

## TDOT 5310 SUBRECIPIENT REVIEW PROCESS

### 1. Subrecipient to Provide Desk Review Documents

Following receipt of this notification letter package, each subrecipient will be given **20 days** to provide the requested documents to TDOT. If a file is too large to send via email, contact your lead reviewer for an upload link.

The listing of requested desk review material appears as a table at the end of this document. Your timely submission of these items will enable the reviewer(s) to focus on providing technical assistance relating to potential compliance issues on the conference call. **Failure to submit all requested documents could result in compliance findings** – please provide everything requested that is applicable to your agency.

### 2. Virtual Site Visit Conference Call

While on the conference call, the reviewer will use TDOT's 5310 Compliance Review Field Guide as a tool to lead conversations and ensure that all relevant compliance topics are addressed. While this document was primarily developed for use by TDOT and its reviewing contractor, it is included with this notification letter package (as a separate attachment) to support your organization in preparing for this review.

During the call, the review team may need to interview multiple personnel at your agency, including but not necessarily limited to the individuals who perform the following functions:

- Transportation manager
- Agency executive director
- Operations manager
- Maintenance manager
- Fiscal director
- Human resources manager
- Training supervisor
- Driver

We understand that not everyone will be available for the call. We will work together to have all the information we need throughout the compliance review process.

After the conclusion of the conference call, the reviewer will send a recap email to the subrecipient highlighting what is still needed from the subrecipient and providing any information/templates promised from TDOT.

### 3. Draft Report

Within the 30 days following the virtual site visit, TDOT will issue a draft version of your organization's compliance report. The report will be prepared according to a standardized format and include a discussion of each compliance finding, the relevant regulatory citations, the required corrective action, and the timeframe for remedy. Further, the report may identify best practices surrounding any issues that do not rise to the level of a compliance deficiency but represent potential areas for improvement.

Upon receiving the draft compliance report, your organization will have **30 days** to review the document and provide any comments to TDOT. During this period, the TDOT review team will remain available to answer questions about the findings and provide any additional technical assistance needed to ensure your organization is well-equipped to successfully address deficiencies.

**4. TDOT to Issue Final Report to Subrecipient**

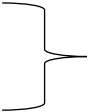
Following the receipt of any draft report comments your organization may have, TDOT will issue the final version of the compliance report. Any findings that your organization was able to remedy prior to the writing of the final report will be noted as closed. Any open findings will identify a specific timeframe for remedy.

**5. Subrecipient to Submit Corrective Actions to TDOT**


During the 30-60 days following receipt of the final report, your organization will be tasked with submitting any material needed to address compliance deficiencies to the TDOT review team for evaluation. If the corrective action is determined to cure the deficiency, then the finding will be closed. If additional corrective action is required, the review team will work with your organization to discuss barriers and solutions to closing the finding.

**Recommended Schedule for Compliance Review**

No.	Step	Recommended Time Frame
(1)	TDOT Notification Package	40
(2)	Requested Documents Due	20
(3)	TDOT Conducts Desk Review	20-5
(4)	Virtual Site Visit	
(5)	Draft Report Distributed	30
(6)	Subrecipient Response to Draft Report	30-60
(7)	Final Report Distributed	60
(8)	Subrecipient Submits Corrective Action	90-120
(9)	TDOT Approves Corrective Action	100-130
(10)	Long-Term Remedial Action by Subrecipient	Based on Schedule



Days before  
TDOT Virtual  
Site Visit



Days after  
TDOT Virtual  
Site Visit

*Note: Times given for TDOT to complete tasks may be compressed from what is shown due to time constraints. The time subrecipients are given to complete tasks will not be compressed.*



# 5310 Compliance Review Field Guide 2023

[Subrecipient Name]

[Subrecipient Location]

Virtual Site Visit: Date

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## Overview

This Field Guide document was developed to support the Tennessee Department of Transportation (TDOT) in exercising compliance oversight of its 5310 subrecipients. It is to be used for subrecipients who receive only 5310 vehicle(s), not any other funding (operating, admin) from TDOT. Additional information regarding TDOT's subrecipient review process can be found in the Notification Letter package as emailed to each subrecipient approximately 40 days prior to the scheduled start of their site visit.

While this Field Guide was primarily developed for use by TDOT, it is also provided to each subrecipient in advance of the virtual site visit to aid in their preparation.

The questions herein are phrased so an affirmative response (i.e., "yes") is generally an indicator of compliance, while a negative response (i.e., "no") is generally an indicator of non-compliance.

Following the subrecipient's submission of the requested desk review material, the Lead Reviewer will populate this Field Guide with preliminary comments and compliance observations. Any outstanding documentation, information, and/or specific questions that will require follow-up during the site visit should be noted.

**Reviewers:** The questions in the first column are for the reviewer to ask themselves, not to ask to the subrecipient. Type up any follow up questions for the subrecipient in the Reviewer Comments column and highlight those follow up questions as necessary for use in the virtual site visit. **All requested desk review documents must be obtained and filed in the review folder.** (I.e., don't just ask if the document shows what is required, you must obtain the document and see for yourself.) **Make clear and thorough notes in the right-hand column – tie up loose ends and questions, note how and the date of when findings are closed.** If the FTA pulls your review as a spot check, they need to see that we answered each question with detail and followed up on any issues.

## Program Management

TDOT subrecipients must be able to implement FTA-funded projects in accordance with the grant application, FTA Master Agreement, State contracts, and all other applicable laws and regulations, using sound management practices.

Requested desk review documents:

- Organization chart
- Photos of Comptroller’s hotline number poster on bulletin board

Desk review documents TDOT has on file:

- 5310 application(s)
- 5310 contract(s)
- Grant Program of Projects (POP)
- Regional Coordination Plan

Question	Reviewer Comments
<b>Subtopic: Organization Chart</b>	
<p>1. Does the organization chart include names and positions for the following (must be on the chart, and have the name of the person in that position and who they report to):</p> <ul style="list-style-type: none"> <li>• Title VI Coordinator</li> <li>• ADA Coordinator</li> <li>• EEO Officer</li> </ul> <p><i>Don't write in the names for them, they need to revise their chart if they're missing. This is a TDOT requirement from our Civil Rights Office.</i></p>	
<b>Subtopic: Coordination Plan</b>	
<p>2. During desk review, look at the POP for the applicable grant to see what the subrecipient’s service area is, and which Coordination Plan applies to them, note both to the right.</p>	

<p>3. Look in the Coordinated Plan to see if the subrecipient is mentioned by name. If they are, note to the right. If they are not, note the goal or strategy from the plan that the subrecipient project meets. In this way, we will ensure the subrecipient 5310 projects are included in the coordination plan or meet at least one of the plan goals/strategies. (K:\MultiModal\MultiModal Contracts\Compliance\Coordination Plans)</p>	
<p>4. In the virtual site visit, make sure the subrecipient is aware of the plan, and make a note to send them a <b>link</b> (<a href="https://www.tn.gov/tdot/multimodal-transportation-resources/omat/5310-program.html">https://www.tn.gov/tdot/multimodal-transportation-resources/omat/5310-program.html</a>) if they don't have one. Ask if they have ever received or given assistance from/to other agencies in their region, and if so describe the assistance.</p> <p><i>Note: SCTDD, SWHRA, SETHRA, and Johnson City all got <b>new plans in 2022</b>, so if the subrecipient falls under one of those regions, make sure they're aware of the new plan. If the Section 5310 subrecipient has not actively been involved in the coordination planning process, use this opportunity to explain the purpose of the plan and highly encourage the agency to participate in future planning updates. Remind the agency that they can ask the HRA/surrounding agencies for assistance - on a specific ride need that arises, or other technical/mechanical assistance. And may offer assistance to/coordinate with other agencies in the area as well.</i></p>	
<p><b>Subtopic: Lobbying</b></p>	
<p>5. During desk review, calculate whether or not the subrecipient's award was over \$100,000. If it was, note to the right.</p>	

<p>6. In virtual site visit, if the award was over \$100,000, ask if the subrecipient currently contracts with a lobbyist for Federal issues (regardless of where they pay them from). You may need to explain what a lobbyist is. If they do contract with a lobbyist, request a completed SF-LLL form from them.</p> <p><i>A lobbyist is a person who takes part in an organized attempt to influence legislators. See 49 CFR 20.110 and Appendices therein, and <a href="#">FTA website</a></i></p>	
<p><b><i>Subtopic: Comptroller's Poster</i></b></p>	
<p>7. Does the subrecipient have the Comptroller's hotline number posted in a publicly visible place?</p> <p><i>Section D.9 of most contracts requires posting of the Comptroller's hotline number. TDOT can provide a sample poster to the subrecipient.</i></p>	



## Selection and Eligibility

States and subrecipients must be eligible under the specific requirements of the 5310 program and have the legal, financial, and technical capacity to carry out the proposed program of projects. This section is in part TDOT performing a compliance check on itself, to make sure vehicles were properly awarded.

Requested desk review documents:

- Organization Profile
- Operations Profile

Desk review documents TDOT has on file:

- 5310 application(s)
- Grant Program of Projects (POP)

Question	Reviewer Comments
<p>1. If the sources of funding that support vehicle operations are not listed in the Operations Profile, ask at the virtual site visit.</p> <p><i>Do not get bogged down with this question, determine to the extent possible.</i></p>	
<p>2. From looking at the Operations Profile, select which best describes this project:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation.</li> <li><input type="checkbox"/> Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.</li> </ul>	

<p><i>Private non-profits fall under the first choice. Senior centers run by local governments typically fall under the second choice.</i></p>	
<p>3. Use this space <b>during the desk review</b> to note the agency’s website, a description of who they are and what they do, and any other notes that don’t fit elsewhere. (e.g., they moved so make sure report goes to new address) You’ll use the description when you write the report.</p>	
<p>4. Make sure the Organization Profile and Operations Profile indicate what the 5310 vehicles are used for and who they serve, note to the right.</p> <p><i>This is to demonstrate that the vehicles are being used for appropriate program purposes.</i></p>	
<p>5. From the Organization Profile and/or award application, select the organizational status of the subrecipient:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A private nonprofit organization</li> <li><input type="checkbox"/> A state or local governmental authority that (mark one): <ul style="list-style-type: none"> <li><input type="radio"/> Is approved by a state to coordinate services for seniors and individuals with disabilities; OR</li> <li><input type="radio"/> Certifies that there are no nonprofit organizations readily available in the area to provide the service.</li> </ul> </li> </ul> <p><i>Eligible subrecipients for Section 5310 activities include a state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a Section 5310 grant indirectly through a recipient. For senior centers, look at who is doing the</i></p>	

<p><i>maintenance, who is paying insurance, who submits the title info – to tell if it’s connected to the local government or not. They can sometimes do kind of a shell game between nonprofit and government.</i></p>	
<p><b>6. If they have had a vehicle <u>delivered</u> in the past three years</b> – look up the declared source of local match in the POP and note it to the right.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Check with OMAT to see if they have pending, unpaid local match.</li> <li><input type="checkbox"/> Confirm on the virtual site visit that this is where the local match came from.</li> <li><input type="checkbox"/> Confirm that the source is non-Federal.</li> </ul> <p><i>Eligible sources include Medicaid contract revenue, state or local appropriations, dedicated tax revenue, private donations, net income derived from advertising and/or concessions, and in-kind or contributed services; See 2 CFR 200.306 Note: 2022 Awards will be fully Federally-funded vehicles (and may be delivered long after 2022).</i></p>	

## Maintenance

TDOT subrecipients must keep FTA-funded vehicles in good operating condition. Additionally, subrecipients must adequately maintain ADA accessibility features on all vehicles, equipment, and facilities; See FTA Circular 5010.1E, Ch. IV, Section 4(n)(4).

Requested desk review documents:

- Vehicle maintenance plan
- Vehicle asset inventory
- Maintenance Logs for the past three years (on sampled vehicles)
- Oil change receipts for the past three consecutive oil changes for each sampled vehicle (Sample 10% of fleet/at least 3 vehicles)
- Transportation service policies (if any)
- Lease agreements on any 5310-funded vehicles leased to third parties (if any)
- Vehicle photos
- Insurance policy on 5310 vehicles

Desk review documents TDOT has on file:

- TDOT Asset Files
- Completed 5310 Quarterly Reporting Forms
- Completed Vehicle Inspection Forms
- Completed Vehicle Maintenance Logs (for all vehicles)
- Summary of reporting performance for the previous year(s)

Question	Reviewer Comments
<b><i>Subtopic: Vehicles and Equipment</i></b>	
1. Did the subrecipient provide a written maintenance plan for its 5310 vehicles? <ul style="list-style-type: none"> <li>• Does the maintenance plan include all required elements as evidenced by TDOT’s maintenance plan review checklist?</li> <li>• If the plan is new but was not prepared just for the review, was it submitted to TDOT for approval when created and has it been approved by TDOT?</li> </ul>	

<ul style="list-style-type: none"> <li>• Does the plan indicate the mileage intervals and the types of maintenance actions/checks that are to occur at each interval?</li> <li>• Are the oil change intervals consistent with manufacturer’s minimum maintenance requirements for all vehicles, including those under warranty?</li> <li>• Are there provisions to ensure that a vehicle’s accessibility features (e.g., lifts, ramps, tie-downs) are maintained in good working order? <i>Confirm on the site visit that these are followed – ask an open-ended question about how they keep accessibility features in good working order.</i></li> </ul> <p><i>Per the State Management Plan, all 5310 subrecipients are required to submit a Preventative Maintenance Plan to TDOT. Check the PMP received against what TDOT currently has in the Compliance Tracker. If we already have what they sent on file, it is not more than three years old, and it is showing as approved in the tracker, no further action is necessary. If it is a newer plan than we have on file, it must be evaluated by the reviewing PM, corrections worked out with the agency, and then sent to the Asset Monitor for final approval and then uploaded to Compliance Tracker. Track all of that activity on the Review Schedule List. If the plan is older than three years, discuss at the site review if any updates are needed as far as fleet location and size, mileage intervals, and maintenance vendors. Minor updates to the plan for these items may be made by a signed and dated addendum to the existing plan.</i></p>	
<p>2. How are vehicle maintenance services performed (in-house, contractors, combination of in-house and contractors)? If a combination of methods is used, are there specific functions that are contracted out?</p>	

<p><i>This should be ascertained during the desk review by looking at the PMP. Note answers in the column to the right. If any doubts, can confirm at the site visit.</i></p>	
<p>3. What procedures and/or software does the subrecipient use to track all maintenance activities?</p> <p><i>This should be ascertained during the desk review by looking at the PMP. Note answers in the column to the right. Confirm at site visit.</i></p>	
<p>4. Does the subrecipient pursue any eligible warranty claims? What procedures does the subrecipient use to track its warranties and claims?</p> <p><i>This is more of an advisory question. Since we don't provide operating funds, we're not concerned with reimbursing for things that could be covered under warranty. However, it also goes to upkeep of the vehicle, so we want to ask and make sure the agency is pursuing warranty claims. If they are not, it would be an advisory recommendation at most.</i></p>	
<p>5. What is the subrecipient's planned schedule for oil changes (mileage interval)?</p> <p><i>Note the mileage interval listed in the PMP to the right and use it in the analysis described below for a sampling of vehicles.</i></p>	
<p>6. Looking at the last three years, does the subrecipient perform at least 80% of scheduled vehicle maintenance on-time as defined by its vehicle maintenance plan?</p> <p><i>See FTA Circular 5010.1E, Ch. IV, Section 4(n)(4) During desk review, reviewer takes information from the Maintenance Logs provided (and oil change receipts from the current year) and the mileage interval specified in the PMP and fills</i></p>	

<p><i>out the analysis spreadsheet to arrive at an on-time percentage for the past three years – dating back from the date of the site visit. Consider expanding the sample size as necessary (unusual circumstance on one of the vehicles; very close to 80%). If the percentage is less than 80%, discuss at the site review what steps the subrecipient takes to track and monitor maintenance, and how that can be improved – reminders, manager oversight, software, etc. This is one of the more common findings and must be remedied. Work with the subrecipient to come up with workable solutions. Also look at their historical comparison on all vehicles as posted in the 5310 channel in Teams, and if the two results don't seem to match up, discuss at the weekly meeting prior to the site visit to see if further investigation is necessary. With larger fleets, you will be picking the sample they need to submit, but you may happen to get an unrepresentative sample.</i></p>	
<p>7. Was the subrecipient able to provide oil change receipts for the last three <b>consecutive</b> oil changes on each sampled vehicle?</p> <ul style="list-style-type: none"> <li>• Did the receipts match the information provided in the maintenance logs?</li> </ul> <p><i>Oil change receipts must show VIN, mileage, date of service, and that an oil change was performed. If the subrecipient is unable to provide sufficient receipts, discuss with them how to better keep maintenance records – written procedures for how to file receipts, etc. If the receipts do not match the maintenance logs, discuss with subrecipient and ascertain which is correct.</i></p>	
<p>8. Does the subrecipient complete pre-trip inspection forms prior to placing a vehicle in service? If so:</p> <ul style="list-style-type: none"> <li>• Are accessibility features inspected (e.g., wheelchair lifts/ramps)?</li> </ul>	

<ul style="list-style-type: none"> <li>• Are vehicles found to have accessibility or safety-related defects immediately removed from service and repaired before returning to service? If so, how long are they typically out of service?</li> <li>• Are managers/maintenance directors notified of issues found, and how are repairs planned?</li> <li>• If a vehicle is taken out of service due to accessibility feature failure, is the subrecipient able to accommodate passengers with disabilities in some other way? (Describe how.)</li> </ul> <p><i>This requirement stems from 49 CFR 37.161 Ascertain most of the information from the PMP and confirm other details at site visit. At minimum they must indicate in a log of some kind that the pre-trip inspection shown in the PMP is completed for each trip, even if they don't fill out a sheet each time. Best practice is to fill out a sheet. If the subrecipient does not have any spare vehicles to transport passengers and an accessibility feature is not working, they may keep the vehicle in service for up to five days, but must still make accommodation for passengers with disabilities, such as asking neighboring agencies for assistance. See Circular 4710.1 As for how long the vehicle is out of service before the defects are repaired, we understand that it may be longer than usual right now because of supply issues but as above talk about how they can accommodate people needing those features.</i></p>	
<p>9. Did the subrecipient provide photos showing the following:</p> <ul style="list-style-type: none"> <li>• VIN (on dashboard)</li> <li>• Cleanliness of the vehicle's exterior</li> <li>• Tires and tread depth</li> <li>• Body damage (if any)</li> <li>• Undamaged exterior mirrors</li> <li>• Lift or ramp extended out (if any)</li> </ul>	



<ul style="list-style-type: none"> <li>• Cleanliness of the vehicle’s interior</li> <li>• Presence of safety equipment <ul style="list-style-type: none"> <li>○ Fire extinguisher with up-to-date tag or fully charged</li> <li>○ Bloodborne Pathogen clean up kit with required items (paper towels, gloves, disinfectant spray or wipes, hand sanitizer, face masks, eye shield, bio hazard bag or sharps container)</li> <li>○ First Aid Kit</li> </ul> </li> <li>• Wheelchair securement hardware (if applicable) <ul style="list-style-type: none"> <li>○ Belts stowed properly and not left on the floor, and not frayed</li> <li>○ Belt tracks are clean and free of dirt</li> <li>○ No obstacles blocking wheelchair station</li> </ul> </li> <li>• License Plate</li> </ul> <p><i>Never ask subrecipient to reduce or delay client services to conduct vehicle inspections. If on site, only inspect vehicles the agency can make readily available without detriment to existing services. The purpose of the inspection is to ascertain if the agency is keeping the equipment clean and in good working order. The items required for the Bloodborne Pathogen kit come from the Occupational Safety and Health Administration (OSHA) standard 1910.1030 for bloodborne pathogens. If photos are incomplete/illegible, ask for more.</i></p>	
<p><b>Subtopic: Incidental Use</b></p>	
<p>10. If the subrecipient allows incidental use of any 5310 vehicles (in the past three years):</p> <ul style="list-style-type: none"> <li>• Does the incidental use NOT interfere with the intended use of the vehicle and the subrecipient’s ability to maintain satisfactory continuing control?</li> </ul>	

- Does the subrecipient track and fully recapture all mileage and time related to the incidental use?
- Does the subrecipient notify TDOT of the incidental use via TDOT's Incidental Use Form? (Ask them to provide sample or check with Asset Monitor.)
- Does the subrecipient use the vehicle for homebound meal delivery and if so do they ensure that such service does not interfere with transportation services and that mileage and time is tracked separately?
  - How do they go about it – with passengers (as an activity for clients) or just with meals and a driver?

*See FTA Circular 5010.1E, Ch. IV, Section 4(e)(3). Reviewer may look over Quarterly Reports to ascertain some of this information, but should also go over at the site visit, to make sure all incidental use is being captured. Incidental use does not count toward the minimum useful life mileage. Incidental use to provide homebound meal delivery service is allowed and even encouraged as long as it does not interfere with transportation services and the mileage is properly tracked. Other incidental uses may include transporting board members to monthly meetings, picking up supplies, or the like, anything that is not directly providing transportation to elderly persons and individuals with disabilities – reviewer should give examples so the subrecipient understands what is being asked. TDOT is only concerned with the time and mileage for incidental use, as operating costs for these subrecipients are not charged to TDOT. TDOT has a form for incidental use that must be filled out (in FormsAndTemplates folder and on our website).*

**Subtopic: Property Management and Control**

<p>11. If the subrecipient had any vehicles <b>in the last three years</b> that met any of the following conditions, did the subrecipient make proper notification to TDOT:</p> <ul style="list-style-type: none"> <li>• Are no longer needed for transportation purposes</li> <li>• Have been transferred to another entity or program</li> <li>• Have been lost due to crash or other physical damage such as tornado or flood (suffered any casualty loss) <ul style="list-style-type: none"> <li>○ Result in an insurance settlement – if so what did the subrecipient do with the insurance proceeds?</li> </ul> </li> </ul> <p><i>Reviewer should ascertain part of this answer through desk review, by comparing TDOT and agency inventories, but should also ask during the site visit, to ensure their inventory information is accurate. Review fleet size and age and vehicle usage as reported on quarterly reporting and annual inspection forms. If they have vehicles unused that are still in good condition, discuss disposition or getting them back into use. Casualty loss is the total damage, destruction, and loss of property as a result of an event that is sudden, unexpected, or unusual. If insurance proceeds were received by the subrecipient, the subrecipient should have discussed with TDOT procedures for re-investing the proceeds in a replacement vehicle or returning funds as needed.</i></p>	
<p>12. If the subrecipient disposed of an asset acquired in whole or part using FTA or TDOT funding <b>in the last three years</b>, did the subrecipient:</p> <ul style="list-style-type: none"> <li>• obtain TDOT approval prior to the disposition of the asset?</li> <li>• return the proper amount of proceeds of the disposition to FTA/TDOT if the asset had met its useful</li> </ul>	

<p>life and had a market value of more than \$5,000 (per unit)? *New requirement, see below*</p> <p><i>See FTA Circular 5010.1E, Ch. IV, Section 4(o) and 49 USC 5334(h)(4)(B). Under the new IJA, recipient may retain only \$5,000 plus the percentage of its local share in the original award for the amount above \$5,000. They may not retain any federal share above \$5,000, even if they wanted to use it for transportation. To mitigate this new rule, the state will allow them to keep the state share as well. This is a change from prior practice and applies to vehicles sold after November 15, 2021. The \$5,000 rule does not apply to insurance proceeds on totaled vehicles – they can keep the proceeds and just need to put them back into transit accounts. Confirm with Asset Monitor that any disposals mentioned followed proper procedures.</i></p> <p><i>Example: Sale price of \$8,000. \$8,000 - \$5,000 = \$3,000.</i></p> <p><i>Local and state share together = 20%</i></p> <p><i>20% of \$3,000 = \$600</i></p> <p><i>Subrecipient may keep \$5,600 and must return \$2,400</i></p>	
<p>13. In the past three years, has the subrecipient used any 5310 vehicles as loan collateral or had any liens put on them?</p> <p><i>Unlike the other questions, a yes answer here is an indication of noncompliance. This has been an issue in the past, so we want to ensure the subrecipient is not doing either of these things.</i></p>	
<p>14. Does the subrecipient maintain control over the 5310 vehicle(s) (i.e., does not loan them out or allow employees to take home)?</p> <p><i>May be able to answer in part from driver policies. Confirm at site review or outright ask if they didn't have any relevant policies.</i></p>	

<p>15. If the subrecipient has leased any 5310 vehicles to another entity in the last three years, do the leases meet the required elements?</p> <ul style="list-style-type: none"> <li>• Is there a formal agreement between the parties?</li> <li>• Does the lease: <ul style="list-style-type: none"> <li>○ Specify TDOT interest in the vehicle?</li> <li>○ Specify permissible/non-permissible incidental use of the vehicle?</li> <li>○ Require lessee to perform vehicle maintenance in accordance with OEM recommendations?</li> <li>○ Assign insurance responsibility and all appropriate hold-harmless/indemnification provisions?</li> <li>○ Have a finite period of performance?</li> <li>○ Have notification protocols in the event the vehicle is involved in an accident?</li> <li>○ Outline reporting responsibilities?</li> </ul> </li> </ul> <p><i>If a vehicle has been leased, the lease should be provided for the desk review and the questions can be answered by reviewing the lease. The reviewer should also confirm during the site visit that all leases were provided or that no vehicles have been leased.</i></p>	
<p>16. Does the subrecipient carry adequate insurance coverage on all 5310 vehicles?</p> <ul style="list-style-type: none"> <li>• Bodily injury or death of any one person in any one accident, occurrence, or act at a minimum of \$300,000</li> <li>• Bodily injury or death of all persons in any one accident, occurrence, or act at a minimum of \$700,000</li> <li>• Injury to or destruction of property of others in any one accident at a minimum of \$100,000</li> </ul>	

<p><i>Reviewer should obtain the full insurance policy from the subrecipient, not just insurance card, and ascertain the above from reviewing the policy.</i></p>	
<p>17. Did the subrecipient complete an Out of Service request form and submit it to TDOT for any vehicle out of service for more than 30 days in the past three years?</p> <ul style="list-style-type: none"> <li>• If there was a vehicle out of service, did the subrecipient <b>not</b> count that time toward the useful life of the vehicle, and stop the depreciation calculation?</li> </ul> <p><i>Reviewer should check with Asset Monitor or 5310 Monitor on any vehicles currently showing inactive on the agency's asset inventory to ensure they filled out the proper forms. <b>Also check any notes the Asset Monitor has made in the asset files and the Deficient Reporting view in Teams</b> to see if any vehicles are noted with 0 miles for an extended period of time – this is noted if there is not an OOS Request on file, so will need to be addressed on the site visit. Discuss pending issues with Asset Monitor and 5310 Monitor ahead of site visit. If vehicles are seldom used because they are backup vehicles, suggest that the agency rotate them into service at least 1 or 2 days a month, then they don't have to request OOS.</i></p> <p><i>If their approved Out of Service period has expired, the agency must submit a letter on agency letterhead to the Multimodal Director, cc'ing the Asset Monitor, requesting an extension and explaining the current condition of the vehicle and the steps that will be taken to put the vehicle back in service. If the Director approves (he may not), once the Asset Manager receives that written approval they will extend the OOS period. The Director can grant an open-ended extension (e.g., if the agency is actively pursuing a</i></p>	

<p><i>repair but it's not know when that can be completed due to factors outside their control), or can put a strict deadline, or a date(s) that the agency must check in to update our office.</i></p> <p><i>Reviewer should bring this up in the site visit regardless, to make sure the agency is aware and to ascertain if any vehicles <b>in the past three years</b> were out of service for any period of time. The time out of service does not count toward the minimum useful life of the vehicle, so we need to know even if the vehicle is now back in service</i></p>	
<p>18. Did the subrecipient provide an adequate inventory of all FTA/TDOT-funded assets?</p> <ul style="list-style-type: none"> <li>• Does the inventory contain all of the following elements? <b>AND</b></li> <li>• Does the inventory match TDOT's records?</li> </ul> <ul style="list-style-type: none"> <li><input type="checkbox"/> Description of the property (make, model, model year)</li> <li><input type="checkbox"/> Vehicle Identification Number (VIN)</li> <li><input type="checkbox"/> Physical Title Holder (<b>should be TDOT</b>, as TDOT holds all physical titles until disposition, unless they are in the disposal process)</li> <li><input type="checkbox"/> Name on Title (should be agency, unless they've sold it)</li> <li><input type="checkbox"/> Acquisition date</li> <li><input type="checkbox"/> Cost of the vehicle</li> <li><input type="checkbox"/> Percentage of Federal participation in the vehicle cost</li> <li><input type="checkbox"/> Grant source of funding for the vehicle (grant number)</li> <li><input type="checkbox"/> Current location of the vehicle</li> <li><input type="checkbox"/> Current use of the vehicle (Active, Backup, Reserve, Awaiting Disposition)</li> <li><input type="checkbox"/> Current condition of the vehicle (Excellent, Good, Fair, Poor)</li> <li><input type="checkbox"/> Disposition data (if applicable) including: <ul style="list-style-type: none"> <li>○ Date of disposal</li> <li>○ Sale price of the vehicle</li> </ul> </li> </ul>	

<p><i>This requirement stems from 2 CFR 200.313(d)(1); See also FTA Circular 5010.1E, Ch. IV, Section 4(n)(1)</i></p> <p><i>The subrecipient must maintain their own record of this – the reviewer may assist them with a partially filled in template, but the subrecipient must fill in the rest, such as location, use, and condition, and send back the completed inventory to the reviewer to show that they then have a complete record in their files. The subrecipient may use their capital asset information sheet to meet part of this requirement but must also keep a current record of the changeable information – title holder, location, condition, use (<b>choices above</b>), disposition. Notify Asset Monitor of any differences between agency inventory and TDOT’s (e.g., location, condition, different vehicles).</i></p>	
<p><b>Subtopic: State Requirements</b></p>	
<p>19. Has the subrecipient provided the physical title and related documents for all 5310 vehicles to TDOT?</p> <p><i>Per the State Management Plan, TDOT holds the physical titles until the subrecipient requests permission to dispose of the vehicle. If the reviewer does not see the green title document in the asset files provided by the Asset Monitor, discuss with the Asset Monitor whether or not they still need to be obtained.</i></p>	
<p>20. Has the subrecipient submitted required Quarterly Status Reports for the past year?</p> <p><i>Per the State Management Plan, all 5310-only subrecipients are required to submit quarterly reports to TDOT, outlining mileage and trips and other compliance information. Reports are due on the 20<sup>th</sup> following the quarter end. Check the Asset Monitor’s score sheet and the Deficient Reporting view in Teams to see if the subrecipient has been delinquent with reports. Still missing reports will show in</i></p>	



<p><i>Teams, but if you can't tell from that why a grade is below A or B, ask Asset Monitor or look in MultiTrax. Discuss potential findings and corrective actions with Asset Monitor and 5310 Program Monitor, who will have a sense of whether the agency is improving. <b>It is important to make findings in this area when needed, so that subrecipients get back in compliance.</b></i></p>	
<p>21. Has the subrecipient submitted required annual Vehicle Inspections for all current 5310 vehicles?</p> <p><i>Per the State Management Plan, all 5310 subrecipients are required to submit a Basic Vehicle Inspection for each vehicle annually, in July. The inspection is a form the subrecipient fills out – they do not need to have a shop fill it out. If the current review is before July, check the score sheet and the Deficient Reporting view in Teams as described above to see if the subrecipient is missing reports. If the review is after July, check with the Asset Monitor or Oversight Supervisor to see if the subrecipient has submitted the current year's reports. <b>As above, it is important to make findings in this area when needed.</b></i></p>	
<p>22. Has the subrecipient submitted required annual Maintenance Logs for all 5310 vehicles?</p> <p><i>Per the State Management Plan, all 5310-only subrecipients are required to submit Maintenance Logs for each 5310 vehicle annually, due around January 20<sup>th</sup>. The maintenance log should show all maintenance performed, the mileage at which service was performed, and the ending mileage for the year. Templates are available from TDOT. Check the Asset Monitor score sheet and the Deficient Reporting view in Teams as described above to see if the subrecipient is missing maintenance logs from the previous year. Maintenance logs are collected as part of the desk review</i></p>	

*but are not due until the end of the year, so they may not be provided for the current year, and the reviewer may have to follow up with the agency to ensure they are provided in January. If the reviewer obtains delinquent reports as part of the desk review, notify the Asset Monitor and Oversight Supervisor. Keep in mind that for larger fleets only a sampling of logs is obtained for desk review, so may not close a finding if other logs are missing. **As above, it is important to make findings in this area when needed.***

## Americans with Disabilities Act (ADA)

Titles II and III of the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service. Private non-profits who provide specialized transportation must still abide by Title III of the ADA. Some maintenance aspects of ADA regulations are addressed under the maintenance section.

Requested desk review documents:

- Rider Rules, Guidelines, or Policies (including service animal policy)
- Behavior Policies that have to do with access to transportation
- Complaint procedures and appeals process (for any disciplinary action involving access to transportation)
- Driver Guidelines or Policies

Desk review documents TDOT has on file:

- TDOT asset records showing accessibility

Question	Reviewer Comments
<b><i>Subtopic: Type of Subrecipient</i></b>	
<p>1. Based on the organization profile, application, website, articles of incorporation, or enabling legislation, identify the type of subrecipient under review:</p> <ul style="list-style-type: none"> <li>• Public entity</li> <li>• Private entity primarily engaged in transportation</li> <li>• Private entity not primarily engaged in transportation</li> </ul> <p><i>Senior centers run by local government would fall under public entity. Most subrecipients fall under the last option – private and not primarily engaged in transportation. If the agency is a residential facility/treatment center, it is not primarily engaged in transportation.</i></p>	
<p>2. Does the subrecipient provide demand response service?</p>	

<p><i>The answer to this will be yes, but this establishes it for the record. If they provide service based on the needs of clients, and not on a fixed route, it is demand response for our purposes.</i></p>	
<p><b>Subtopic: Provision of Service Requirements</b> – note to reviewer: look through rider guidelines and policies to see if they provide answers to the questions below. Then confirm at the site visit by asking conversational, hypothetical questions presenting the scenarios in question. Compose these questions in the right-hand column so you have them ready (i.e., do not read the questions in the left-hand column). Use the reference explanations to further inform the subrecipient as necessary.</p>	
<p>3. Does the subrecipient “do the best it can” to secure mobility devices (e.g., wheelchairs without working brakes, scooters) and allow any mobility devices other than those that present a direct threat to others?</p> <p><i>Section 37.165(f) of the DOT ADA regulations requires transit personnel to use their best efforts to secure mobility devices. Section 37.165(d) states that transit operators cannot refuse to accommodate a wheelchair because the device cannot be secured to the driver’s satisfaction.</i></p>	
<p>4. Does the subrecipient’s transportation policy permit service animals to accompany passengers with disabilities aboard vehicles, without requiring certification?</p> <p><i>49 CFR 37.3 defines service animal as any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability. The subrecipient cannot require certification of the service animal or ask what disability the service animal provides assistance for. The driver may confirm with the rider that the animal is a service animal trained to assist the rider. Comfort animals are not required to be accommodated.</i></p>	
<p>5. Does the subrecipient’s <b>transportation policy</b> allow individuals with disabilities to travel with attendants? All follow ups below also refer to the <b>transportation policy</b>:</p>	

<ul style="list-style-type: none"> <li>• Are individual attendants only <b>required</b> if service could otherwise be refused due to a safety risk to the passenger or others onboard due to illegal, violent, or seriously disruptive behavior?</li> <li>• Does the definition of attendant include both those who provide assistance during travel and those who provide assistance at the destination?</li> <li>• Are any claimed attendants allowed? (I.e., there are no restrictions, and registration of specific people is not required)</li> </ul> <p><i>Answer these questions in the desk review if you can, by reviewing the transportation policies requested and seeing if they have any restrictions or requirements that are not allowed. Individuals with disabilities must be allowed to travel with attendants if requested. Individual attendants cannot be required <b>by the transportation policy</b>, except under the single circumstance mentioned above. A subrecipient may require that an attendant is always present on a vehicle – not connected to any individual. The transportation policy cannot restrict or require registration of attendants. <b>Note for residential facilities:</b> If you do have to clarify this in the site visit, they may be confused by this question. Clarify that we are only asking about the transportation policy. If they bring up individual care plans, clarify that those are outside the scope of our oversight and we are only making sure that there are no blanket restrictions or requirements in the transportation policy. And keep this in mind when you phrase any questions.</i></p>	
<p>6. Does the subrecipient provide service to persons using respirators, concentrators, and/or portable oxygen?</p> <p><i>This requirement stems from 49 CFR 37.167(h)</i></p>	

7. If the subrecipient has a policy governing the **denial of transportation services** due to rider conduct, was the policy provided and does it hold that:
- refusal of service may occur only in situations where a rider engages in violent, seriously disruptive, or illegal conduct; or represents a direct threat to the health or safety of others?
  - refusal of service to an individual with disabilities shall not occur solely because the individual’s disability results in involuntary behavior that may offend, annoy, or inconvenience others?
  - there is an appeals process for any service refusals?
  - supervisors, dispatchers, and drivers are trained on the policy?

*The requirements surrounding denial of service are found at 49 CFR 37.5(h) Subrecipients will sometimes have a policy against profanity – such a policy would not be allowed. The policy must use the type of language above – violent or seriously disruptive – to meet the regulations. Hygiene rules are ok if they’re phrased as “strive for” or “aim for” but cannot mention refusing service unless it is explicitly for health and safety reasons, not just offensiveness. If the subrecipient does not have a written **transportation** policy for dealing with violent, seriously disruptive, or illegal conduct, it is recommended that they develop one, to formalize any unwritten policy. For residential facilities, they don’t typically deny service, as they have clients they must serve, so discuss with them what accommodations are made to get violent or seriously disruptive clients where they need to go. **Behavior policies that do not deal with access to transportation are not TDOT’s concern. (E.g., if the policies only apply to clients***

<p><b>while in the home or facility, they are not under review by us.)</b></p>	
<p>8. Does the subrecipient’s transportation policy apply the same seatbelt requirements to all passengers?</p> <p><i>Under Section 37.5 of the DOT ADA regulations, a transit operator is not permitted to mandate the use by wheelchair users of seat belts and shoulder harnesses, unless the operator mandates the use of these devices by all passengers. I.e., Seat belts may be required, as long as all passengers are required to use them. The seat belt requirement should have an exception if the passenger is in a wheelchair that is unable to be secured – if this is not written out, it can be an advisory recommendation.</i></p>	
<p>9. Does the subrecipient’s <b>transportation policy</b> allow wheelchair users a choice about wearing a body belt or not when traveling up and down on the lift?</p> <p><i>Answer this in the desk review if you can, by reviewing their transportation policies and making sure they do not have a requirement that is not allowed. Persons with disabilities must be allowed to decide their own risk like any other passenger and may choose not to use a body belt. See FTA Circular 4710.1. <b>For residential facilities:</b> As above, if this is discussed in the site visit, clarify that we are talking about their transportation policy – their transportation policy can’t have a blanket requirement to use a body belt on the lift. What is required in individual care plans is not our concern.</i></p>	
<p>10. Does the subrecipient use the lift up to its weight capacity?</p> <p><i>Transportation operators must carry a wheelchair and occupant if the lift and vehicle can physically</i></p>	

<p><i>accommodate them. I.e., they cannot refuse service unless the combined weight of wheelchair and occupant exceeds the capacity of the lift and vehicle, or is inconsistent with legitimate safety requirements such as interfering with the safe evacuation of passengers in an emergency. See <a href="#">FTA wheelchair guidance</a></i></p>	
<p>11. Does the subrecipient’s transportation policy allow standees to use the lift?</p> <p><i>Standees must be permitted to use the lift. E.g., if someone has trouble going up the steps in the van, they may use the lift. As above, perceived risk is not a reason to prohibit such use. This provision is discussed in <a href="#">58 FR 63092</a>. As above, we’re making sure their transportation policy does not have a blanket prohibition against standees using the lift.</i></p>	
<p>12. Does the subrecipient’s transportation policy allow scooter users or wheelchair passengers to choose whether or not to transfer to another seat?</p> <p><i>Answer this in the desk review if possible, by reviewing the subrecipient’s transportation policies. Section 37.165(e) of the DOT ADA regulations allows persons who use wheelchairs to transfer to a vehicle seat, if one is available. Such a move is the rider’s decision and the operator cannot force a rider to transfer to a vehicle seat, although it is encouraged and an operator can suggest a transfer in a non-coercive way. As above, we’re making sure their <b>transportation policy</b> does not require transfer.</i></p>	
<p>13. Do the subrecipient’s vehicle drivers assist individuals with disabilities with the use of securement systems, ramps, and lifts?</p>	



<p><i>Reviewer should ascertain this from provided driver guidelines/policies but may confirm on the site visit if necessary.</i></p>	
<p>14. Does the subrecipient's rider rules/guidelines/policies otherwise comply with ADA regulations?</p> <p><i>This is the reviewer's opportunity to point out anything else questionable found in the <b>desk review</b> of the subrecipient's policies, that was not covered by a specific question. The review questions in the field guide are designed to spot check requirements and not be comprehensive, so the reviewer may spot an additional compliance issue while reviewing the subrecipient's documents. E.g., if the reviewer sees a prohibition against food and drink on the vehicle, they may inquire to further determine if the subrecipient permits reasonable modification of this policy for medical reasons. This does not have to be written into the policy but should be acknowledged by the subrecipient and if it seems like a new concept to them can be an advisory comment.</i></p>	
<p>15. Describe the type of training given to the subrecipient's personnel to ensure that they operate vehicles and equipment safely, and properly assist and treat individuals with disabilities in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.</p> <p><i>Reviewer may be able to ascertain in driver guidelines but may have to get elaboration on site visit.</i></p>	
<p><b>Subtopic: Accessibility of Fleet</b></p>	
<p>16. If the subrecipient has any 5310 vehicles that are not accessible (i.e., no lift or ramp), are they considering replacing those vehicles soon?</p>	

<p><i>Reviewer should be able to determine from TDOT records if the subrecipient has any inaccessible vehicles. If they do, bring up this question with them in the site visit – delicately, however, as they may be waiting on vehicles delayed by supply chain issues. Side note: We do not need to look at any Certificate of Equivalent Service for 5310-funded vehicles, as only accessible vehicles have been acquired in the past three years.</i></p>	
<p>17. Did the subrecipient acquire any <b>passenger transportation</b> vehicles through <b>non-5310</b> funding <b>in the last three years</b>? If so, were those vehicles accessible? If they were not accessible, go through the following question to determine if the subrecipient still provides equivalent service:</p> <p>Is the service available to individuals with disabilities, including individuals who use wheelchairs, provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:</p> <ul style="list-style-type: none"> <li>• Response time;</li> <li>• Fares;</li> <li>• Geographic area of service;</li> <li>• Hours and days of service;</li> <li>• Restrictions or priorities based on trip purpose;</li> <li>• Availability of information and reservations capability; and</li> <li>• Any constraints on capacity or service availability</li> </ul> <p><i>See FTA Circular C 9070.1G. Providers of demand responsive service must utilize accessible vehicles, as defined by 49 CFR 37.7 or meet the applicable equivalent standard. If they just say yes, get them to elaborate.</i></p>	

## Equal Employment Opportunity (EEO)

TDOT subrecipients must ensure that no person shall on the grounds of race, color, religion, national origin, sex, age or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program or activity receiving FTA funding.

Requested desk review documents:

- Employee handbook/personnel policies
- Sample of job application (can be viewed on website or provided by subrecipient)
- Photos of EEO statement and supplement on bulletin boards
- Organization Chart
- Any EEO complaints from the past three years

Question	Reviewer Comments
<p>1. Confirm in the <b>desk review</b> that the recipient does not meet the following threshold requirements, which would require them to prepare and maintain an <u>abbreviated</u> EEO program.</p> <ul style="list-style-type: none"> <li>• Requests or receives capital or operating assistance <b>from the FTA</b> in excess of \$1 million in the previous Federal fiscal year, <b>or</b> requests or receives planning assistance <b>from the FTA</b> in excess of \$250,000 in the previous Federal fiscal year, <b>and</b></li> <li>• Employs between 50-99 transit-related employees</li> </ul> <p><i>See FTA Circular 4704.1A Ch. 1.4 This never applies to our 5310 subrecipients so can be confirmed in the desk review. Only applies if the answer is Yes to one of the points in the first bullet <b>and</b> Yes to the second bullet. So if they aren't receiving huge FTA grants, it doesn't apply, no matter how many employees they have. <a href="#">Link</a></i></p>	
<p>2. Has the subrecipient posted an EEO statement in a conspicuous and accessible place in the workplace?</p>	

<ul style="list-style-type: none"> <li>• Are both the current full EEO statement of rights and the EEO supplement posted?</li> <li>• Is the subrecipient’s EEO policy included in personnel policies and/or employee handbook?</li> </ul> <p><i>See FTA Circular 4704.1A Ch. 2.2.2 TDOT has the current statement and supplement in appropriate sizes for a bulletin board and reviewer may provide them to subrecipient if needed. <b>Check the date on the notice to make sure it is the current one. Make sure the <u>current supplement is also posted.</u></b> (New poster and supplement came out in November 2022. To determine the current version, see what we have in the FormsAndTemplates folder – a laminated poster from a vendor does not always contain the necessary information, look closely at what is provided.) See internal instructions for example of handbook statement.</i></p>	
<p>3. Are EEO statements (i.e., the subrecipient “is an equal opportunity employer”) included on job applications and employment notices/job postings?</p> <p><i>See FTA Circular 4704.1A Ch. 2.2.2 The statement can be as simple as noted above, or may be more elaborate. If the agency is small, it’s ok if they don’t have a website or a robust website, as long as the statement is on the job application. If they don’t use job applications, they need some kind of handout or notice that provides the statement to applicants (request a copy of the notice) or the statement must be on any kind of form that may be filled out (even if it’s not a full-blown application, there’s probably some kind of form applicants fill out).</i></p>	
<p>4. Does the subrecipient ensure non-discrimination for ADA-eligible persons in terms of employment? (E.g., describe</p>	

<p>any outreach, training of hiring personnel, reasonable accommodation language in job postings.)</p> <ul style="list-style-type: none"> <li>• If requested, were reasonable accommodations made <b>in the last three years</b> for hiring a person with disabilities in accordance with Title I of the ADA? If yes, describe the accommodation(s).</li> </ul> <p><i>It's ok if they didn't have any request for reasonable accommodations in the last three years, but we want to know if they did. We're not looking for generic features of their building, etc. – we want to know if any specific accommodations were made.</i></p>	
<p>5. Who is responsible for ensuring that EEO obligations are fulfilled on behalf of the subrecipient?</p> <p><i>This should be ascertained from the Org Chart and can be confirmed at the site visit. This information is for TDOT's Civil Rights Office.</i></p>	
<p>6. Were any EEO complaints or lawsuits received in the past three years?</p> <ul style="list-style-type: none"> <li>• If yes, describe the nature of the complaint or lawsuit. Ask to see records associated with the event.</li> <li>• If yes, did the subrecipient report the complaint or lawsuit to TDOT?</li> </ul> <p><i>EEO complaints must be reported immediately to TDOT – remind the subrecipient of this requirement. If they say the complaint was reported, confirm with Oversight or OMAT personnel. TDOT should have the current status (open, pending, under investigation, closed, etc.) and copies of any order, consent decree, or other finding if complaint upheld. Make sure we do or ask for materials as necessary.</i></p>	

## Title VI

TDOT subrecipients must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (without regard to whether specific projects or services are federally funded). Additionally, the subrecipient must ensure that all transit services and related benefits are distributed in an equitable manner.

Requested desk review documents:

- Title VI approval letter from TDOT Civil Rights Office
- Photos of Title VI notice on bulletin boards and/or vehicles
- Photos of LEP poster on bulletin boards and/or vehicles (e.g., I Speak poster)

Question	Reviewer Comments
<b><i>Subtopic: Title VI Program</i></b>	
<p>1. Did the subrecipient provide a current compliance approval letter from the TDOT Civil Rights Office?</p> <ul style="list-style-type: none"> <li>• What is the expiration date of the approval noted in the letter? (read carefully and make sure you get the compliance expiration date, not the date the next affidavit is due)</li> <li>• If the approval is current, has the subrecipient provided the annual No Change Affidavit to the TDOT Civil Rights Office as required? (ask at site visit) <i>The Civil Rights Office will send it to them on the first of the month that it is due.</i></li> <li>• If they don't have a current approval letter, ask if they've been granted an extension by the TDOT Civil Rights Office (and if so ask them to provide the email or letter with that extension).</li> <li>• Check the Compliance Tracker to see the latest approval letter we have on file. If it is current and the subrecipient was unable to locate their copy, you can send them one. If the letter they send is</li> </ul>	

<p>more current than the one we have on file, put a copy of the letter in the designated folder in the Compliance Parking Lot and alert the Oversight Supervisor.</p> <p><i>The TDOT Civil Rights Office compliance determinations examine the subrecipient's Title VI program and are valid for three years provided there have been no changes to the Title VI Program or the Title VI Coordinator. The "No Change" Affidavit and Title VI Assurance Statement is required to be submitted annually to maintain compliance with the TDOT Civil Rights Office. Inform the subrecipient of the requirements if they are new and unaware. If the TDOT Civil Rights Office has not issued a compliance approval letter or extension in the last three years, or the subrecipient can't find their letter and we don't have it in the tracker yet, contact the appropriate regional coordinator at the TDOT Civil Rights Office. The Civil Rights Office will take it from there (or provide you with a copy of the current letter, if there is one). They will lead the agency through the process. Your only task is to check with the Civil Rights Office that it's moving along and get a copy of the approval letter. Beginning in 2023, the Civil Rights Office will copy us on new approval letters issued, so we should eventually have all of the current letters in the Compliance Tracker. We will still ask for them in reviews though, to make sure the agency is aware of their current status and expiration date and keeps adequate records.</i></p>	
<p><b>Subtopic: Notice of Rights</b></p>	
<p>2. Does the subrecipient notify the public of their rights under Title VI by posting a Title VI notice in areas most visible to the public?</p> <ul style="list-style-type: none"> <li>• Is the notice posted: <ul style="list-style-type: none"> <li><input type="checkbox"/> On their website (if they have one)?</li> </ul> </li> </ul>	

- In public areas of their office?
- On transportation vehicles?

- Does the notice include a statement that the agency operates programs without regard to race, color, or national origin?
- Does the notice include information on how to obtain further information on the subrecipient's Title VI policies and procedures?
- Does the notice include information on how to file a complaint based on Title VI discrimination, including local (the agency), state, and Federal contact information?

*See FTA Circular 4702.1B, Ch. III, Section 5, Requirement to Notify Beneficiaries of Protection Under Title VI. See also Section D.8. of the contract language, which requires subrecipients to post notices of nondiscrimination in conspicuous places available to employees and program participants. If they have not posted them in all of the locations mentioned in the first bullet point, discuss internally – not all are required, but they are required to post it where it will be most seen. That location may be different for a residential facility v. a day center that mostly conducts outings.*

*We have a template that can be provided to the subrecipient but the subrecipient **must** personalize it to their agency and add their contact information to the notice (whoever in the agency handles Title VI), so that a complainant may choose which contact they would like to use. The template can be found in the FormsAndTemplates folder and was made in coordination with the TDOT Civil Rights Office. So even if they have a DIDD type poster with just their contact info and they want to hang our template next to it, they must personalize our template. If they have*



<p><i>an older TDOT notice with just their contact info at the bottom, they must redo it and personalize the whole notice to their agency, as indicated in the current template.</i></p>	
<p>3. Does the subrecipient make its Title VI complaint procedures and complaint form available to the public on its website? (In addition to the notice of rights mentioned in question 2.)</p> <p><i>See FTA Circular 4702.1B, Ch. III, Section 6, Requirement to Develop Title VI Complaint Procedures and Complaint Form. Complaint procedures are assessed by the TDOT Civil Rights Office when issuing their approval, so the subrecipient should have these available to link if they have that approval. We do not assess the procedures, we leave that to the Civil Rights Office, we just make sure they are linked on the website. The approval process should have yielded a complaint form as well, but if the subrecipient is still going through that process and does not have one developed, they may also use our template for that, but again must personalize it to their agency and add their contact information to the form, so that a complainant may choose which contact to submit it to. The template can be found in the FormsAndTemplates folder and was made in coordination with the TDOT Civil Rights Office. If the subrecipient does not have a website, ask on the conference call if they have a Facebook page or a county/corporate website of a parent organization. It is acceptable to post to whatever online presence they have. If they do not have any presence, discuss internally.</i></p>	
<p><b>Subtopic: Limited English Proficiency (LEP)</b></p>	
<p>4. Does the subrecipient make efforts to provide access to information and services by LEP persons? (Describe.)</p> <ul style="list-style-type: none"> <li>• What translation service(s) does the subrecipient use?</li> </ul>	

- Does the subrecipient post an LEP notice in public areas? (I Speak type poster)
- Is the public notice of Title VI rights and complaint form provided in languages other than English if needed according to the subrecipient's language assistance plan?

*Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient (LEP). Subrecipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The TDOT Civil Rights Office compliance determinations examine the subrecipient's Four Factor Analysis that assesses language needs. The TDOT Civil Rights Office can also offer guidance to subrecipients on LEP services. Inform the subrecipient of this resource. Some subrecipients use local colleges or police departments as resources for translation services – they do not always have to use a paid service. As far as the public notice in other languages, ascertain if their language assistance plan identified languages that need to be provided. If they do not yet have a plan, follow up on this question after they have obtained approval from the TDOT Civil Rights Office. We do not assess or provide guidance on their LEP Plan or any elements of it, we leave that to the Civil Rights Office.*

## School Bus

TDOT subrecipients are prohibited from providing exclusive school bus service in competition with private school bus operators, unless the service qualifies and is approved by the FTA Administrator under an allowable exemption as defined in 49 CFR Part 605.11.

Requested desk review documents:

- None

Question	Reviewer Comments
<p>1. If the subrecipient has any passengers on their vehicles that are using the transportation to get to school, is it either:</p> <p>a) open to the public and part of regularly scheduled service (i.e., “tripper” service), or</p> <p>b) approved by the FTA Administrator under an allowable exemption?</p> <p><i>Don’t just ask if they have school bus service, ask it like it is phrased above – do any passengers happen to be going to school on their vehicles.</i></p> <p><i>49 CFR Part 605.11 defines the following exemptions for school bus service:</i></p> <ul style="list-style-type: none"> <li>• <i>the grant recipient operates a school system in its urban area and also operates a separate and exclusive school bus program for that school system; or</i></li> <li>• <i>private school bus operators in the urban area are unable to provide adequate transportation, at a reasonable rate, and in conformance with applicable safety standards; or</i></li> <li>• <i>the grant recipient is a state or local public body or agency thereof (or a direct predecessor in interest which has acquired the function of so transporting schoolchildren and personnel along with facilities to be used therefor) who was so engaged in school bus operations</i></li> </ul>	

## Charter Bus

TDOT subrecipients are prohibited from using FTA-funded equipment and facilities to provide charter service that unfairly competes with private charter operators. TDOT subrecipients may operate charter only when the service meets a specified exception or exemption as defined in 49 CFR Part 604.

Requested desk review documents:

- Charter reports, if applicable

Question	Reviewer Comments
<p>1. Does the subrecipient provide charter service (hiring out a vehicle for a purpose other than its usual use)? If the subrecipient provides charter bus service using FTA financial assistance, is it done according to an authorized exemption or exception and with TDOT prior approval?</p> <p><i>This does not typically happen with our 5310 subrecipients, but we have to confirm. As with all questions, this applies only to the last three years.</i></p> <p><i>49 CFR Part 604.2 defines the following <u>exemptions</u>, which are NOT considered charter service:</i></p> <ul style="list-style-type: none"> <li>• <i>Transportation of transit employees, contractors, and government officials for the purpose of conducting oversight functions</i></li> <li>• <i>Service provided by private charter operators that receive FTA financial assistance</i></li> <li>• <i>Transportation for emergency preparedness planning and operation</i></li> <li>• <i>Transportation for FTA program purposes under Sections 5310, 5311, 5316, or 5317</i></li> <li>• <i>Transportation in response to a formally declared emergency</i></li> </ul>	

<ul style="list-style-type: none"> <li>• <i>Service provided by subrecipients in non-urbanized areas to and/or from transit training outside their geographic service area</i></li> </ul> <p><i>49 CFR Part 604.6-11 defines the following <u>exceptions</u>, which are considered charter service and have administrative, record-keeping, and reporting requirements:</i></p> <ul style="list-style-type: none"> <li>• <i>Transportation of government officials on official government business</i></li> <li>• <i>Service to qualified human service organizations</i></li> <li>• <i>Leasing FTA-funded equipment and drivers to registered charter providers</i></li> <li>• <i>Service when no registered charter provider responds to notice from the subrecipient</i></li> <li>• <i>Service consistent with an agreement with registered charter providers</i></li> <li>• <i>Service based on a petition to the FTA Administrator</i></li> </ul>	
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## Drug and Alcohol Program

Recipients or subrecipients that receive only 5310 program assistance are not subject to FTA’s drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver’s licenses (49 CFR part 382).

Requested desk review documents:

- Drug and alcohol testing policy, if required

Question	Reviewer Comments
<p>1. If the subrecipient operates vehicles that require the driver to hold a <b>Commercial</b> Driver’s License (CDL), have they initiated a drug and alcohol testing program that meets the requirements of 49 CFR part 382?</p> <p><i>5310 subrecipients very rarely operate vehicles that require a CDL. But if they do, they should have provided their drug and alcohol testing policy in the desk review documents. To compare it to FMCSA requirements, check here:</i></p> <p><a href="https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/what-tests-are-required-and-when-does-testing-occur">https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/what-tests-are-required-and-when-does-testing-occur</a></p>	

## List of Review Attendees

Name	Title	Organization	Phone Number	Email Address
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\* Subrecipient's primary point of contact

\*\* Lead Reviewer