

Review area SATISFACTORY CONTINUING CONTROL

The grantee/subgrantee must maintain control over real property, facilities, and equipment and ensure that they are used in transit service.

Do the agency's records of FTA funded equipment include the following required information:

- Description?
 - I.D. number?
 - Acquisition date?
 - Cost?
 - Federal percentage?
 - Grant number?
 - Location?
 - Use and condition?
 - Disposition action?
 - Vested title?
 - Useful life
- Do records verify that staff began the life of rolling stock on the date each vehicle is placed in revenue service, and ended each vehicle's life when it was removed from revenue service?
- Does the agency have documentation that indicates staff has conducted annual physical inventories of FTA funded assets, and that staff has reconciled the results with equipment records?
- Does the agency have documentation that indicates it complies with insurance requirements imposed by the State of Arizona, local laws, regulations, and ordinances?
- This includes flood insurance provisions for any project activity involving construction or (for) an acquisition having an insurable cost of \$10,000 or more.*
- Has staff notified Phoenix whenever withdrawing equipment from project use or applying it to a different use?
- If the agency intended to dispose of any FTA funded property (valued greater than \$5,000) before the end of service life, did staff first receive prior concurrence from FTA in the method of disposition?
- Has agency staff investigated and documented any loss, damage, or theft of FTA funded property?

Grant Requirements for Section 5310 Subrecipients

- Has staff applied insurance proceeds for replacing any lost, damaged, or destroyed project property?
 - If not, did the agency return to FTA an amount equal to its remaining interest?

Review area MAINTENANCE

The grantee/subgrantee must keep federally funded equipment and facilities in good operating order and maintain ADA accessibility features.

- Does documentation indicate technicians adequately address defects noted on driver vehicle inspection reports?
- Do maintenance records indicate technicians regularly inspect lifts and ramps?
- Do technicians regularly inspect other accessibility features (e.g., kneelers, public address systems, voice annunciation systems, etc.)?
- Do technicians repair any safety items before vehicles returning those vehicles to service?

Review area PROCUREMENT

FTA grantees/subgrantees use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and that the procedures conform to applicable Federal law including 49 CFR Part 18 (specifically Section 18.36) and FTA C 4220.1F, "Third Party Contracting Guidance."

Subrecipient staff should consult City of Phoenix staff (Jim Campion, Contracts Specialist at 602-534-8289) if it intends to use FTA funds to procure services or to purchase items.

Review area DISADVANTAGED BUSINESS ENTERPRISE (DBE)

BASIC REQUIREMENT

The grantee/subgrantee must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Grantees/subgrantees also must create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.

Subrecipient staff should contact City of Phoenix staff (Susan Sweeden at 602-534-9161) if it receives approval to use FTA funds to procure services or to purchase items.

Review area TITLE VI Requirements: Non-fixed route subrecipient

The grantee/subgrantee must ensure that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participating in, or denied the benefits of, or be subject to discrimination under any program, or activity receiving federal financial assistance. The grantee/subgrantee must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Does the subrecipient have a Title VI Program with?

- A copy of the subrecipient's Title VI notice to the public (and its location) that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded by Title VI?
- A copy of the subrecipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form?
(Subrecipient can refer the public to Valley Metro's website at http://www.valleymetro.org/images/uploads/TITLE_VI_COMPLAINT_PROCEDURE_final.pdf)
- A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission? **(Section 5310 subrecipient can adopt the public participation plan of the transit entity in the municipality where the subrecipient is located.)**
- A copy of the subrecipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance? **(Section 5310 subrecipient can adopt the plan of the transit entity in the municipality where the subrecipient is located.)**
- *For subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the subrecipient, a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils?*
- *If the subrecipient has constructed a facility, such as a park-and ride, a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility?*
- Does the subrecipient have evidence that the Title VI program received approval by the subrecipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions?

Grant Requirements for Section 5310 Subrecipients

Does the subrecipient have a copy of public information on its Title VI obligations, including protections against discrimination? Has staff posted such information on the subrecipient's Web site; on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles; and in public areas of the subrecipient's office(s), including the reception desk, meeting rooms, etc.? **(Section 5310 subrecipient can obtain printed information from the transit entity in the municipality where the subrecipient is located.)**

Do the subrecipient's public notices include?

- A statement that the subrecipient operates programs without regard to race, color, and national origin?
- A description of the procedures that members of the public should follow to request additional information on the subrecipient's nondiscrimination obligations?
- A description of the procedures that members of the public should follow to file a discrimination complaint against the subrecipient?
- Has the subrecipient integrated the content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance into the established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the provider's public participation activities)? **(Section 5310 subrecipient can adopt the plan of the transit entity in the municipality where the subrecipient is located.)**
- Has the subrecipient taken reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP)? **(Section 5310 subrecipient can use strategies of the transit entity in the municipality where the subrecipient is located.)**
- Does the subrecipient use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate? **(Section 5310 subrecipient can use information from transit entity in the municipality where the subrecipient is located.)**

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the subrecipient?
2. The frequency with which LEP persons come in contact with the program?
3. The nature and importance of the program, activity, or service provided by the subrecipient to people's lives?
4. Resources available to the provider and costs?

Grant Requirements for Section 5310 Subrecipients

In addition to the number or proportion of LEP persons served, does the subrecipient's analysis identify, at a minimum? **(Section 5310 subrecipient can adopt the analysis of the transit entity in the municipality where the subrecipient is located.)**

- How LEP persons interact with the subrecipient?
- Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group?
- The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice?
- Whether LEP persons are underserved by the subrecipient due to language barriers?

Does the subrecipient's LEP Plan, at a minimum? **(Section 5310 subrecipient can adopt the plan of the transit entity in the municipality where the subrecipient is located.)**

- Include the results of the Four Factor Analysis, including a description of the LEP population(s) served?
 - Describe how the subrecipient offers assistance services by language?
 - Describe how the subrecipient offers notices to LEP persons about the availability of language assistance?
 - Describe how the subrecipient monitors, evaluates, and updates the language access plan?
 - Describe how the subrecipient trains employees to provide timely and reasonable language assistance to LEP populations?
- Has the subrecipient prepared and maintained a list of alleged discrimination on the basis of race, color, or national origin? [FTA C 4702.1B, Chap. III-5]

Does the list include?

- Active investigations conducted by entities other than FTA?
- Lawsuits and complaints naming the subrecipient?
- The date that the investigation, lawsuit, or complaint was filed?
- A summary of the allegation(s)?

Grant Requirements for Section 5310 Subrecipients

- The status of the investigation, lawsuit, or complaint?
- Actions taken by the subrecipient in response, or final findings related to, the investigation, lawsuit, or complaint?

Review area AMERICANS WITH DISABILITIES ACT

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) 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, including complementary paratransit service.

Has the agency implemented each of following service provisions per the ADA:

- Are service animals permitted in vehicles and facilities?
 - Are animals other than dogs recognized as service animals in the agency's procedures?
 - Are persons with disabilities other than visual impairments allowed to use service animals?
 - May a passenger board a fixed route vehicle at any time, with no prior arrangements, with a service animal?
 - May persons with mobility devices use lifts/ramps and securement systems?
 - May ambulatory persons with disabilities use lifts/ramps?
 - Are public information and communications available in accessible formats?
 - Are lifts/ramps deployed at all stops as required?
 - Is adequate time allowed for persons with disabilities to board/disembark vehicles?
 - Do fixed-route providers announce stops at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route?
- Has the agency, or contractor(s) that “stand in the shoes” of the agency, trained employees to appropriate proficiency so that they operate vehicles and equipment safely and properly – that they assist and treat individuals with disabilities in a respectful and courteous way, ***with appropriate attention to the differences among individuals with disabilities?***

Grant Requirements for Section 5310 Subrecipients

- Does documentation indicate supervisors monitor operators to ensure regular and periodic maintenance checks for ramps, as well as for other accessibility features (e.g., kneelers, lifts, public address systems, voice annunciation systems, station elevators, etc.)?
- Does the agency have a written policy to provide alternative service to persons with disabilities who are stranded due to service failures?
- Does documentation indicate supervisors monitor operators to ensure they report inoperative ramps and lifts? Does the agency take the vehicle out of service before the beginning of the vehicle's next service day? Does staff ensure that the vehicle returns to service only after the ramp/lift is repaired?

If no spare vehicle was available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service would reduce the transit service the agency was able to provide...

Then, did the agency keep a vehicle with an inoperable ramp/lift in service for no more than 3 days?

Review area DRUG AND ALCOHOL PROGRAM

Subrecipients receiving FTA funding from Section 5310 only shall comply with requirements established by the State of Arizona.

Questions?

Contact Russ Stevens, Federal Compliance Officer at 602-534-9199