and driver performance check. Please comment “yes”, “no”, or “n/a” where appropriate on each checked item and also provide comment where appropriate. Reviewer must include a selection of morning and evening/night shifts. The pre-trip inspection review should not be included in the 1-hour onboard review minimum.
3. **Bus stop locations:** Review for safe location (too close to electrical lines, too close to road/intersection, in a ditch, low hanging limbs, etc.). Many of these observations can be made with consideration and review of incident/event records.
4. **Observe that the driver:**
  - a. Is not impaired or likely to be impaired by fatigue, illness, or other causes likely to create an unsafe condition.
  - b. Performs a pre-trip inspection and completely fills out the pre-trip inspection form before starting the first run of the day. Items are outlined in Rule 14-90.006(8)(a) F.A.C.
    - Service brakes.
    - Parking brakes.
    - Tires and Wheels
    - Steering
    - Horn
    - Lighting devices
    - Windshield wipers
    - Rear vision mirrors
    - Passenger doors
    - Exhaust system
    - Equipment for transporting Wheelchairs
    - Safety Security, and emergency equipment
  - c. Wears seat belt and uses it correctly at all times when the bus is in motion.

- d. Adjusts mirrors before starting out on their route for the day for safety and visibility.
- e. Personal wireless communications devices are not used and turned off with any earpieces removed from the driver's ear while occupying the driver seat.
- f. Uses signals for all maneuvers in traffic and signals at proper distance for an intended turn. Cancels signal when maneuver is completed.
- g. Renders correct assistance to passengers in wheelchairs, using all precautions with lift while moving passenger off vehicle.
- h. When required, safely attaches tie down straps into floor tracks, and use the four-point tie down on wheelchairs.
- i. Removes tie downs from floor after each use. Stores tie down straps in their proper place.
- j. Stops the vehicle (6) six inches or (4) four feet from curb to keep passengers from falling off the vehicle as they load and unload.
- k. Makes sure passenger are seated and/or properly position to support themselves before proceeding.
- l. Passengers are not standing forward of the standee line when the bus is in motion
- m. Stops bus vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while stopped, listens and looks in both directions along the track for any approaching train. (Opens doors when possible)
- n. Monitors passengers and report misbehavior in the vehicle
- o. Keeps schedule safely and does not jeopardize safety for schedule
- p. Does not operate the bus with any passenger door in the open position
- q. Does not leave the bus unattended with passengers aboard for longer than 15 minutes.
- r. The parking brake device is properly set anytime the bus is left unattended.
- s. During darkness, the interior lighting in step-wells is on and sufficient.

## Section 9. Maintenance Review

The following maintenance documents will be reviewed as part of the Bus System, Safety, and Security Review. Whenever possible, these documents will be reviewed prior to the site visit.

- Bus Maintenance Plan
- Fleet Roster
- Inspection Forms(s)
- Driver's Pre and Post Trip Inspection Forms

### Bus Maintenance Plan (Rule 14-90.004)(4), F.A.C.)

Maintenance plans should be gathered and analyzed before the maintenance review process to gain an understanding of the agency's vehicle fleet, maintenance policies and procedures. The maintenance plan should accurately describe the roles and responsibilities in relation to the daily and long-term maintenance activities.

Written maintenance plans should be comprehensive and detailed to provide the reviewer with a clear understanding of how the maintenance department operates on a daily basis. Maintenance plans shall be customized to the agency's specific maintenance process and all actual maintenance practices. It is a finding if the agency does not have a maintenance plan, if the plan does not accurately describe current maintenance practices, if the agency does not follow the plan, or if the plan does not include the activities mentioned above.

This plan should establish procedures to assure that:

- Preventive and routine maintenance are performed for all buses operated.
- All parts and accessories on such buses, and any additional parts and accessories which may affect safety of operation, are regularly and systematically inspected, maintained and lubricated to standards that meet or exceed the bus manufacturer's recommendations and requirements.
- A recording and tracking system is established for types of inspections, maintenance, and lubrication intervals, including date or mileage when services are due.
- Proper preventive maintenance is performed when a bus is assigned away from the system's regular maintenance facility or when maintenance services are performed under contract.

The reviewer should be able to answer the following questions from the Maintenance Plan:

1. Who is primarily responsible for the maintenance oversight of the fleet?
2. How many locations do the buses operate out of?  
Identify the locations from which buses may operate:
  - a. Primary location:
  - b. Location 2 (if applicable):
  - c. Location 3 (if applicable):
  - d. Location 4 (if applicable):

Is each of these locations secure?  Yes  No If no, note conditions at each site.

3. What type of preventive maintenance schedule is used? Is the schedule determined by Original Equipment Manufacturer (OEM) recommendations or the FDOT Preventative Maintenance Standards Manual?
4. Are preventive maintenance inspections performed in a progressive manner or is the same level of inspection performed each time? Preventive maintenance inspection forms should be collected to ensure that components are inspected according to manufacturer recommendations.
5. What is the target mileage for the preventive maintenance inspections? Does this number vary among fleet types?
6. What is the process for scheduling vehicles for inspection?
7. If any repairs are required as a result of a preventive maintenance inspection, when are the repairs performed?
8. How are the repairs prioritized? Who makes this determination?
9. Is any maintenance outsourced?  Yes  No If "YES," please explain?  
What are the names of the shops used for outsourcing maintenance?

Name of shop	Address	Specialty

10. Is there a preventative maintenance schedule for wheelchair lifts and/or ramps and related equipment for transporting wheelchairs outside of the standard PMI?

**Fleet Roster** – from the fleet roster, the reviewer should be able to determine:

1. Number of operational buses:
2. Number of wheelchair accessible vehicles:
3. List the different types of vehicles in the fleet:

**Maintenance Records (Rule 14-90.004)( 4)(d), F.A.C.)**

A twelve-month history of the maintenance files shall be reviewed. In cases where a twelve-month history does not provide enough information to effectively analyze a vehicle's maintenance history, the team member performing the maintenance review may elect to use a broader time span for the maintenance review. A minimum of twenty percent (20%) of the fleet shall be selected at random, taking into consideration model year, type of vehicle, and miles on each to get a reasonable sample of the overall fleet. During the file review, the mileage or operating hours between each preventative maintenance inspection is recorded, as well as each work order that occurs between inspections.

This data gathered is entered into a spreadsheet for analysis. Preventive maintenance inspections that occur within 10% of the targeted scheduled mileage are considered on time. If more than 20% of the preventive maintenance inspections observed occur outside of the 10% targeted mileage, the agency is considered deficient.

Verify that the maintenance records contain:

- Make, model, license number, or other means of identification and ownership of vehicles
- Date, mileage, description of inspection, maintenance and lubrication intervals
- Records of vehicle inspections, PMs and repairs made off site are maintained
- Name and address of entity or contractor performing inspection, maintenance, lubrication, or repairs.

1. Where are the vehicle history files located?
2. Are all maintenance files together or are there different files for warranty, annual inspections, etc.?
3. What type of information management system is used? Electronic or manual? Describe.
4. How is it determined when the buses are due for service? Computerized system or calculated manually?
5. Are all maintenance activities tracked and analyzed regularly? If so, who is responsible? How often does this occur?

### **Road Calls:**

Tracking and analyzing road calls is an indicator of a transit agency's dedication to preventive maintenance. A maintenance program's effectiveness can be determined by closely examining road call incidents that occur throughout the year. An abundance of road calls that occur between inspections may indicate that the inspections are not being performed thoroughly. This data is gathered and analyzed during the file review process.

1. What is the agency's definition of a road call?
2. What is the procedure for road calls/service interruptions?
3. Are road calls tracked and analyzed? If so, who is responsible for this? How often does this occur?
4. Does the agency use road call data to occasionally update its maintenance program procedures and practices?
5. Are any components replaced before failure? If so, what determined this procedure?
6. Are there any wear tolerance policies in place? (Tires, brakes, etc.) If so, what are they?

### **Pre/Post-Trip Inspections**

Pre-trip/post-trip inspections are required to be maintained for a minimum of two weeks according to Chapter 14-90.006. Failure to maintain for two weeks minimum is a finding. During

the review, pre-trip/post-trip inspections for the prior two weeks are examined to ensure safety defects are being recorded and subsequent repairs are being performed. If any of the forms have a safety defect then they are reviewed for a signature, initial, or have a corresponding repair order number confirming the repair was made. If no acknowledgement of the repair is noted on the defect form, then the vehicle history files are reviewed for documentation of the defect repair being made. If no record is found it is considered a finding.

1. After the driver's pre-trip inspection is completed, is the form turned in or does it remain with the driver until the end of the day?
2. Do the drivers use the pre-trip inspection form to note post-trip defects on or is there a separate form used?
3. Who is responsible for reviewing the forms?
4. When are the driver's Pre and Post-trip Inspection Forms reviewed?
5. What is the procedure for reporting safety defects found during the driver's pre-trip inspection?
6. If a safety defect was found during the post-trip inspection, what is the procedure to ensure the defect is repaired before the bus returns to service?
7. How are defects prioritized for repair? Who makes this determination?
8. After a defect is repaired, how is it documented to correspond with the original pre-trip/post-trip inspection form? Who is responsible for ensuring this documentation?
9. How long are the drivers' pre-trip/post-trip inspections forms kept on file?
10. How are the buses fueled? How often are fluids checked between preventive maintenance inspections?
11. Are the wheelchair lifts and/or ramps cycled as part of the daily pre-trip inspection?
12. At a minimum, the driver's Pre-trip Inspection Form must ensure that specific vehicle components are safe for operation. Does the form identify and record the condition of the following items?
  - Service and Parking Brakes
  - Tires & Wheels
  - Steering
  - Horn
  - Lighting Devices
  - Windshield Wipers
  - Rear Vision Mirrors
  - Passenger Doors Exhaust System
  - Equipment for Transporting Wheelchairs
  - Safety, Security and Emergency Equipment

### **Work Orders**

Work orders should also be examined for unscheduled repairs. Some specific areas that indicate a possible concern are:

1. Repairs performed immediately after the vehicle was given a preventative maintenance inspection. An example would be a work order indicating a brake job was performed and the previous inspection stating the brakes are OK.

2. Repeat repairs on an issue where different symptoms were targeted but the vehicle has the same reoccurring problem. For example - a vehicle overheating continuously, electrical or engine issues, etc.
3. Repeat repairs performed when the same part is changed without any indication the part was returned for warranty. This would be an indication of the maintenance not monitored closely and unnecessary repairs, labor and expenses used.
4. Repairs performed, or components replaced creating more repairs that could have been prevented during the initial repair. An example of this type of repair would be an engine replacement with unscheduled repairs like hose, belt, electrical, and similar problems in the engine compartment immediately following indicating subpar work.

These indicate poor preventative maintenance and/or poor fleet maintenance monitoring by the agency. It can also indicate that the bus was not examined properly during the preventative maintenance inspection, but the inspector noted it as OK. These should be identified and questioned. A finding should be issued if evidence indicates a pattern of poor maintenance practices.

### **Vehicle Safety Inspections (Rule 14.90.009, F.A.C.)**

1. What is the procedure for the annual inspections? Be as specific as possible.
2. At a minimum, the Annual Safety Inspection Form will include an inspection of items identified in the table below. Does the Annual Safety Inspection Form include these items?

• Horn	• Doors and Interlock Devices
• Windshield Wipers	• Step Wells & Flooring
• Mirrors	• Emergency Exits
• Wiring and Battery	• Tires & Wheels
• Service and Parking Brakes	• Suspension System
• Warning Devices	• Steering System
• Directional Signals	• Exhaust System
• Hazard Warning Signals	• Seat Belts
• Lighting Systems & Signaling Devices	• Safety Equipment
• Handrails and Stanchions	• Equipment for Transporting
• Standee Line and Warning Signage	Wheelchairs
3. Does the Annual Safety Inspection Form include the following:
  - Signature line for inspector?
  - Agency identification?
  - Date of the inspection?
  - Bud ID/Unit #?
  - Identification of equipment and devices inspected?
  - Corrective action/date?
4. How long are annual inspections kept on file?
5. How are files stored?  File folders  Binders  Other \_\_\_\_\_

6. What are the date ranges of files?
7. Where are archived files kept?
8. What type of forms are kept on file?

## **Vehicle Inspection**

The following rules will be used to determine the number of vehicle files reviewed and bus safety inspections performed at each agency:

- For file inspection and audit, a minimum of twenty percent (20%) of the vehicle records will be randomly selected for review.
- In conjunction with the file review, a visual safety inspection of vehicles will be performed. A minimum of ten percent (10%) of vehicles will be randomly selected for inspection. A minimum of three (3) vehicles will be inspected for a fleet size of thirty (30) vehicles or less.
- Additional visual bus safety inspections may be performed if there are any indicators in the maintenance records of poor vehicle safety. The total number of vehicles inspected at each agency will ultimately be determined by the Team Member performing the review.

## **Vehicle Inspection Items and Procedures**

1. Steering System
  - a. Check for excessive play in steering wheel, unusual noises, front tire wear pattern for alignment.
  - b. Pump level and leaks.
2. Service and Parking Brake
  - a. Check for scored rotors, lining thickness, hydraulic/air leaks, brake reservoir level, pedal travel.
  - b. Parking brake operation.
3. Suspension and Undercarriage
  - a. Check leveling, bushings, springs, shocks, drive shaft, and general condition of clamps, hoses and wire routing.
4. Tires, Wheels, and Wheel End Components
  - a. Check tread depth, inflation and damage.
  - b. Check wheels for cracks, welds, damage and loose or missing lugs.
  - c. Check for seal and/or axle leaks.
5. Fuel and Exhaust Systems
  - a. Check fuel tank cap, check for leaks.
  - b. Check exhaust system for routing, loose/broken hangers, hanger positions, leaks and/or unusual noise.

6. All Lights, Mirrors, Windshield Wipers and Warning Devices
  - a. Check all lights interior and exterior for location, operation, lens condition, lens seal and mounting.
  - b. Check all mirrors interior and exterior for location, tightness, and condition.
  - c. Check wipers, wiper arms, wiper operation and windshield washer.
  - d. Check horn and back-up alarm.
7. Interlock Systems
  - a. Check all installed interlock systems for operation and warning devices.
8. Interior Controls, Gauges, And Safety Equipment
  - a. Check all interior controls for operation including passenger signals.
  - b. Check all gauges for operation, mounting and illumination.
  - c. Check fire extinguisher gauge for correct fill. Check inspection tag date.
  - d. Check fire suppression system gauge(s) for correct fill.
  - e. Check safety triangles.
  - f. Check first aid kit.
  - g. All Interior signage.
  - h. Handrails and Stanchions
  - i. Floor, Steps and Thresholds
  - j. All seats and belts
9. Wheelchair Lift and all related items (belts, tie downs) to secure mobility devices.
  - a. Cycle lift and check operation.
  - b. Check for leaks, check wiring, pad kits and operation of warning devices.
  - c. Check tie-downs for operation and condition.
10. Air System
  - a. Check air system for leaks, emergency brake operation, compressor cut on and cut off pressures and drier operation.
11. Emergency Exits (doors, windows and roof hatches.)
  - a. Check Emergency exits for operation and signage.
12. Wiring and Batteries
  - a. Check battery connections, wire routing, condition and master switch operation.
13. Body
  - a. Check for exterior body damage, glass condition and overall exterior cleanliness.
  - b. Interior damage, condition and cleanliness.
14. The following vehicle files were reviewed: (Include vehicle number and description)
15. The following vehicles were visually inspected: (Include vehicle number and description)

## Section 10. Compliance Review Findings

Described below are the findings derived from the inspection of each of the areas identified in the review. Findings shall consist of information obtained during the review and identified as:

- **Deficiency:** Area(s) found to be deficient or inadequate in complying with regulations. Requirements to address deficiency will be indicated. The sub-recipient is required to develop and submit a CAP and implementation schedule for approval for each deficiency arising from a compliance review. The JTA will provide the CAP and implementation schedule for all deficiencies arising from a non-compliance review.
- **Areas of Concern:** Weakness in the adoption or implementation of the sub-recipient's requirements. Recommendations will be provided to address areas of concern. The sub-recipient is required to develop and submit a CAP and implementation schedule for each area of concern, for approval by the JTA.
- **Observations:** are not intended to reflect a condition of non-compliance. They are intended to be an offered suggestion, view, or comment regarding safety and security performance. An observation may address or refer to information obtained during the review.

[Sub-recipient name] must respond to all deficiencies and identified areas of concern within 30 calendar days of the date of this final report. If, during the course of the review process, it is determined that a specific deficiency or unsafe condition exists to the extent that continued operation of the system, or a portion thereof, is not safe for passenger service or is posing an immediate danger to public safety and [Sub-recipient name] fails to suspend affected service, the JTA shall immediately notify and require [Sub-recipient name] to immediately suspend affected service. A certified letter will follow this notification and be sent to [Sub-recipient name] with notification of the required corrective actions and implementation schedule.

If the deficiency or unsafe condition is immediately corrected, a complete description of the deficiency, unsafe condition, or threat and completed corrective action will be documented in the final report. For other deficiencies, a detailed Corrective Action Plan (CAP) and implementation schedule for each item shall be developed within 30-calendar days of the date of the final report. The CAP shall be submitted as part of the response to the JTA.

If, [Sub-recipient name] fails to submit as part of their response a detailed CAP, as required by this report, within 30-calendar days of the date of the final report, or fully resolve the deficient items or areas of concern within the approved CAP and implementation schedule, the JTA will issue to [Sub-recipient name] a formal finding of Non-Compliance.

The JTA reserves the right to conduct a follow-up review to verify completion of corrective action(s) that resulted from a review. The JTA will conduct a follow-up review to verify completion of a corrective action that resulted from a deficiency or unsafe condition that existed to the extent that continued operation of system or a portion thereof, posed an immediate danger or threat to public safety. The JTA will submit to [Sub-recipient name] a corrective action plan (CAP) close-out letter within 30 calendar days of completion and implementation of the all corrective actions resulting from this review.

## CORRECTIVE ACTION PLAN

[Year]

[Sub-Recipient Name]

### [Areas Covered] Monitoring Review

Date	Identified Action Item	Proposed Resolution Date	Assigned Process Owner	CAP Status	Resolution

**Example:**

## Corrective Action Plan 2012 Clay County Council on Aging

JARC and New Freedom Monitoring Audits

Date	Identified Action Item	Proposed Resolution Date	Assigned Process Owner	CAP Status	Resolution
3/2/2012	Add "Speedometer Check" to the DVI and post trip inspection per the new 14-90 requirement.	6/1/2012	Sheryl Hartzog	Completed during review	
3/2/2012	Work Orders for repairs must be kept with each vehicle log book.	6/1/2012	Sheryl Hartzog	Completed following review	
3/2/2012	The new 14-90 compliant medical form should be used by the Medical Examiner and placed in the appropriate files.	6/1/2012	Sheryl Hartzog	Completed 3/12/2012	Clay Transit has updated the examination form from 725-030-11 dated 07/05 to 725-030-11 dated 05/09 with their medical doctor.

# EXHIBITS

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## EXHIBIT 1

Florida Administrative Code

### CHAPTER 14-90 EQUIPMENT AND OPERATIONAL SAFETY STANDARDS FOR BUS TRANSIT SYSTEMS

14-90.002	Definitions
14-90.004	Bus Transit System Operational Standards
14-90.0041	Medical Examinations for Bus Transit System Drivers
14-90.006	Operational and Driving Requirements
14-90.007	Vehicle Equipment Standards and Procurement Criteria
14-90.009	Bus Safety Inspections
14-90.010	Certification
14-90.012	Safety and Security Inspections and Reviews

#### **14-90.002 Definitions.**

Terms used in this rule chapter shall mean as defined in Section 341.031, F.S., in addition:

- 1) "Bus" means any motor vehicle, other than a taxicab, which is designed or constructed for the public transport of persons for compensation and is owned, operated, leased, or controlled by a bus transit system. Buses are designated in two categories:
  - a. Type I means over 22 feet in length, including bumpers.
  - b. Type II means 22 feet or less in length, including bumpers and paratransit type vehicles, such as minibuses, standard vans, modified vans, station wagons, and sedans.
- 2) "Bus Transit System" means a community transportation coordinator; a public transit provider; or a private contract transit provider which owns, operates, leases, or controls buses or taxicabs where such transportation consists of continuous or recurring transportation under the same contract; or a privately owned or operated transit provider that receives operational or capital funding from the Department and owns, operates, leases, or controls buses, other than nonpublic sector buses that provides transportation services available for use by the general riding public.
- 3) "Community Transportation Coordinator" means a provider of transportation services or an entity that ensures such services are provided by another bus transit system.
- 4) "Department" means the Florida Department of Transportation.
- 5) "Drive" or "Operate" means all time spent at the controls of a bus in operation.
- 6) "Driver" means any person trained and designated to drive a bus on a street or highway being used for the public transport of persons for compensation.
- 7) "FMVSS" means the Federal Motor Vehicle Safety Standards in effect at the time the bus or component is manufactured.
- 8) "For Compensation" means for money, property, or anything else of value whether paid, received, or realized, directly or indirectly.
- 9) "Manufacturer" means the original producer of the chassis, the producer of any type of bus, or the producer of equipment installed on any bus for the purpose of transporting individuals with disabilities.

- 10) "Off-Duty" means any time the driver is not on duty, required to be in readiness to work, or under any responsibility to perform work. Such time shall not be counted towards the maximum allowed on-duty hours within a 24-hour period.
- 11) "On Duty" means the status of the driver from the time he or she begins work, or is required to be in readiness to work, until the time the driver is relieved from work and all responsibility for performing work. "On Duty" includes all time spent by the driver as follows:
  - a. Waiting to be dispatched at bus transit system terminals, facilities, or other private or public property, unless the driver has been completely relieved from duty by the bus transit system.
  - b. Inspecting, servicing, or conditioning any vehicle.
  - c. Driving.
  - d. Remaining in readiness to operate a vehicle (stand-by).
  - e. Repairing, obtaining assistance, or remaining in attendance in or about a disabled vehicle.
- 12) "Passenger" means a person who is on board, boarding, or alighting from a bus for the purposes of public transport.
- 13) "Paratransit" means those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the provider of the service. Paratransit service is provided by taxis, limousines, "dial-a-ride" buses, and other demand-responsive operations that are characterized by their nonscheduled, non-fixed route nature.
- 14) "Safe Condition" means a condition where hazards are reduced to the lowest level feasible and substantial compliance exists with all safety rules, regulations, and requirements.
- 15) "Safety Review" means an on-site assessment to determine if a bus transit system has adequate safety management controls in place and functioning in accordance with the safety standards provided and incorporated by reference in this rule chapter.
- 16) "Security" means freedom from harm resulting from intentional acts against passengers, employees, equipment, and facilities.
- 17) "Security Program Plan" or "SPP" means a document developed and adopted by the bus transit system detailing its policies, objectives, responsibilities, and procedures for the protection and defense of the system and persons from intentional acts of harm.
- 18) "Security Review" means an on-site assessment to determine if a bus transit system has security management controls in place and functioning in accordance with the security requirements provided in this rule chapter.
- 19) "System Safety Program Plan" or "SSPP" means a document developed and adopted by the bus transit system detailing its policies, objectives, responsibilities, and procedures against injuries or damage.
- 20) "Taxicab" means any motor vehicle of nine passenger capacity or less, including the driver, engaged in the general transportation of persons for compensation, not on a regular schedule, between fixed termini, or over regular routes, where such vehicle does not provide transportation services as a result of a contractual agreement with a bus transit system.
- 21) "Trailer Bus" means a trailing or towed vehicle designed or used for the transportation of more than 10 persons, e.g., tram buses.

- 22) "Twenty-four Hour Period" or "24-Hour Period" means the consecutive time beginning at 12:00.01 a.m. to 12:00.00 a.m.
- 23) "Unsafe Condition" means anything which endangers human life or property.
- 24) "Personal wireless communications device" means an electronic or electrical device that was not provided by the bus transit system for business purposes.
- 25) "Use of a wireless communications device" means use of a mobile telephone or other electronic or electrical device, hands-on or hands-free, to conduct an oral communication; to place or receive a telephone call; to send or read electronic mail or a text message; to play a game; to navigate the Internet; to play, view, or listen to a video; to play, view, or listen to a television broadcast; to play or listen to music; or to execute a computational function. Use of an electronic or electrical device that enhances the individual's physical ability to perform, such as a hearing aid, is not included in this definition.
- 26) "Wireless communications device" means an electronic or electrical device capable of remote communication. Examples include cell phones, personal digital assistants (PDAs) and portable computers (commonly called laptop computers).
- Rulemaking Authority 334.044(2), 341.061(2), 341.041(3), 341.031 FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, 8-7-05, 9-16-10.

#### **14-90.004 Bus Transit System Operational Standards.**

- 1) Each bus transit system shall develop and adopt an SSPP that complies with or exceeds the established safety standards set forth in this rule chapter.
- a. The SSPP shall address the following safety elements and requirements:
1. Safety policies and responsibilities.
  2. Vehicle and equipment standards and procurement criteria.
  3. Operational standards and procedures.
  4. Bus driver and employee selection.
  5. Driving requirements.
  6. Bus driver and employee training. As part of the driver training program, specific procedures, and training shall be implemented to instruct the driver on how to safely approach and depart from a transit bus stop to avoid contact with pedestrians and other hazards.
  7. Vehicle maintenance.
  8. Investigations of events described under subsection 14-90.004(5), F.A.C.
  9. Hazard identification and resolution.
  10. Equipment for transporting wheelchairs.
  11. Safety data acquisition and analysis.
  12. A wireless communication plan and procedure that provides for the safe operation of the bus transit vehicle. The wireless communication plan and procedure shall assure that:
    - a. The use of a personal wireless communication device is prohibited while the transit vehicle is in motion, and
    - b. All personal wireless communications devices are turned off with any earpieces removed from the operator's ear while occupying the driver's seat.

13. A policy on the use of a wireless communications device issued to the operator by the bus transit system for business related purposes. Policies developed shall assure that:
    - a. Guidelines are developed that allow for the use of a wireless communications device in emergency situations, and
    - b. The use of a wireless communications device does not interfere with the operator's safety related duties.
  14. The Bus Transit System shall develop a driver educational training program addressing:
    - a. The proper use of a wireless communications device issued to the operator by the Bus Transit System while in the performance of their safety related duties, and
    - b. The hazards associated with driving and utilizing a wireless communications device.
  15. Safety standards for private contract bus transit system(s) that provide(s) continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.
    - a. Each bus transit system shall implement and comply with the SSPP during the operation of the system.
    - b. Each bus transit system shall require that all operable transit buses be inspected at least once per year in accordance with established standards.
  16. Each bus transit system shall submit an annual safety certification to the Department verifying the following:
    - a. Adoption of an SSPP, which meets or exceeds the established standards set forth in this rule chapter.
    - b. Compliance with its adopted SSPP and that safety inspections have been performed at least once a year on all buses operated by the bus transit system, by persons meeting the requirements set forth in Rule 14-90.009, F.A.C.
  17. Bus transit systems shall immediately suspend affected system service operations if, at any time, continued operation of the system, or a portion thereof, poses an immediate danger to public safety.
- 2) Each bus transit system shall develop and adopt an SPP that meets or exceeds the security requirements set forth in this rule chapter. The SPP shall be adopted separately from the SSPP.
- a. The SPP shall address the following security requirements:
    1. Security policies, goals, and objectives.
    2. Organization, roles, and responsibilities.
    3. Emergency management processes and procedures for mitigation, preparedness, response, and recovery.
    4. Procedures for investigation of events described under subsection 14-90.004(5), F.A.C.
    5. Procedures for the establishment of interfaces with emergency response organizations.
    6. Procedures for interagency coordination with local law enforcement jurisdictions.

7. Employee security and threat awareness training programs.
  8. Security data acquisition and analysis.
  9. Emergency preparedness drills and exercises.
  10. Requirements for private contract transit providers that engage in continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.
- b. Procedures for SPP maintenance and distribution.
1. Each bus transit system shall implement and comply with the SPP during the operation of the system.
  2. Bus transit systems that engage in a contract with a private contract transit provider shall:
    - a. Establish minimum security requirements which apply to private contract transit providers.
    - b. Monitor and assure that each private contract transit provider complies with established security requirements during the term of the contract.
  3. Bus transit systems are prohibited by Section 119.071(3)(a), F.S., from publicly disclosing the SPP or the security portion of the SSPP, as applicable, under any circumstance.
  4. Bus transit systems shall establish criteria and procedures for the selection, qualification, and training of all drivers. The criteria shall include the following:
    - a. Driver qualifications and background checks meeting minimum hiring standards.
    - b. Driving and criminal background checks for all new drivers.
    - c. Verification and documentation of valid driver licenses for all employees who drive buses.
    - d. Training and testing to demonstrate and ensure adequate skills and capabilities to safely operate each type of bus or bus combination before driving on a street or highway unsupervised. As a minimum requirement, drivers shall be given explicit instructional and procedural training and testing in the following areas:
      - I. Bus transit system safety and operational policies and procedures.
      - II. Operational bus and equipment inspections.
      - III. Bus equipment familiarization.
      - IV. Basic operations and maneuvering.
      - V. Boarding and alighting passengers.
      - VI. Operation of wheelchair lifts and other special equipment.
      - VII. Defensive driving.
      - VIII. Passenger assistance and securement.
      - IX. Handling of emergencies and security threats.
      - X. Security and threat awareness.
      - XI. Driving conditions.
  - e. Bus transit systems shall provide written operational and safety procedures to all bus drivers before driving on streets or highways unsupervised. At a minimum, these procedures and instructions shall address the following:
    - I. Communication and handling of unsafe conditions, security threats, and emergencies.

- II. Familiarization and operation of safety and emergency equipment, wheelchair lift equipment, and restraining devices.
    - III. Application and compliance with all applicable federal and state laws, rules, and regulations.
  - f. The provisions in paragraphs (d) and (e), above, shall not apply to personnel licensed and authorized by the bus transit system to drive, move, or road test a bus in order to perform repairs or maintenance services when it has been determined that such temporary operation does not create unsafe operating conditions or create a hazard to public safety.
  - g. Bus transit systems shall maintain the following records for at least four years:
    - I. Records of bus driver background checks and qualifications.
    - II. Detailed descriptions of training administered and completed by each bus driver.
    - III. A record of each bus driver's duty status which shall include total days worked, on-duty hours, driving hours, and time of reporting on and off duty each day.
  - h. Each bus transit system shall establish a drug-free workplace policy statement in accordance with 49 C.F.R. Part 32 and a substance abuse management and testing program in accordance with 49 C.F.R. Parts 40 and 655, October 1, 2009, hereby incorporated by reference.
  - i. Bus transit systems shall require that drivers write and submit a daily bus inspection report pursuant to Rule 14-90.006, F.A.C.
- 5. Bus transit systems shall establish a maintenance plan and procedures for preventative and routine maintenance for all buses operated. The maintenance plan and procedures shall assure that:
  - a. All buses operated, and all parts and accessories on such buses, including those specified in Rule 14-90.007, F.A.C., and any additional parts and accessories which may affect safety of operation, including frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems, are regularly and systematically inspected, maintained, and lubricated to standards that meet or exceed the bus manufacturer's recommendations and requirements.
  - b. A recording and tracking system is established for the types of inspections, maintenance, and lubrication intervals documenting the date or mileage when these services are due. Required maintenance inspections shall be more comprehensive than daily inspections performed by the driver.
  - c. Proper preventive maintenance is performed when a bus is assigned away from the system's regular maintenance facility or when maintenance services are performed under contract.
  - d. Records are maintained and provide written documentation of preventive maintenance, regular maintenance, inspections, lubrication, and repairs performed for each bus under their control. Such records shall be maintained by the bus transit system for at least four years and, at a minimum, provide the following information:

1. Identification of the bus, the make, model, and license number, or other means of positive identification and ownership.
  2. Date, mileage, description, and each type of inspection, maintenance, lubrication, or repair performed.
  3. If not owned by the bus transit system, the name of any person furnishing a bus.
  4. The name and address of any entity or contractor performing an inspection, maintenance, lubrication, or repair.
6. Each bus transit system shall investigate, or cause to be investigated, any event involving a bus or taking place on bus transit system controlled property resulting in a fatality, injury, or property damage as follows:
- a. A fatality, where an individual is confirmed dead within 30 days of a bus transit system related event, excluding suicides and deaths from illnesses.
  - b. Injuries requiring immediate medical attention away from the scene for two or more individuals.
  - c. Property damage to bus transit system buses, non-bus transit system vehicles, other bus system property or facilities, or any other property. The bus transit system shall have the discretion to investigate events resulting in property damage less than \$1,000.
  - d. Evacuation of a bus due to a life safety event where there is imminent danger to passengers on the bus, excluding evacuations due to operational issues.
7. Each investigation shall be documented in a final report that includes a description of investigation activities, identified causal factors, and any identified corrective action plan.
- a. Each corrective action plan shall identify the action to be taken by the bus transit system and the schedule for its implementation.
  - b. The bus transit system shall monitor and track the implementation of each corrective action plan.
8. Investigation reports, corrective action plans, and related supporting documentation shall be maintained by the bus transit system for a minimum of four years from the date of completion of the investigation.

Rulemaking Authority 334.044(2), 341.061(2) FS. Law Implemented 119.071, 341.041(3), 341.061(1)(b), 341.061(2)(a) FS. History—New 9-7-87, Amended 11-10-92, 8-7-05, 6-24-08, 9-16-10.

#### **14-90.0041 Medical Examinations for Bus Transit System Drivers.**

- 1) Bus transit systems shall establish medical examination requirements for all applicants to driver positions and for existing drivers. The medical examination requirements shall include a pre-employment examination for applicants, an examination at least once every two years for existing drivers, and a return to duty examination for any driver prior to returning to duty after having been off duty for 30 or more days due to an illness, medical condition, or injury.
- 2) Medical examinations shall be performed and recorded according to qualification standards adopted by the bus transit system, provided the medical examination qualification standards adopted by the bus transit system meet or exceed those provided in Department Form

Number 725-030-11, Medical Examination Report for Bus Transit System Driver, Rev. 05/09, hereby incorporated by reference. Copies of Form Number 725-030-11 are available from the Florida Department of Transportation, Public Transit Office, 605 Suwannee Street, Mail Station 26, Tallahassee, Florida 32399-0450 or on-line at [www.dot.state.fl.us/transit](http://www.dot.state.fl.us/transit).

- 3) Medical examinations shall be performed by a Doctor of Medicine or Osteopathy, Physician Assistant, or Advanced Registered Nurse Practitioner licensed or certified by the State of Florida. If medical examinations are performed by a Physician Assistant or Advanced Registered Nurse Practitioner, they must be performed under the supervision or review of a Doctor of Medicine or Osteopathy.
  - a. An ophthalmologist or optometrist licensed by the State of Florida may perform as much of the medical examination as pertains to visual acuity, field of vision, and color recognition.
  - b. Upon completion of the medical examination, the medical examiner shall complete, sign, and date the medical examination form and maintain the original at his or her office.
  - c. Upon completion of the medical examination, the examiner shall complete, sign, and date the medical examination certificate and provide a copy to the driver's employer. If the transit agency decides to adopt qualification standards other than those listed in Department form 725-030-11, the adopted standard's medical examination certificate or a signed letter from the medical examiner attesting to the completion of a medical examination shall be given to the transit agency in lieu of the Department's medical examination certificate. The adopted standards medical certification or letter must provide all of the information required on the Department's medical examination certificate.
  - d. Upon completion of the medical examination the driver shall provide their driver license number, signature, and date on the medical examination certificate.
- 4) Bus transit systems shall have on file a completed and signed medical examination certificate or a signed letter from the medical examiner attesting to the completion of a medical examination for each bus driver, dated within the past 24 months.
  - a. Medical examination certificates or a signed letter from the medical examiner attesting to the completion of a medical examination of the employee bus drivers shall be maintained by the bus transit system for a minimum of four years from the date of the examination.
  - b. Bus Transit Systems shall not allow a driver to operate a transit bus without having on file a completed medical examination certificate or a signed letter from the medical examiner attesting to the completion of a medical examination dated within the past 24 months.

Rulemaking Authority 334.044(2), 341.061(2) FS. Law Implemented 334.044(12), 341.041(3), 341.061(1)(a), (b), (2) FS. History—New 11-10-92, Amended 8-7-05, 6-24-08, 9-16-10.

#### **14-90.006 Operational and Driving Requirements.**

- 1) Bus transit systems shall not permit a driver to drive a bus when such driver's license has been suspended, cancelled, or revoked. Bus transit systems shall require a driver who receives a notice that his or her license to operate a motor vehicle has been suspended,

- cancelled, or revoked to notify his or her employer of the contents of the notice immediately, no later than the end of the business day following the day he or she received the notice.
- 2) Buses shall be operated at all times in compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which they are being operated.
  - 3) A driver shall not be permitted or required to drive more than 12 hours in a 24-hour period, or drive after having been on duty for 16 hours in a 24-hour period. A driver shall not be permitted to drive until the requirement of a minimum eight consecutive hours of off-duty time has been fulfilled. A driver's work period shall begin from the time he or she first reports for duty to his or her employer. A driver is permitted to exceed his or her regulated hours in order to reach a regularly established relief or dispatch point, provided the additional driving time does not exceed one hour.
  - 4) To ensure uniform interpretation of subsections 14-90.002(10), (11), (22) and 14-90.006(3), F.A.C., the following practical applications are provided:
    - a. A driver is required to drive from 4 a.m. – 8 a.m., off-duty from 8 a.m. – 3 p.m., then required to drive from 3 p.m. – 11 p.m. Driving hours and on-duty hours are the same. 4 hours + 8 hours = 12 hours driving. This driver has met the maximum allowed driving hours within a 24-hour period and cannot be permitted or required to drive until a minimum eight consecutive hours off-duty has been fulfilled. This driver cannot be permitted or allowed to drive before 7 a.m.
    - b. A driver is required to drive from 4 a.m. – 8 a.m., off-duty from 8 a.m. – 11 a.m., then required to be on-duty, not driving, from 11 a.m. – 11 p.m. Driving hours = 4 hours and on-duty not driving hours = 12 hours for a total of 16 hours on-duty. This driver has met the maximum allowed on-duty hours within a 24-hour period and cannot be permitted or required to drive until a minimum eight consecutive hours off-duty has been fulfilled. This driver cannot be permitted or allowed to drive before 7 a.m.
    - c. A driver is required to be on-duty, not driving, from 4 a.m. – 8 a.m., off-duty from 8 a.m. – 11 a.m., then on-duty, not driving from 11 a.m. – 11 p.m. On-duty not driving hours = 4 hours + 12 hours for a total of 16 hours on-duty. This driver has met the maximum allowed on-duty hours within a 24-hour period and cannot be permitted or required to drive until a minimum eight consecutive hours off-duty has been fulfilled. The driver cannot be permitted or allowed to drive before 7 a.m.
    - d. A driver is required to be on-duty, not driving, from 4 a.m. – 8 a.m., then off-duty from 8 a.m. – 11 a.m., then on-duty, driving from 11 a.m. – 11 p.m. On-duty, not driving hours = 4 hours and on-duty driving hours = 12 hours for a total of 16 hours on-duty. This driver has met the maximum allowed driving and on-duty hours within a 24-hour period and cannot be permitted or required to drive until a minimum eight consecutive hours off-duty has been fulfilled. This driver cannot be permitted or allowed to drive before 7 a.m.
  - 5) A driver shall not be permitted or required to be on duty more than 72 hours in any period of seven consecutive days; however, any 24 consecutive hours of off duty time shall constitute the end of any such period of seven consecutive days. A driver who has reached the maximum 72 hours of on duty time during the seven consecutive days shall be required to have a minimum of 24 consecutive hours off duty prior to returning to on duty status.

- 6) A driver is permitted to drive for more than the regulated hours for the safety and protection of the public when conditions such as adverse weather, disaster, security threat, a road or traffic condition, medical emergency, or an accident occur.
- 7) Bus transit systems shall not permit or require any driver to drive a bus when his or her ability is impaired, or likely to be impaired, by fatigue, illness, or other causes, likely to create an unsafe condition.
- 8) Bus transit systems shall require pre-operational or daily inspection and reporting of all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions.
  - a. An inspection or test shall be made of the following parts and devices to ascertain that they are in safe condition and in good working order:
    1. Service brakes.
    2. Parking brakes.
    3. Tires and wheels.
    4. Steering.
    5. Horn.
    6. Lighting devices.
    7. Windshield wipers.
    8. Rear vision mirrors.
    9. Passenger doors.
    10. Exhaust system.
    11. Equipment for transporting wheelchairs.
    12. Safety, security, and emergency equipment.
  - b. Bus transit systems shall review daily inspection reports and document corrective actions taken as a result of any deficiencies identified by daily inspections.
  - c. Bus transit systems shall retain records of daily bus inspections and any corrective action documentation a minimum of two weeks.
- 9) A bus with any passenger door in the open position shall not be operated with passengers aboard. The doors shall not be opened until the bus is stopped. A bus with any inoperable passenger door shall not be operated with passengers aboard, except to move a bus to a safe location.
- 10) During darkness, interior lighting and lighting in stepwells on buses shall be sufficient for passengers to enter and exit safely.
- 11) Passengers shall not be permitted in the stepwells of any bus while the bus is in motion, or to occupy an area forward of the standee line.
- 12) Passengers shall not be permitted to stand on buses not designed and constructed for that purpose.
- 13) Buses shall not be refueled in a closed building. The fueling of buses when passengers are being carried shall be reduced to the minimum number of times necessary during such transportation.
- 14) Bus transit systems shall require the driver to be properly secured to the driver's seat with a restraining belt at all times while the bus is in motion.
- 15) Buses shall not be left unattended with passengers aboard for longer than 15 minutes. The parking or holding brake device shall be properly set at any time the bus is left unattended.
- 16) Buses shall not be left unattended in an unsafe condition with passengers aboard at any time.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 341.061(2) FS. History—New 9-7-87, Amended 5-31-89, 11-10-92, 8-7-05, 6-24-08, 9-16-10.

## **14-90.007 Vehicle Equipment Standards and Procurement Criteria.**

- 1) Every bus transit system shall ensure that buses procured and operated meet the following minimum standards:
  - a. The capability and strength to carry the maximum allowed load and not exceed the manufacturer's gross vehicle weight rating (GVWR), gross axle weighting, or tire rating.
  - b. Structural integrity that mitigates or minimizes the adverse effects of collisions.
  - c. Federal Motor Vehicle Safety Standards (FMVSS), 49 C.F.R. Part 571, Sections 102, 103, 104, 105, 108, 207, 209, 210, 217, 302, 403 and 404, Rev. 10/09, hereby incorporated by reference.
- 2) Proof of strength and structural integrity tests on new buses procured shall be submitted by manufacturers or bus transit systems to the Department.
- 3) In addition to the above, every bus operated in this state shall be equipped as follows:
  - a. Mirrors. There shall be two exterior rear vision mirrors, one at each side. The mirrors shall be firmly attached to the outside of the bus and located as to reflect to the driver a view of the highway to the rear along both sides of the vehicle. Each exterior rear vision mirror, on Type I buses, shall have a minimum reflective surface of 50 square inches. Neither the mirror nor the mounting shall protrude farther than the widest part of the vehicle body except to the extent necessary to produce a field of view meeting or exceeding the requirements of this section. All Type I buses shall, in addition to the above requirements, be equipped with an inside rear vision mirror capable of giving the driver a clear view of seated and standing passengers. Buses having a passenger exit door that is located inconveniently for the driver's visual control shall be equipped with additional interior mirrors to enable the driver to view the passenger exit door. In lieu of interior mirrors, trailer buses and articulated buses may be equipped with closed circuit video systems or adult monitors in voice control with the driver.
  - b. Wiring and Batteries. Electrical wiring shall be maintained so as not to come in contact with moving parts, heated surfaces, or be subject to chafing or abrasion which may cause insulation to become worn. Every Type I bus manufactured on or after February 7, 1988, shall be equipped with a storage battery electrical power main disconnect switch. The disconnect switch shall be practicably located in an accessible location adjacent to or near to the battery and be legibly and permanently marked for identification. Every storage battery on a public-sector bus shall be mounted with proper retainment devices in a compartment which provides adequate ventilation and drainage.
  - c. Brake Interlock Systems. All Type I buses having a rear exit door shall be equipped with a rear exit door/brake interlock that automatically applies the brake upon driver activation of the rear exit door to the open position. Brake interlock application shall remain activated until deactivated by the driver and the rear exit door returns to the closed position. The rear exit door brake interlock on such buses shall be equipped with an identified override switch enabling emergency release of the brake interlock function. The override switch shall not be located within reach of the seated driver. Air pressure application to the brake during brake interlock operation, on buses equipped with rear exit door/brake interlock, shall be regulated at the equipment's original manufacturer's specifications.

- 4) Standee Line and Warning. Every bus designed and constructed to allow standees shall be plainly marked with a line of contrasting color at least two inches wide, or be equipped with some other means to indicate that all passengers are prohibited from occupying a space forward of a perpendicular plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. A sign shall be posted at or near the front of the bus stating that it is a violation for a bus to be operated with passengers occupying an area forward of the line.
- 5) Handrails and Stanchions. Every bus designed and constructed to allow standees shall be equipped with overhead handrails for standee passengers. Overhead handrails shall be continuous, except for a gap at the rear exit door, and terminate into vertical stanchions or turn up into a ceiling fastener. Every Type I and Type II bus designed for carrying more than 16 passengers shall be equipped with handrails, stanchions, or bars at least 10 inches long and installed to permit safe on-board circulation, seating and standing assistance, and boarding and alighting by elderly and handicapped persons. Type I buses shall be equipped with a safety bar and panel directly behind each entry and exit stepwell.
- 6) Flooring, Steps, and Thresholds. Flooring, steps, and thresholds on all buses shall have slip resistant surfaces without protruding or sharp edges, lips, or overhangs, in order to prevent tripping hazards. All step edges and thresholds shall have a band of color(s) running the full width of the step or edge which contrasts with the step tread and riser, either light-on-dark or dark-on-light.
- 7) Doors. Power activated doors on all buses shall be equipped with a manual device designed to release door closing pressure.
- 8) Emergency Exits. All buses shall have an emergency exit door, or in lieu thereof, shall be provided with emergency escape push-out windows. Each emergency escape window shall be in the form of a parallelogram with dimensions of not less than 18" by 24", and each shall contain an area of not less than 432 square inches. There shall be a sufficient number of push-out or kick-out windows in each vehicle to provide a total escape area equivalent to 67 square inches per seat, including the driver's seat. No less than 40% of the total escape area shall be on one side of the vehicle. Emergency escape kick-out or push-out windows and emergency exit doors shall be conspicuously marked with a sign or light and shall always be kept in good working order so that they may be readily opened in an emergency. All such windows and doors shall not be obstructed, either inside or outside, so as to hinder escape. Buses equipped with an auxiliary door for emergency exit shall be equipped with an audible alarm and light indicating to the driver when a door is ajar or opened while the engine is running. Supplemental security locks operable by a key are prohibited on emergency exit doors unless these security locks are equipped and connected with an ignition interlock system or an audio visual alarm located in the driver's compartment. Any supplemental security lock system used on emergency exits shall be kept unlocked whenever a bus is in operation.
- 9) Tires and Wheels. Tires shall be properly inflated in accordance with manufacturer's recommendations.
  - a. No bus shall be operated with a tread groove pattern depth:

1. Less than  $\frac{4}{32}$  ( $\frac{1}{8}$ ) of an inch, measured at any point on a major tread groove for tires on the steering axle of all buses. The measurements shall not be made where tie bars, humps, or fillets are located.
  2. Less than  $\frac{2}{32}$  ( $\frac{1}{16}$ ) of an inch, measured at any point on a major tread groove for all other tires of all buses. The measurements shall not be made where tie bars, humps, or fillets are located.
  - b. No bus shall be operated with recapped, regrooved, or retreaded tires on the steering axle.
  - c. Wheels shall be visibly free from cracks and distortions and shall not have missing, cracked, or broken mounting lugs.
- 10) Suspension. The suspension system of all buses, including springs, air bags, and all other suspension parts shall be free from cracks, leaks, or any other defect which may cause its impairment or failure to function properly.
- 11) Steering and Front Axle. The steering system of all buses shall have no indication of leaks which would or may cause its impairment to function properly, and shall be free from cracks and excessive wear of components that may cause excessive free play or loose motion in the steering system or above normal effort in steering control.
- 12) Seat Belts. Every bus shall be equipped with an adjustable driver's restraining belt in compliance with the requirements of FMVSS 209, "Seat Belt Assemblies" 49 C.F.R. 571.209, Rev. 10/09, and FMVSS 210, "Seat Belt Assembly Anchorages" 49 C.F.R. 571.210, Rev. 10/09, hereby incorporated by reference.
- 13) Safety Equipment. Every bus shall be equipped with one fully charged dry chemical or carbon dioxide fire extinguisher, having at least a 1A:BC rating, and bearing the label of Underwriter's Laboratory, Inc. The fire extinguishers shall be maintained as follows:
- a. Each fire extinguisher shall be securely mounted on the bus in a conspicuous place or in a clearly marked compartment and be readily accessible.
  - b. Each fire extinguisher shall be maintained in efficient operating condition and be equipped with some means of determining if it is fully charged.
  - c. Every Type I bus shall be equipped with portable red reflector warning devices in compliance with Section 316.300, F.S.
- 14) Persons with Disabilities. Buses used for the purpose of transporting individuals with disabilities shall meet the requirements set forth in 49 C.F.R. Part 38, Rev. 10/09 hereby incorporated by reference, as well as the following:
- a. Installation of a wheelchair lift or ramp shall not cause the manufacturer's GVWR, gross axle weight rating, or tire rating to be exceeded.
  - b. Except in locations within  $3\frac{1}{2}$  inches of the bus floor, all readily accessible exposed edges or other hazardous protrusions of parts of wheelchair lift assemblies or ramps that are located in the passenger compartment shall be padded with energy absorbing material to mitigate injury in normal use and in case of a collision. This requirement shall also apply to parts of the bus associated with the operation of the lift or ramp.
  - c. The controls for operating the lift shall be at a location where the bus driver or lift attendant has a full view, unobstructed by passengers, of the lift platform, its entrance and exit, and the wheelchair passenger, either directly or with partial assistance of mirrors. Lifts located entirely to the rear of the driver's seat shall not be operable from

the driver's seat, but shall have an override control at the driver's position that can be activated to prevent the lift from being operated by the other controls (except for emergency manual operation upon power failure).

- d. The installation of the wheelchair lift or ramp and its controls and the method of attachment in the bus body or chassis shall not diminish the structural integrity of the bus nor cause a hazardous imbalance of the bus. No part of the assembly, when installed and stowed, shall extend laterally beyond the normal side contour of the bus, nor vertically beyond the lowest part of the rim of the wheel closest to the lift.
- e. Each wheelchair lift or ramp assembly shall be legibly and permanently marked by the manufacturer or installer with the following information:
  1. The manufacturer's name and address.
  2. The month and year of manufacture.
  3. A certificate that the wheelchair lift or ramp securement devices, and their installation, conform to State of Florida requirements applicable to accessible buses.

15) Wheelchairs. Wheelchair lifts, ramps, securement devices, and restraints shall be inspected and maintained as required by this rule chapter. Instructions for normal and emergency operation of the lift or ramp shall be carried or displayed in every bus.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 341.061(2)(a) FS. History—New 9-7-87, Amended 11-10-92, 8-2-94, 8-7-05, 6-24-08, 9-16-10.

#### **14-90.009 Bus Safety Inspections.**

- 1) Each bus transit system shall require that all buses operated by such bus transit system, and all buses operated by a private contract transit provider, be inspected at least annually in accordance with bus inspection procedures set forth in this rule.
- 2) It shall be the bus transit system's responsibility to ensure that each individual performing a bus safety inspection is qualified as follows:
  - a. Understands the requirements set forth in this rule chapter and can identify defective components.
  - b. Is knowledgeable of and has mastered the methods, procedures, tools, and equipment used when performing an inspection.
  - c. Has at least one year of training and/or experience as a mechanic or inspector in a vehicle maintenance program, and has sufficient general knowledge of buses owned and operated by the bus transit system to recognize deficiencies or mechanical defects.
- 3) Each bus receiving a safety inspection shall be checked for compliance with the requirements for safety devices and equipment, as referenced or specified herein. Specific operable equipment and devices as required by this rule chapter, include the following as applicable to Type I and II buses:
  - a. Horn.
  - b. Windshield wipers.
  - c. Mirrors.
  - d. Wiring and batteries.
  - e. Service and parking brakes.
  - f. Warning devices.
  - g. Directional signals.
  - h. Hazard warning signals.
  - i. Lighting systems and signaling devices.
  - j. Handrails and stanchions.
  - k. Standee line and warning.
  - l. Doors and brake interlock devices.
  - m. Stepwells and flooring.
  - n. Emergency exits

- o. Tires and wheels.
  - p. Suspension system.
  - q. Steering system.
  - r. Exhaust system.
  - s. Seat belts.
  - t. Safety equipment.
  - u. Equipment for transporting wheelchairs.
  - v. Working speedometer.
- 4) A safety inspection report shall be prepared by the individual(s) performing the inspection and shall include the following:
- a. Identification of the individual(s) performing the inspection.
  - b. Identification of the bus transit system operating the bus.
  - c. The date of the inspection.
  - d. Identification of the bus inspected.
  - e. Identification of the equipment and devices inspected including the identification of equipment and devices found deficient or defective.
  - f. Identification of corrective action(s) for any deficient or defective items found and date(s) of completion of corrective action(s).
- 5) Records of annual safety inspections and documentation of any required corrective actions shall be retained a minimum of four years by the bus transit system for compliance review.
- Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, 8-7-05, 9-16-10.

#### **14-90.010 Certification.**

- 1) Each bus transit system shall annually submit a safety and security certification to the Department. The certification shall be submitted no later than February 15, for the prior calendar year period. The certification shall attest to the following:
- a. The adoption of an SSPP and an SPP in accordance with established standards set forth in this rule chapter.
  - b. Compliance with its adopted SSPP and SPP.
  - c. Performance of safety inspections on all buses operated by the system in accordance with this rule chapter.
  - d. Reviews of the SSPP and SPP have been conducted to ensure they are up to date.
- 2) The certification shall include:
- a. The name and address of the bus transit system, and the name and address of the entity(ies) who performed bus safety inspections and security assessments during the prior calendar year, if different from that of the bus transit system.
  - b. A statement signed by an officer or person directly responsible for management of the bus transit system attesting to compliance with this rule chapter.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2) FS. Law Implemented 334.044(28), 341.061(1), 341.061(2) FS. History—New 9-7-87, Amended 8-7-05, 9-16-10.

#### **14-90.012 Safety and Security Inspections and Reviews.**

- 1) The Department, or its contractor, shall conduct inspections of bus transit systems to ascertain compliance with the provisions of this rule chapter.
- 2) The Department, or its contractor, shall conduct safety and security reviews of any bus transit system the Department believes to be in noncompliance with its SSPP or SPP, or providing passenger service operations in an unsafe manner, or if there is evidence of an

immediate danger to public safety. The Department shall prepare and submit a report of the review to the affected bus transit system. The report shall be submitted to the bus transit system within three business days of completion of the review and shall contain the following:

- a. Identification of the findings, including a detailed description of any deficiency.
  - b. Required corrective action and a schedule for implementation of the corrective action to be taken for each deficiency.
  - c. Any required suspension of bus transit system service, should the Department determine the continued operation of the service, or a portion thereof, poses an immediate danger to public safety.
- 3) The Department shall initiate the following actions to suspend the affected bus transit system service if any deficiency or unsafe condition exists, to the extent that the continued operation of the system, or a portion thereof, poses an immediate danger or threat to public safety.
- a. Immediately notify the affected bus transit system of the unsafe condition, followed by a certified letter describing the deficiency or unsafe condition. The notification shall include the following:
    1. The required corrective action for the deficiency or unsafe condition.
    2. The requirement for the bus transit system to certify, in writing to the Department, the completion of the required corrective action in accordance with an established implementation schedule.
      - I. Conduct an on-site review of the bus transit system to verify the correction of the deficiency in accordance with this rule and the established implementation schedule.
      - II. Suspend affected passenger service operations if the bus transit system fails to correct the deficiency in accordance with this rule and the established implementation schedule.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 334.044(28), 341.041(3), 341.061(1)(d), 341.061(2)(c) FS. History—New 11-10-92, Amended 8-7-05, 9-16-10.

## EXHIBIT 2

### FTA GUIDANCE FOR OPERATING ASSISTANCE PROJECTS

FTA C 9030.1E APPENDIX C DATE 1/16/2014

1. **APPENDIX CONTENTS**. For applicants eligible to receive Section 5307 operating assistance, the following paragraphs present budget information to determine which operating expenses are eligible for federal funding. The discussion provides information on certain revenue and expense items of particular relevance to operating assistance projects. For further assistance, the applicant should review the cost principles and standards discussed in Office of Management and Budget (OMB) Circular A-87, “Cost Principles for State, Local, and Indian Tribal Governments,” 2 CFR part 225.

The Federal Transit Administration (FTA) reserves the authority to request any applicant to provide documentation in support of expense and other financial information indicated in an operating assistance application on a case-by-case basis. In the event that an audit reveals an overpayment or an inappropriate payment of operating assistance funds, the recipient will be required to reimburse FTA.

2. **OPERATING EXPENSE WORKSHEET**. FTA provides an operating expense worksheet for applicants to determine the amounts of available Urbanized Area Formula Program funds that the applicant may actually request. The use of this worksheet ensures consistency in the manner FTA calculates operating expenses and provides an audit trail, which may have long-term benefits to the recipient. The operating expense worksheet developed in support of the funding request should contain several basic line items, as follows:
  - a. **Eligible Operating Expenses**. Eligible operating expenses are limited to direct labor, material, and overhead expenses incurred on an accrual basis by an operator to provide public transportation service in the UZA, usually during the specified project time period. Expenses for contracted services directly incidental to the management and operation of transportation services and not otherwise reimbursed are also included. Include expenses incurred to provide human services transportation under contract.
  - b. **Less Eliminations**. These lines represent the ineligible expenses, nonpublic transportation expenses, revenue/offset items (contra-expenses), and other exclusions. Ineligible expenses include such items as entertainment, fines and penalties, and charitable donations. Additionally, nonpublic transportation expenses such as charter, school bus, sightseeing, and maintenance of nontransit vehicles are ineligible expenses. Contraexpenses are revenue items that directly offset transit expenses and are therefore eliminated from total expenses.
  - c. **Eligible Operating Expenses**. Eligible operating expenses when various categories of noneligible expenses are subtracted from total expenses. (Line 1 – Line 2 = Line 3)
  - d. **Farebox Revenues and Revenues Applied to Eligible Expenses Not Includable as Local Share**. This line represents those revenues used to cover eligible expenses that recipients cannot include in “local share”—in other words, “nonmatchable” revenue. This category includes public transportation farebox revenues. (Line 4)

- e. **Net Project Cost.** The difference between lines (3) and (4)—that is, the amount of eligible operating expenses to be covered by the local and FTA shares. (Line 5)
- f. **Local Share.** Local share (share of project costs not financed by FTA) includes all local and state funds contributed to meeting net project cost. This includes cash from nongovernment sources other than revenue from providing public transportation services. Only those funds actually applied to eligible operating expenses incurred on an accrual basis in providing public transportation services during the project period may be considered local match. (Line 6)
- g. **Net Expenses Before Applying FTA Funds.** The difference between “net project cost” and “local share,” and it should represent the amount of eligible operating expenses not otherwise covered by public transportation revenues or local share funds. (Line 7)
- h. **Maximum FTA Share.** The maximum FTA share, based on the worksheet. FTA share can be up to 50 percent of the net project cost. If local share is less than or equal to 50 percent of net project cost, FTA can match it dollar-for-dollar with FTA operating assistance, subject to the availability of Urbanized Area Formula Program funds, the local programming of projects, and the eligibility of operating expenses. If the local share is greater than 50 percent of net project cost, FTA operating assistance will cover only the amount in line 7, “net expenses before applying FTA funds.” (Line 8)

The worksheet should describe as fully and accurately as possible the actual or projected accrual of public transportation operating expenses, the identification of expenses eligible for FTA assistance, the application of public transportation revenues to cover such expenses, the application of state and local government funds, other sources of local share, and the resulting eligibility for FTA operating assistance.

Where an applicant applies on behalf of two or more individual public transportation operators under one operating assistance project, the worksheet should represent aggregated statements of project time period revenues and expenses.

The applicant should also retain appropriate documentation in support of the worksheet to demonstrate the proper allocation of revenues to nonoperating expenses, the availability of local share funds, and such other reconciliations as may be necessary to clarify estimates or projections of financial conditions during the project time period. FTA does not require certifications of worksheets based on estimates or projections.

In preparing the worksheets, applicants should itemize entries under each revenue and expense category. Applicants may, of course, expand the number of lines provided in the attached format whenever necessary to accommodate additional entries. It is particularly important that the itemization of revenues and expenses be sufficient to permit verification of calculations of eligible operating expenses, net project cost, local share and eligible FTA assistance during any subsequent audit pursuant to 49 U.S.C. 5307 and to OMB Circular A-133, “Audits of States, Local Governments, and Non Profit Organizations.”

### SAMPLE OPERATING EXPENSE WORKSHEET

For the Period: \_\_\_\_\_

Public Transportation Operator(s): \_\_\_\_\_

(A) Total Operating Expenses (Itemize)

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ TOTAL OPERATING EXPENSES \$ \_\_\_\_\_ (1)

(B) Less Eliminations

(1) Less Ineligible Expenses (Itemize)

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

(2) Less Nonpublic Transportation Expenses (Itemize)

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

(3) Less Revenue/Offset items (Contra-Expenses) (Itemize)

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

(4) Less Other Exclusions (e.g., costs already attributed to preventive maintenance)

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ TOTAL ELIMINATIONS \$ \_\_\_\_\_ (2)

(C) Eligible Operating Expenses (Line 1-Line 2) \$ \_\_\_\_\_ (3)

(D) Less Farebox Revenues \$ \_\_\_\_\_ (4)

(E) NET PROJECT COST (Line 3 – Line 4) \$ \_\_\_\_\_ (5)

(F) Local Share (Itemize)

(Human Services contract revenue) \_\_\_\_\_

(local sales tax) \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ (6)

(G) Net Expenses Before Applying FTA Funds (Line 5 – Line 6) \$ \_\_\_\_\_ (7)

(H) Maximum FTA Share \$ \_\_\_\_\_ (8)

(I) FTA Funds Requested (this amount must not exceed line 6) \$ \_\_\_\_\_ (9)

## EXHIBIT 3 2016 JTA RESOURCES CONTACT LIST

**Regional Project Management:** Liz Peak, Regional Services Coordinator (904) 633-8535 or [lpeak@jtafla.com](mailto:lpeak@jtafla.com)

**Regional Project escalation:** Carl Weckenmann, Senior Manager System Planning (904) 633-8510 or [cweckenmann@jtafla.com](mailto:cweckenmann@jtafla.com)

**ADA Compliance:** Ken Middleton, Diversity & Equity Program Manager (904) 598-8728 or [kmiddleton@jtafla.com](mailto:kmiddleton@jtafla.com)

**Charter and School Bus Program Compliance:** Open

**DBE Program Compliance:** Ken Middleton, Diversity & Equity Program Manager (904) 598-8728 or [kmiddleton@jtafla.com](mailto:kmiddleton@jtafla.com)

**Drug and Alcohol Program Compliance:** Colin Mulloy, Chief of Safety & Emergency (904) 630-3126 or [cmulloy@jtafla.com](mailto:cmulloy@jtafla.com)

**Financial Compliance:** Anna Thomas, Senior Manager Budget, Grants & Financial Analysis (904) 630-3196 or [athomas@jtafla.com](mailto:athomas@jtafla.com)

**Grants:** Ken Holton, Manager of Grants Management & Accounting (904) 630-3187 or [kholton@jtafla.com](mailto:kholton@jtafla.com)

**Maintenance:** Randy Brewer, Senior Manager Maintenance (904) 633-8513 or [rwbrewer@jtafla.com](mailto:rwbrewer@jtafla.com).

**Reporting:** Anna Thomas, Senior Manager Budget, Grants & Financial Analysis (904) 630-3196 or [athomas@jtafla.com](mailto:athomas@jtafla.com)

**Safety/Security:** Colin Mulloy, Chief of Safety & Emergency (904) 630-3126 or [cmulloy@jtafla.com](mailto:cmulloy@jtafla.com)

**Single Audit Compliance:** Anna Thomas, Senior Manager Budget, Grants & Financial Analysis (904) 630-3196 or [athomas@jtafla.com](mailto:athomas@jtafla.com)

**Title VI Program Compliance:** Ken Middleton, Diversity & Equity Program Manager (904) 598-8728 or [kmiddleton@jtafla.com](mailto:kmiddleton@jtafla.com)