



WYOMING DEPARTMENT OF TRANSPORTATION

State Management Plan
Appendix C:
Section 5311 and State Public Transit
Account

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2024



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C1 SECTION 5311 AND STATE PUBLIC TRANSIT ACCOUNT

C1.1 Program Goals and Objectives

The Section 5311 Rural Public Transportation program, including its sub programs, the Section 5311(b)(3) Rural Transit Assistance Program (RTAP) and the Section 5311(f) intercity bus (ICB) program, are designed to provide administrative, operating, and capital assistance to transportation providers in rural areas (less than 50,000 population).

Documents that govern how the Wyoming Department of Transportation (WYDOT) administers Section 5311 funds include:

- Federal Transit Administration (FTA) Circular 9040.1G: <https://www.transit.dot.gov/regulations-and-guidance/fta-circular-90401g-formula-grants-rural-areas-program-guidance-and>
- Federal Transit Administration (FTA) Circular 9040.1F: <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/fta-c-90401f>
- FTA Website Overview: <https://www.transit.dot.gov/rural-formula-grants-5311>

FTA's goal of the Section 5311 program is to enhance the access of people in rural areas to health care, shopping, education, recreation, public services and employment by encouraging the development, maintenance, improvement, and use of public transportation services.

Title 49 USC § 5311 (e) authorizes the State to use these funds for program administration and to provide technical assistance to grantees. Technical assistance includes project planning, program management, program development, coordination of mass transportation programs, and research to assist in effective delivery of mass transportation to nonurbanized areas.

State Public Transit Account (PTA) funds, authorized by the Wyoming Legislature supplement the FTA Section 5311 program funds, and are also available to Cheyenne and Casper (Wyoming's two "urban" communities). Federal and state funds are combined and administered according to guidelines established by Section 5311.

C1.2 Roles and Responsibilities

WYDOT is the designated direct recipient for Section 5311 funds in Wyoming. As such, WYDOT is responsible for:

- Developing the program of projects (POP) and the project selection process.
- Certifying that all projects are included in the Five-Year Lookahead that is required as part of the locally developed Coordinated Public Transit Human Services Transportation Plan.
- Overseeing the implementation of projects as prioritized in the Five-Year Lookahead.
- Certifying a fair and equitable distribution of funds to subrecipients.



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- 1 • Managing all aspects of grant distribution and oversight for subrecipients receiving funds.
 - 2 • Submitting reports as required by FTA.
- 3 The parts of WYDOT’s organization that are involved in the administration of FTA and state transit funds
4 are listed in the following table.

5 **Table C1.1 Responsibilities Related to Transit Funds Administration**

| Organization | Role |
|---|---|
| WYDOT Office of Local Government Coordination - Transit (LGC) | <p>As the primary entity responsible for the management of FTA funds and for the oversight of subrecipients, performs the roles identified in Circular 9040 (5311) and Circular 9070 (5310) and outlined in this SMP. These include, but are not limited to:</p> <ul style="list-style-type: none"> • Participates in statewide planning process, coordinates with MPOs regarding TIPs and STIP. • Develops Coordinated Public Transit Human Services Transportation Plan. • Conducts annual grant application process and awards program funds. • Prepares Program of Projects (POP) and manages grant budgets and schedules. • Reviews and approves subrecipient reimbursements. • Prepares and submits required reporting to FTA, including FFR, FFATA, Milestone Progress Reports, Program Measures Reports, and NTD reports. <p>Provides technical support to subrecipients and manages submittals through BlackCat.</p> |
| Transportation Commission | <p>Adopts the STIP.</p> <p>Approves annual transit budget and recommended list of awards as shown in the STIP.</p> |
| WYDOT Director’s Office (or its designee) | Adopts the WYDOT SMP. |
| State of Wyoming Attorney General | <p>Reviews agreements between WYDOT and subrecipients for compliance with state and federal requirements</p> <p>Reviews and certifies FTA certifications and assurances.</p> |
| Assistant Chief Engineer | <p>Reviews and certifies FTA certifications and assurances.</p> <p>Signs the FTA award agreements.</p> <p>Approves high-level policy criteria and transit metrics by which transit funds are evaluated and allocated.</p> |
| State Planning Engineer | Reviews and signs project amendments and transfer of funds between funding programs. |
| Office of Program Performance | <p>Produces STIP amendments for Commission approval.</p> <p>Requests FTA and FHWA concurrence on STIP.</p> |



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| Organization | Role |
|--|--|
| Budget Office | <p>Sets accounting and budget structures and verifies fiscal constraint of STIP.</p> <p>Sets up and closes FTA accounts, projects, and budgets in PeopleSoft.</p> <p>Processes ECHO drawdown from FTA.</p> <p>Processes subrecipient reimbursement requests, reconciles project budgets and apportionments, approves final reimbursement request to FTA.</p> |
| Grants and Contracts Policy Program | <p>Provides guidance on agreement and/or contract-related questions.</p> <p>Oversees WYDOT’s contracting processes and signs off on transit subaward agreements.</p> <p>Verifies available discretionary grant match</p> |
| Procurement Services Program | <p>Advertises statewide contracts for state and local government agencies to purchase items.</p> <p>Assists Office of Civil Rights in communicating contracting opportunities, including DBEs and small businesses.</p> |
| Engineering Services Department | <p>Advertises RFPs for personal services contracts (architectural/engineering).</p> |
| Office of Civil Rights | <p>Serves as the Disadvantaged Business Enterprise Liaison Officer (DBELO) to WYDOT’s Director.</p> <p>Develops civil rights programs and policies, including the Triennial DBE Participation goal.</p> <p>Provides LGC guidance on civil rights requirements.</p> <p>Oversees subrecipients’ compliance with civil rights requirements in providing services and third-party contracting.</p> <p>Maintains WYDOT’s and subrecipients’ required civil rights documentation.</p> <p>Reports semiannually to FTA on DBE participation.</p> |
| Office of Internal Review Services | <p>Reviews Single Audit Certification Form or Single Audit Reports.</p> <p>Participates in subrecipient risk assessment evaluations.</p> |
| Office of Public Affairs | <p>Issues public notices of public comment periods for statewide planning process.</p> <p>Advertises statements of project awards.</p> |
| Wyoming Department of Health (WDH) | <p>Monitors use of WYDOT-administered federal funds that overlap with WDH federal funds that support senior centers throughout the state, as needed to assist WYDOT.</p> |
| Wyoming Transit Advisory Committee (WyTAC) | <p>Reviews applications against evaluation criteria and recommended amount of project awards.</p> |

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2 **C1.3 State and Local Coordination**

3 WYDOT’s statewide planning process, inclusive of transit, follows federal and state regulations and
 4 provides a direction and framework for decision-making regarding investments in Wyoming’s



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1 transportation system. The statewide planning process, with a documented public involvement process,
2 supports sound investment choices that promote responsible and effective use of taxpayer dollars.

3 WYDOT's statewide planning processes are described in Chapter 2 of the State Management Plan.

4 Transit-related plans include:

- 5 • WYDOT Long-Range Transportation Plan
- 6 • Metropolitan Planning Organizations Long-Range Plans
- 7 • WYDOT Intercity Bus Service Study
- 8 • WYDOT Coordinate Public Transit Human Services Transportation Plan

9 Transit funding is outlined in:

- 10 • WYDOT Transit Five-Year Financial Plan
- 11 • State Transportation Improvement Program
- 12 • Metropolitan Transportation Improvement Plans

13 Performance-based planning includes:

- 14 • WYDOT Transit Asset Management Plan
- 15 • Public Transportation Agency Safety Plans

16 **C1.3.1.1 WYDOT Coordinated Public Transit Human Services Transportation Plan**

17 WYDOT completed a Coordinated Public Transit Human Services Transportation Plan for the state that
18 identifies and assesses the needs and transportation challenges of older adults, those with disabilities,
19 and low-income individuals. Developed with input from transit providers and users across the state, it
20 presents goals and objectives and a plan for improving the accessibility of a specialized transit network.
21 The plan meets the requirement that the projects funded by the FTA Section 5310 program be included
22 in a Coordinated Public Transit Human Services Transportation Plan. WYDOT's Plan is located on this
23 website: [https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-
24 wyoming.html](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html).

25 **C1.4 Eligible Subrecipients**

26 Eligible subrecipients for Section 5311 funds include the following:

- 27 • State or local governmental entities
- 28 • Private non-profit organizations
- 29 • Commercial, for profit operators (5311[f] only)

30 WYDOT does not allow for-profit operators to apply directly for Section 5311 funds – with the exception
31 of the Intercity Bus program; such enterprises, however, may subcontract for such services with any of
32 the above listed subrecipients.



WYDOT requires private nonprofit applicants to:

- Hold a 501 (c) (3) certificate verifying non-profit status.
- Register with the Wyoming Secretary of State.

Minimum requirements for subrecipients are detailed in Chapter 3 of the SMP.

C1.5 Eligible Services and Service Areas

Eligible recipients for Section 5311 projects must identify, in the project application the geographic service area, or a map depicting their respective areas of service. Such service area should be reflective of the resource level of the program, to include vehicle fleet capabilities. Service areas for rural transit providers may include public transportation into and out of small urban and urbanized areas; however, rural projects may not provide service exclusively within a small urban or urbanized area. Service area determinations should conform to the community’s Coordinated Transportation-Health and Social Services Plan, and have a public participation component.

Funding requests for federal and state funding must be reflective of the level of service and service area of the applicant.

C1.6 Eligible Assistance Categories

C1.6.1 Capital Costs

Capital equipment expenses include the acquisition, construction, and improvement of facilities used for public transportation purposes, including vehicles and related equipment. Currently WYDOT does not fund capital requests from Section 5311 funds, preferring instead to fund those requests through Section 5339 – Bus and Bus Facilities, or Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program. Capital in the form of rolling stock is eligible for supplementary funding through the Wyoming State Land and Investment Board (SLIB), thus allowing Section 5311 funds to be dedicated to Operating, Administrative and Maintenance needs. Capital equipment, if funded through Section 5311 is funded at an 80% federal – 20% local match.

Transit vehicle useful service life is a function of the type of vehicle, as shown in Table C1.2.

Table C1.2 Transit Vehicle Useful Life

| Vehicle Type | Useful Service Life |
|--|--------------------------|
| Small buses, vans, sedans and SUVs | 5 years or 100,000 miles |
| 25' to 35' light duty transit bus (body on chassis vehicles) | 5 yrs. or 150,000 miles |
| 30' medium-duty transit bus | 7 yrs. or 200,000 miles |
| 30' heavy duty transit bus | 10 yrs or 350,000 miles |



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> 30' heavy duty transit bus

12 yrs. or 500,000 miles

1

2 WYDOT maintains a vehicle Inventory, updated semi-annually, which documents the age, mileage,
3 condition, VIN number, features, passenger size, and other pertinent information of each vehicle in the
4 statewide public transit fleets. Additionally, WYDOT maintains a database for Section 5311 projects
5 which identifies the Fiscal Year, Apportionment, Total Number of Subrecipients Funded for FY, and
6 Carryover of unspent funds from previous years. This database further describes Section 5311 projects
7 identifying the following disbursements of federal funds: Subrecipient Name, Subrecipient Type, FTA
8 Grant Number, Category, Project Description, Description of any improvements, Counties Served, Net
9 Project Cost, and Federal Share.

10 When evaluating requests or proposals for vehicle replacement, WYDOT prioritizes those vehicles which
11 have exceeded their useful service life. For replacement requests where the vehicle to be replaced is
12 below the life expectancy or mileage thresholds (above), the maintenance record for said vehicle must
13 accompany the application.

14 When evaluating requests for additional or new vehicles for subgrantee fleets, WYDOT prioritizes those
15 requests which:

- 16 • Extend the service life of the existing fleet vehicles.,
- 17 • Are supported by data reflecting increased ridership and/or service area expansion.,
- 18 • Complement the existing fleet and accommodate a service type not currently available.,
- 19 • Are ADA compliant.
- 20 • Are efficient to operate and are sustainable.

21 Examples of Other Capital

- 22 • Refurbishment and Rehabilitation of existing vehicles.
- 23 • Vehicle retrofits for lifts, ramps and flooring.
- 24 • Vehicle replacement parts, e.g., Transmissions, Engines, etc.
- 25 • Communications equipment, including cell phones and radios.
- 26 • Computer equipment – hardware and software.
- 27 • Dispatch equipment - hardware and software.
- 28 • Vehicle Tracking Systems – including monitors.
- 29 • Data Systems.
- 30 • Fareboxes and Electronic Ticketing Systems.
- 31 • Bicycle racks and luggage storage.
- 32 • Bus shelters, kiosks, and electronic gates.
- 33 • Wheelchair tie-downs, restraints and seat belts.
- 34 • Safety and Security Equipment.



- 1 • Transit garages and related equipment.
- 2 • Maintenance equipment (such as bus lifts).
- 3 • Curb pull outs.
- 4 • Leasing of equipment, when leasing is more cost effective than purchasing.
- 5 • Construction or rehabilitation of transit facilities, including design, engineering, and land acquisition.

6 **C1.6.2 Operating Costs**

7 Operating assistance usually consists of activities and services that are directly provided or purchased by
8 the subrecipient. Examples of eligible operating activities include:

- 9 • Operating assistance for rural public transportation services.
- 10 • Operating assistance for paratransit/special needs transportation services within and/or beyond ADA
11 requirements.
- 12 • Feeder bus service for an intercity bus network.
- 13 • Operating assistance for transportation to and from jobs and employment support services.
- 14 • Fuel and Oil.
- 15 • Replacement parts that do not meet the criteria of capital items.
- 16 • Salaries and fringe benefits of Drivers, Mechanics, Dispatchers, and other personnel performing
17 duties supporting the system's overall operation.
- 18 • Vehicle licensing and related fees.
- 19 • Cost associated with passenger escort or driver's aides.

20 **C1.6.2.1 Net Operating Expenses**

21 Net Operating Expenses are those expenses remaining after operating revenues are subtracted from
22 eligible operating expenses. At a minimum, operating revenues include farebox revenues. Farebox
23 revenues include fares that are mandated, as per policy of the sub-grantee. Farebox revenues include
24 fares paid by riders reimbursed later by a human service agency. The federal share of net operating
25 expenses is 56.56% and local share is 43.44%.

26 **C1.6.2.2 Operating Deficits**

27 Federal funds may be applied to system operations deficits subject to the availability of funds. Federal
28 participation allows up to 56.56% of the eligible net operating deficit (gross eligible operating costs less
29 revenue).

30 **C1.6.2.3 Income for Contracts with Local Human Service Agencies**

31 Income from transportation service contracts with human service agencies utilizing FTA funds, may be
32 used (per Sen. Leahy Amendment of 1986) to reduce the net project cost or to provide local match
33 under Section 5311 operating assistance. Wyoming Medicaid non-emergency contract revenues are an
34 example of this type of local match.



1 C1.6.3 Administrative Costs

2 Eligible administrative costs must be used in the administration of the public transportation project;
3 other programs benefitting from public transportation administrative cost outlays are incidental, and
4 shall not be the primary reason for incurring such costs.

5 Administrative costs for federal funded programs may not exceed one-third (33 1/3%) of the annual
6 Section 5311 apportionment.

7 An individual subrecipient’s Administrative Budget shall not exceed 40% of its total budget. Examples of
8 Administrative Costs are:

- 9 • Salaries and fringe benefits for the project director, transit manager, secretary and bookkeeper, or
10 other personnel performing job duties in an administrative capacity.
- 11 • Office supplies and materials.
- 12 • Office equipment rental.
- 13 • Facilities and Office Space rental space.
- 14 • Vehicle insurance
- 15 • Marketing and Promotional costs
- 16 • Professional services, such as Legal, Accounting and Consulting
- 17 • Drug and Alcohol Testing

18 C1.6.4 Maintenance Costs

19 Eligible Maintenance Costs must be incurred during the administration of the public transportation
20 project. Maintenance costs will be reimbursed at the 80/20 ratio. Maintenance has been expanded to
21 include tires and windshields and these are applied for during the open application period. Requests for
22 additional items may or may not be considered, on a case-by-case basis, later in the fiscal year. The
23 Maintenance category includes both vehicle and non-vehicle maintenance to include communications
24 equipment, fare collection systems, facilities and the portion of maintenance costs for the
25 Administration Building that can be attributed to the Transit Program.

26 C1.7 Local Share and Local Funding Requirements

27 All projects funded through FTA programs require some form of local match and sufficient operating
28 funds to operate and maintain FTA-funded programs and projects. Local match requirements are
29 outlined in WYDOT’s BlackCat Application Guidelines that are updated annually and provided below.

30 **Table C1.3 Local Match Requirements**

| | Program | Local/State Match (%) | Federal Share (%) |
|------------|----------------|------------------------------|--------------------------|
| Operating* | PTA, 5311 | 43.44 | 56.56 |



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| | | | |
|---|------------------|-------|--------|
| Project Administration Cannot exceed 40% of the total project budget (per WYDOT policy) | PTA, 5311 | 20 | 80 |
| Preventive Maintenance | PTA, 5311 | 20 | 80 |
| Mobility Management | 5310 | 20 | 80 |
| Voucher Program-Operating | 5310 | 50 | 50 |
| Capital (other than vehicles) | 5311, 5339 | 20 | 80 |
| ADA and Clear Air Act Vehicle** | 5310, 5311, 5339 | 15 | 85 |
| Non-ADA Vehicle** Only approved in extenuating circumstances and with compelling substantiating data | 5311, 5339 | 50 | 50 |
| Planning | 5305, 5311 | 20 | 80 |
| State Loan and Investment Board | | 10/10 | Varies |

1 PTA = State Public Transit Account

2 *WYDOT is eligible for sliding scale rates for Section 5311 funds. Refer to FTA Circular 9040.1G for additional information.

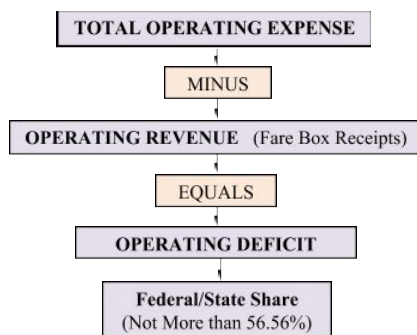
3 **Local match amount is per WYDOT policy (differs from FTA).

4 **Information about what qualifies as a local match is included in Chapter 3 of the SMP.**

5 State Public Transit Account (PTA) funds, authorized by the Wyoming Legislature supplement the FTA
6 Section 5311 program funds, and are also available to Cheyenne and Casper (Wyoming’s two “urban”
7 communities).

8 Funds proposed as match on a 5311 project may not be used for match for another project. Section
9 5310 and other FTA funds cannot be used as local match.

10 Section 5311/Statewide Rural Public Transit, the federal/state funds will reimburse subrecipients for
11 their net operating deficit. An example is provided below:



12

13 **C1.8 Project Selection Criteria and Method of Distributing Funds.**

14 Funding for Section 5311 is awarded annually through a competitive grant application process. Projects
15 must be consistent with WYDOT’s Coordinated Public Transit Human Services Transportation Plan.

16 Project types funded by Section 5311 include:



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- 1 • Operating
- 2 • Administration
- 3 • Maintenance
- 4 • Capital
- 5 • Intercity bus service operating expenses (5311(f))

6 **C1.8.1.1 Application Process and Evaluation Criteria**

7 The application period is typically open for forty-five (45) days. WYDOT’s timeline for applications
8 through projects becoming active is as follows:

| Public Notice | Application Deadline | Application Reviews* | Project Selections | Submittal to STIP | Project Approval and Awards | Projects Active** |
|---------------|----------------------|-----------------------|--------------------|-------------------|-----------------------------|-------------------|
| March 1 | April 15 | Mid-April to Mid-June | June | July | August | October |

9 *LGC, Internal Review Services, Wyoming Transit Advisory Committee (WyTAC).

10 **Upon full execution of the WYDOT subaward agreement.

11 WYDOT reviews each application against the evaluation criteria and compliance with all requirements.
12 Evaluation criteria are continually monitored for applicability to the program, and new criteria are added
13 as regulations change. A copy of the evaluation criteria is included in the annual application materials.
14 WYDOT presents its award recommendations to the Wyoming Transit Advisory Committee (WyTAC) for
15 further evaluation, concurrence, comment, or changes.

16 [Additional details about WYDOT’s application, evaluation, and award processes are included in Chapter](#)
17 [3 of the SMP.](#)

18 Specific evaluation criteria for Section 5311 projects include:

- 19 • Addresses public transportation service in the community or service area.
- 20 • Addresses service area expansion, extended service areas and/or meeting identified and currently
21 unmet needs.
- 22 • Leverages funding from other sources to support overall project.
- 23 • Demonstrates a coordinated community transportation human services planning effort.
- 24 • Demonstrates that the applicant has participated in a public participation effort.
- 25 • Reflects a balanced and feasible budget and the availability of local match.
- 26 • Demonstrates a sustainable project, contributing to the livability of the service area.
- 27 • Has shown contractual responsibilities and program compliance requirements in previous funding
28 cycles.
- 29 • The project sets forth goals to be accomplished which would measure success of the project.



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- 1 • The application describes community benefits resulting from the funding request.
- 2 • The application indicates the prospective grantee is attempting to improve program efficiency
- 3 and effectiveness.

4 **C1.8.1.2 Method of Distributing Funds**

5 To determine the dollar amount of awards to recommend, WYDOT takes into consideration the amount
6 requested by the applicant, previous year(s) awards to the applicant, available funding in each of the
7 programs, demonstrated need, and a fair and equitable distribution of funds statewide. WYDOT's
8 approach is to fund transit projects for existing subrecipients before funding a project for a new
9 subrecipient. New subrecipients are required to demonstrate the coordination they have conducted and
10 the need for the funding.

11 The funding administered by WYDOT will be awarded by priority, in the following order:

- 12 • Projects that preserve and maintain currently established public transit operations, administration,
13 maintenance, vehicles, facilities, and equipment funded with FTA and state transit funds.
- 14 • Projects that ensure state of good repair under the Transit Asset Management Plan.
- 15 • Projects for non-profit, public transportation providers not currently in the WYDOT program (if
16 funding allows).

17 Because of limited available funding, WYDOT continues to put an emphasis on a fix-it-first approach—
18 that is, giving higher priority to the replacement and refurbishment of buses, facilities, and equipment,
19 rather than on new or expansion capital or planning projects. This does not mean, however, that
20 expansion or planning projects are not funded—only that an applicant seeking funding for expansion
21 projects must make a very strong case, with documented justification and evidence of sustainability, in
22 order for the project to be considered.

23 **C1.9 Intercity Bus Transportation**

24 In Wyoming, the Intercity Bus Program provides a vital link between isolated rural areas, municipalities
25 and the rest of the state, and to regional urban areas. The objective of funding for intercity bus is to
26 support the connection between rural communities and areas with services offered by larger urban
27 areas. Wyoming has large land areas with sparse population that lack reliable ground transportation
28 between towns and cities. Through bus service contracts, safe and reliable bus service is available to a
29 number of remote Wyoming communities and counties.

30 WYDOT annually reserves 15% of its Section 5311 program funding for Intercity Bus service purposes.

31 **C1.9.1 Intercity Bus Program Goals**

- 32 • Support meaningful connections between rural and urban areas with national intercity network.
- 33 • Support operating services to meet intercity travel needs of residents in rural areas.



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- 1 • Support the State’s intercity travel infrastructure, through: capital investments in facilities, vehicles,
2 equipment, planning and marketing.
- 3 • Support the development, enhancement, and preservation of essential intercity bus services on
4 transportation-challenged regions of the state.
- 5 • Support a network of intercity bus services and multimodal connections within a national system.
- 6 • Support a variety of funding strategies, such as State funding for Intercity Bus projects.

7 **C1.9.2 Intercity Bus Eligibility Criteria**

8 In accordance with the definition as outlined in FTA Circular 9040.1F, WYDOT shall determine the
9 eligibility of intercity bus projects as projects that provide regularly scheduled bus service for the general
10 public that:

- 11 • Operates with limited stops over fixed routes connecting two or more urban areas not in close
12 proximity;
- 13 • Has the capacity for transporting baggage carried by passengers and/or
- 14 • Makes meaningful connections with scheduled intercity bus service to more distant points, if such
15 service is available.

16 **C1.9.3 Consultative Process**

17 WYDOT, in consultation with qualified regional transit authorities and intercity bus carriers, identifies
18 potential bus routes for Intercity Bus funding. These may include:

- 19 • Russell’s Official National Motor Coach Guide;
- 20 • Industry websites;
- 21 • Trade Associations;
- 22 • Existing Regional Transit Authorities and Local Public Transportation providers and/or Statewide
23 Mobility Management Coordinators.

24 WYDOT will use the consultative process to periodically seek input from private carriers to assess the
25 needs for Intercity Bus service throughout the state. Intercity bus providers identified through the above
26 process shall also be encouraged to participate in the continued development and refinement of the
27 State’s Intercity Bus planning process and related coordinated community transportation plans. Public
28 comment may also be solicited to assist in identification of future Intercity Bus routes and needed
29 Intercity Bus facilities.

30 The Intercity Bus Study conducted in 2016 assessed Wyoming’s intercity bus (ICB) services to determine
31 if the ICB service needs were being met. It outlined a process to identify potential routes/services if and
32 when needed, and how to allocate funding for new services. Section 5311(f) requires each state to
33 expend at least fifteen percent (15%) of its annual Section 5311 apportionment “to carry out a program



1 to develop and support intercity bus transportation,” unless the governor certifies that “the intercity bus
2 service needs of the state are being met adequately.”

3 The 2016 ICB study is located here: [https://westerntransportationinstitute.org/wp-](https://westerntransportationinstitute.org/wp-content/uploads/2018/01/4W5481_WYDOT-ICB-Study-Final-Report.pdf)
4 [content/uploads/2018/01/4W5481_WYDOT-ICB-Study-Final-Report.pdf](https://westerntransportationinstitute.org/wp-content/uploads/2018/01/4W5481_WYDOT-ICB-Study-Final-Report.pdf).

5 **C1.9.4 Anticipated Intercity Bus Routes**

6 WYDOT has identified the following existing and potential intercity bus routes:

- 7 • Billings, Montana to Denver, Colorado through the Big Horn Basin - connecting with the Interstate 80
8 corridor
- 9 • Cody, Wyoming to Lovell, Wyoming – connecting the cities of Cody and Powell with the Big Horn
10 Basin route (US20 & State Hwy 789)
- 11 • North Lincoln County, Wyoming to Jackson – connecting to air service and service to Idaho
- 12 • Rock Springs, Wyoming to Green River, Wyoming – connecting major Wyoming municipalities and
13 potential connection to air service and the Interstate 80 corridor
- 14 • I-90 corridor in NE Wyoming serving Sundance, Moorcroft, Gillette, Buffalo and Sheridan –
15 connecting with Rapid City, SD and Billings, MT – further providing a connection to Billings and
16 eventually Minneapolis, MN

17 Additional routes may be identified through an ongoing consultative process

18 **C1.10 Annual Program of Projects Development and Approval Process**

19 From the final list of subawards, as determined through the process described in Section C1.8, a
20 Program of Projects (POP) is created for the program. WYDOT then assembles an award application in
21 the FTA Award Management System (TrAMS) based on the POP. FTA reviews the POP and application
22 for compliance, then approves the award of funds to WYDOT.

23 This process is illustrated in the [FTA Award Application flowchart](#) included in Chapter 3.

24 **C1.11 Transfer of Funds**

25 WYDOT’s current approach for awarding funds results in an equitable distribution of funds throughout
26 the state without transferring funds. If at some point in the future needs shift within the state, WYDOT
27 will consider transferring funds at that time.

28 If the state initiates the transfer of FTA funds, it must do so by notifying FTA’s regional administrator of
29 its intent to transfer funds. Notices to transfer funds to the state’s Section 5311 apportionment include
30 the following: (1) Information on the entity that the funds were originally allocated to; (2) the amount of
31 funds to be transferred, the fiscal year in which they were apportioned, and the program section(s) (e.g.,
32 Section 5307); and (3) contact information if questions arise that the state must address before FTA can



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1 process the transfer. A notice of transfer of funds must also include the specific rural projects to which
2 the state will apply the transferred funds.

3 Transferring of funds from Section 5307 to 5311 must be made by the Governor of Wyoming. The
4 Governor may transfer any amount of the state's apportionment for small UZAs under 200,000 in
5 population to supplement the state's Section 5311 program. The Governor may make such transfers
6 only after consultation with responsible local officials and publicly owned operators of public
7 transportation services in each area to which the funding was originally apportioned. The Governor may
8 transfer funds without consultation within the last 90 days in which the funds are available for
9 obligation, for use anywhere in the state.

10 If Section 5307 funds are transferred to supplement a state's Section 5311 apportionment, any capital or
11 operating assistance limitations applicable to the Section 5307 apportionment apply to amounts
12 transferred to Section 5311. For example, the sliding scale for federal share available under Section 5311
13 does not apply to funds transferred from Section 5307.

14 In addition, the period of availability of the transferred funds remains that of the Section 5307
15 apportionment (six [6]-year period of availability), which is three (3) years longer than the same year's
16 Section 5311 apportionment (three [3]-year period of availability). The transfer of Section 5307 funds to
17 Section 5311 does not increase the amount of Section 5311 funds that the state may use for
18 administration, planning, and technical assistance with no local share.

19 All contractual, procurement and payment procedures must follow state and federal guidelines.
20 Notification to FTA of the intent to transfer funds is in accordance with FTA Circular 9040.1G.

21 The 1993 Wyoming Legislature passed legislation, Wyoming State Statute (WSS) 24-15-101 thru 24-15-
22 102, and amended in 1999, which set forth the following:

23 WSS 24-15-101. Public Transit Program

24 (a)created a "Public Transit Program" to be administered by the Wyoming Department of
25 Transportation. The department shall

- 26 i. Accept public transit funds from the Federal Transit Administration on behalf of the State;
- 27 ii. Adopt rules and regulations to implement the purpose of this chapter;
- 28 iii. Distribute State and Federal public transit funds to eligible grantees pursuant to Federal
29 requirements and rules and regulations of the Department.

30 WSS 24-15-102. Public Transit Account

31 (a) There is created a Public Transit Account within the Highway Fund. The Department
32 shall fund the program annually with one million five hundred thousand dollars (\$1,500,000)
33 using unrestricted state highway funds. Funds provided to the State under the Federal Transit
34 Act and other funds that may become available to assist the urban and rural public transit



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1 programs shall be in addition to funding provided from unrestricted highway funds. Funds in
2 the account shall be distributed and expended in accordance with federal requirements and
3 Department rules and regulations.

4 (b) Recipients of funds under the Federal Transit Act may transfer unused grant funds for the
5 benefit of other public transit programs in the state, subject to the following:

- 6 i. Any transfer of funds under this paragraph require the approval of the Governor;
- 7 ii. Transferred Federal funds under this unrestricted State highway funds to be used as local
8 match for Federal funds at the rate of one dollar (\$1.00) for every three dollars (\$3.00) of
9 Federal funds transferred by the transfer or;
- 10 iii. To the extent not reimbursed from unrestricted State funds, the Federal funds
11 transferred shall be used for the benefit of public transit program grantees for the
12 acquisition of new transit vehicles, replacement of transit vehicles or rehabilitation of
13 vehicles in the transit fleet;
- 14 iv. Federal funds transferred by a program grantee may be carried over into the following
15 fiscal year by the Department or a recipient public transit program grantee.

16 C1.12 State Administration, Planning, and Technical Assistance

17 WYDOT uses no more than ten percent (10%) allowable allocation of Section 5311 funding for staff,
18 travel, and support costs associated with managing the FTA grant programs and providing technical
19 assistance.

20 Examples of Section 5311 activities include:

- 21 • Application cycle
- 22 • Application assistance
- 23 • Asset management
- 24 • Project agreements administration
- 25 • FTA reporting
- 26 • Subrecipient and staff training
- 27 • Subrecipient monitoring
- 28 • Subrecipient Information Request (SIR) and Site Reviews
- 29 • Procurement support
- 30 • Development and maintenance of BlackCat
- 31 • Liaison to state government and WYDOT
- 32 • Participation in the state transit association conferences

33 C1.13 State RTAP



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1 As required by FTA Circular 9040.1G, WYDOT is responsible for providing technical assistance, support,
2 and training to its rural providers through the Rural Transportation Assistance Program (RTAP).

3 Approximately ninety (90%) of the RTAP funds are annually allocated to WYDOT and contracted with the
4 statewide organization of community transit providers. WYDOT retains between five and ten percent (5
5 and 10%) of the apportionment for WYDOT training and scholarship for requesting transit agencies.
6 WYDOT does not require a match for RTAP funding.

7 WYDOT is planning to publish a Request for Proposals (RFP) every five (5) years to identify a company or
8 organization to assist WYDOT with this program.

9 The goal of the RTAP program is to:

- 10 • Promote the safe and effective delivery of public transportation in rural areas and to make more
11 efficient use of public and private resources.
- 12 • Foster the development of state and local capacity for addressing the training and technical
13 assistance needs of the rural transportation community.
- 14 • Improve the quality of information and technical assistance available through the development of
15 training, technology, and technical assistance resource materials.
- 16 • Facilitate peer-to-peer self-help through the development of local networks of transit professionals.
- 17 • Support the coordination of public, private, specialized, and human service transportation services.
- 18 • Build a national database on the rural segment of the public transportation industry.

19 To achieve these goals, WYDOT's RTAP program provides the following:

- 20 • Training opportunities by providing regional and statewide training courses, including at the annual
21 state association's conference.
- 22 • Scholarship opportunities for rural providers to attend in- and out-of-state training opportunities.
- 23 • Peer-to-peer networking opportunities for sharing best practices, developing mentoring
24 opportunities, and encouraging regional sharing of resources.
- 25 • A statewide transit and transportation directory to encourage and facilitate networking
26 opportunities, updated annually.
- 27 • Tailored technical assistance provided for specific requests that are made by the rural transit
28 providers, e.g., RFP assistance, technology assistance, coordination assistance.

29 To assist in ensuring that these efforts meet the needs of its rural transit providers, the RTAP
30 Committee, made up of rural transit providers and MPO representatives meets at least four (4) times
31 per year to provide guidance on training topics, discuss issues of importance to rural providers, and
32 maintain input on policy decisions relevant to the Section 5311 program.



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Each year, WYDOT works with its RTAP Committee to identify assistance needs of its rural agencies. This training curriculum is then presented to the contractor and negotiations then occur to determine the specific course catalog for the year. This catalog is subject to change based on changes in demand for training, the availability of training through other resources, and the state’s ability to collaborate with other organizations to provide this assistance.

The RTAP contractor provides regular reports on the status of the program consisting of:

- Lists of trainings provided during the quarter including topics and attendance.
- Scholarships provided to subrecipients.
- Meetings held/attended related to rural transportation.
- Other activities that impact RTAP.

The minimum training requirements for Section 5311/State Rural Transit providers adopted by the state transit association board on June 16, 2020, are shown in Table C1.3.

Table C1.4 State Training Requirements for Drivers and Assistants

| Training | Initial | Recertification |
|--|---|---|
| TSI (Transportation Safety Institute) | Within 6 months from date of hiring. 12-hour class | 8-hour recertification class Every 3 years |
| Standard First Aid | Within 6 months from date of hiring from accredited organization-see | As accredited organization requires Typically every 2 years |
| CPR | Initial training in First Aid Course from accredited organization-see | CPR recertification required by all accredited organizations. Every 2 |
| Bloodborne Pathogen Awareness (Video and Manual) | Within 6 months from date of hiring included in TSI training. | Annual one-hour review |
| Worker-right-to-know (MSDS's Hazardous Material Awareness) | Within 6 months from date of hiring can be included in TSI training. The state transit association has | Annual review |
| Drug & Alcohol Awareness (Video and Manual) | Initially 2 hours for Supervisors and 1 hour for drivers. | Annual review recommended, not required |

Revisions adopted by the state transit association board June 16, 2020.

C1.14 Private Sector Participation

The private sector is invited and encouraged to participate in WYDOT statewide and metropolitan planning organization transportation planning processes. They also provide input to the WYDOT Coordinated Public Transit Human Services Transportation Plan.

Private sector operators (private non-profit organizations) are eligible subrecipients of federal and state transit funds and are invited to participate in WYDOT’s annual grant application process. They participate as direct providers of transit services or as contractors to subrecipients to deliver public



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1 transportation or specialized transportation services. Subrecipients are required to conduct third-party
2 procurements with full and open competition.

3 The private sector in Wyoming supports WYDOT's transit program through:

- 4 • Providing private transportation service to new or expanded customer markets to fill gaps in public
5 transportation systems.
- 6 • Contracting with public transit providers to providing service on particular routes or particular
7 customer markets.

8 **C1.15 Civil Rights**

9 LGC monitors compliance with the FTA's civil rights requirements through the following:

- 10 • Including civil rights requirements in the annual application process, including:
 - 11 – Title VI Program annual review Internal Review Services Questionnaire
 - 12 – FTA Standard Certifications and Assurances
 - 13 – Nondiscrimination in Federal Transit Programs Assurance
 - 14 – Assurance of Nondiscrimination on the Basis of Disability
 - 15 – Protections for Private Providers of Public Transportation
- 16 • Requiring subrecipients to submit an updated Title VI Program every three (3) years or if the
17 subrecipient has a new Authorized Representative.
- 18 • Review of subrecipient Title VI and ADA complaint procedures and records of investigations,
19 complaints, and lawsuits.
 - 20 – Assistance in resolving complaints.
- 21 • Oversight of third-party contracting procedures and inclusion of required civil rights clauses.
- 22 • Review of the subrecipient Title VI, DBE, ADA, and EEO (if required) program documents annually
23 prior to awarding funds and during scheduled SIR and Site Review process every three (3) years.
 - 24 – The checklist used during on-site monitoring reviews includes verifying compliance with civil
25 rights requirements.
- 26 • Review of subrecipient websites.
- 27 • Review of ADA service requirements, including complementary paratransit.
- 28 • Technical assistance and training to subrecipients in the development of and execution of their
29 programs, including minority applicants and those serving minority or traditionally underserved
30 populations.



- Collecting DBE participation data from subrecipients twice a year to inform WYDOT’s DBE semi-annual report to FTA.

Additional detail about WYDOT’s civil rights programs and WYDOT’s subrecipient oversight activities is included in Chapter 5 of the SMP.

C1.16 Maintenance

C1.16.1 Vehicles

A subrecipient that receives funds to purchase vehicles is required to have a vehicle maintenance plan. A [Vehicle Maintenance Guide template for Preventive Maintenance Inspections & Services with a Preventive Maintenance Inspection Checklist](#) is available in BlackCat. The manufacturer’s recommended service schedule should be adhered to, within +/- 500 miles or 7 days.

All FTA-funded facilities must have a written Facility and Equipment Maintenance Plan with maintenance procedures and ad preventive maintenance schedules that keep the property in good condition.

A subrecipient is required to provide a maintenance plan in BlackCat, and the Local Government Specialist reviews it during the SIR and Site Review Process.

Additional information about WYDOT’s requirements for subrecipients related to vehicle and facilities maintenance is included in Chapter 6 of the SMP.

C1.17 Charter Bus Service

A subrecipient considering charter service is responsible for complying with the public participation process described in 49 CFR Part 604 (the Charter Rule). Subrecipients must complete a Google Form indicating if they intend to provide charter service (<https://docs.google.com/forms/d/e/1FAIpQLScMRDOPfQrC2laCaYaYDG7uvfxRQBgTMhyCnDeFnFyjjJPLyg/viewform>). If required, WYDOT will work with the subrecipient to post the required records on the FTA charter website within thirty (30) days of the end of each calendar quarter. A Local Government Specialist reviews compliance with Charter Rule during the SIR and Site Review Process and monthly report monitoring reviews.

Details about requirements related to Charter Rule are included in Chapter 6 (Section 6.3).

C1.18 Section 504 and Americans with Disabilities Act Reporting

WYDOT oversees subrecipient compliance with ADA requirements. WYDOT is responsible for ensuring that subrecipients of FTA funding meet the ADA requirements for vehicles, services, and facilities. Oversight involves review of the subrecipient’s ADA complaint process; review and approval of vehicle procurement documents; and a review of ADA service requirements, including complementary paratransit.



1 Additional information about WYDOT's Section 504 requirements and oversight of subrecipients is
2 included in Chapter 5 of the SMP.

3 C1.19 NTD Reporting

4 FTA's National Transit Database (NTD) records the financial, operating and asset condition of transit
5 systems to track the industry and provide public information and statistics. Reported items include total
6 annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size
7 and type, and related facilities; revenue vehicle miles, and ridership. FTA recipients and subrecipients
8 receiving funding from Section 5307 or Section 5311 are required to report annually to the NTD in
9 uniform categories. WYDOT is responsible for ensuring that the subrecipient compiles the data,
10 reviewing the data for accuracy, and that the subrecipient submits to WYDOT to submit to NTD on time.

11 WYDOT reports annually on behalf of 5311 subrecipients by October 30. WYDOT reports transit asset
12 management State of Good Repair performance measures and targets on behalf of subrecipients
13 participating in the WYDOT Transit Asset Management (TAM) Plan (described in Chapter 2). WYDOT
14 gathers data from BlackCat, then prepares and submits the data to NTD. If there are validation requests,
15 WYDOT reaches out to the subrecipients to validate, revises the data as needed, and resubmits the
16 report.

17 In addition, WYDOT monitors subrecipient use/expenditures of funds and progress in completing the
18 awarded projects through the monthly reimbursement requests.

19 C1.20 Reporting Requirements

20 WYDOT reports the following information on behalf of its subrecipients:

- 21 • **Program Measures Reports.** For those subrecipients receiving Section 5310 funds, WYDOT reports
22 service and ridership performance measures and targets annually through TrAMS.
- 23 • **Annual Program of Projects (POP) Status Report.** An updated POP, as well as any significant civil
24 rights issues, notable accomplishments, or difficulties with projects are reported by October 30 of
25 each year.
- 26 • **Milestone Progress Report (MPR).** Revisions and status updates on projects including revised
27 completion dates by Monthly Progress Report line item. Reports are due by October 30 annually and
28 may be required quarterly.
- 29 • **Federal Financial Report (FFR).** Accrual reports for each project within the federal programs are
30 provided by October 30 of each year for all projects and quarterly for Section 5339 open construction
31 projects.
- 32 • **National Transit Database (NTD).** For those subrecipients receiving Section 5311 funds, WYDOT
33 reports transit asset management state of good repair performance measures and targets on behalf
34 of agencies participating in the Group Transit Asset Management (TAM) Plan.



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- 1 • **Semiannual Disadvantaged Business Enterprise (DBE) Reports.** Reports on WYDOT and subrecipient
- 2 DBE participation in FTA-assisted contracts by June 1 and December 1.

3



1 C1.21 Drug and Alcohol Testing

2 Providers of Section 5311/Statewide Rural Public Transit service are required to participate in the FTA
3 Drug and Alcohol program. WYDOT has a model policy that providers should have adopted for use in
4 their transit program that all safety-sensitive employees must be part of. This policy may be in addition to
5 requirements for other employees. Safety-sensitive positions for this program are defined as:

- 6 • Drivers of Revenue Vehicles (this includes drivers in programs without a fare)
- 7 • Vehicle Maintenance Personnel (only if they are employees of your agency)
- 8 • Vehicle Control and Dispatch Personnel
- 9 • CDL Non-Revenue Vehicle Operators
- 10 • Armed Security Personnel

11 These employees are required to pass a pre-employment Drug and Alcohol test prior to performing any
12 of the above functions. In addition to the pre-employment Drug and Alcohol testing, these employees are
13 subject to random testing when performing the safety-sensitive functions. Effective January 1, 2019,
14 Federal Transit Administration (FTA) issued a change to its drug and alcohol regulation for random
15 testing at 49 CFR 655.45, which increased the minimum rate of random testing to:

| Drug Testing | Alcohol Testing |
|--------------|-----------------|
| 50% | 10% |

17
18 As of November 13, 2017, the Department of Transportation (DOT) published a final rule that, among
19 other items, expands the Department’s current drug testing panel – marijuana, cocaine, opioids,
20 phencyclidine and amphetamines - to include certain semi-synthetic opioids (i.e., hydrocodone,
21 oxycodone, hydromorphone, oxymorphone). Some common names for these semi-synthetic opioids
22 include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®. In addition,
23 safety-sensitive employees will no longer be tested for MDEA. These changes are effective as of January 1,
24 2018. **Subrecipients must ensure that all these drugs are included in their policy as the drugs tested for in**
25 **the protocol.**

26 C1.22 State Program Management

27 Once an executed subaward agreement is in place, WYDOT is responsible for oversight of the
28 subrecipient and its implementation of the project. Oversight includes monitoring, scheduled reviews,
29 training, and technical support for subrecipients to support them in compliance with federal and state
30 regulations and guidelines associated with receiving and disbursing funds.

31 When subrecipients enter into contracts with contractors and subcontractors to perform work funded
32 by the FTA or state transit funds, the subrecipients are responsible for oversight and compliance of the
33 contractors and subcontractors with federal and state regulations and guidelines.



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1 WYDOT utilizes the Comprehensive Review Contractor’s Manual, updated annually by the FTA, as a
2 guide to conduct oversight. The most current Manual can be found through a link on FTA’s Program
3 Oversight web page ([https://www.transit.dot.gov/regulations-and-programs/program-oversight/fy23-
4 comprehensive-review-contractors-manual](https://www.transit.dot.gov/regulations-and-programs/program-oversight/fy23-comprehensive-review-contractors-manual)).

5 **C1.22.1 Procurement Policies and Procedures**

6 Information about WYDOT’s procurement policies and procedures, including third-party procurement
7 and oversight is included in Chapter 4 of the SMP.

8 **C1.22.2 Vehicle Use, Maintenance, and Disposition**

9 Information about WYDOT’s management and oversight of vehicles is included in Chapter 6 of the SMP.

10 **C1.22.3 Property Management**

11 Information about WYDOT’s management and oversight of real property and equipment is included in
12 Chapter 6 of the SMP.

13 **C1.22.4 Accounting Systems and Audit**

14 WYDOT manages funds in compliance with federal statutes, regulations, and terms and conditions.
15 Information received from subrecipients must provide detailed information on expenditures and
16 services provided in support of projects for payment for grant funds. The subaward agreements held
17 with subrecipients require that all funds be expended and accounted for as required by federal, state,
18 and local law.

19 Information about WYDOT’s policies and procedures related to invoicing and reimbursement are
20 included in Chapter 4 of the SMP.

21 WYDOT uses Peoplesoft, a commercial product customized to fit WYDOT needs for project financial
22 management consistent with federal Office of Management and Budget (OMB) procedures. PeopleSoft
23 is maintained by the WYDOT Budget Office. It tracks project budgets and issues reimbursements to
24 subrecipients for funds expended.

25 BlackCat is a web-based tool for grant administration. It is the main depository for documents and
26 information related to subrecipients, applications, awards, project implementation, subrecipient
27 monitoring, required documents, and reporting. BlackCat contains the yearly grant application
28 documents, and tracks monthly reimbursement requests and payments. It is a repository for monthly
29 ridership and mileage data for submission to the National Transit Database. It also stores fleet inventory
30 and assets and maintenance records, facilities, and other capitalized equipment.

31 **C1.22.4.1 Single Audit**

32 In accordance with 2 CFR § 200.501(a) and (b), subrecipients that expend \$750,000 or more in a year in
33 federal assistance from all sources must have a single audit conducted, except when they elect to have a
34 program-specific audit conducted, 2 CFR 200.501(c). The audit must be completed, and the data



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1 collection form and reporting package must be submitted within the earlier of thirty (30) calendar days
2 after receipt of the auditor's report(s), or nine (9) months of the end of the audit period. Subrecipients
3 are required to submit one (1) copy of their annual single audit report to WYDOT. and the Federal Audit
4 Clearinghouse

5 **C1.22.5 Project Close-Out**

6 A project is complete after the purchase of the goods for capital projects or at the end of the service
7 period for operating or mobility management agreements as provided in 2 CFR § 200.343-344 and
8 within 45 days of the final invoice being paid. The executed subaward agreement includes the required
9 project close-out elements or other project deliverables.

10 WYDOT submits the final reimbursement request in FTA's electronic payment system (ECHO2). If
11 needed, WYDOT updates the POP, budget worksheets and fixed asset listing for submission to FTA's
12 TrAMS and revises the budget.

13 [WYDOT's project close-out processes are included in Chapter 4 of the SMP. The drawdown process is](#)
14 [described in Chapter 3 \(3.10.6.1\).](#)

15 **C1.23 Other Provisions**

16 **C1.23.1 Section 5333(b) Provisions**

17 When federal funds are used to acquire, improve, or operate a mass transit system (public
18 transportation), federal law requires arrangements to protect the interests of mass transit employees.
19 49 U.S.C. § 5333(b) (formerly Section 13(c) of the Urban Mass Transportation Act). Section 5333(b)
20 specifies that these protective arrangements must provide for the preservation of rights and benefits of
21 employees under existing collective bargaining agreements, the continuation of collective bargaining
22 rights, the protection of individual employees against a worsening of their positions in relation to their
23 employment, assurances of employment to employees of acquired transit systems, priority of
24 reemployment, and paid training or retraining programs. 49 U.S.C. § 5333(b)(2).

25 The Department of Labor (DOL) must certify that protective arrangements are in place and meet the
26 above requirements for all grants of assistance under of the Federal Transit Law before the Department
27 of Transportation's Federal Transit Administration (FTA) can release funds. The FTA includes the terms
28 and conditions of the certification and protective arrangements in its contract of assistance with the
29 grant recipient. There is no basis for a waiver or exemption from the requirements of section 5333(b).

30 **C1.23.2 Subrecipient Oversight**

31 A subrecipient applying for assistance under any FTA program must annually submit Certifications and
32 Assurances during the current federal fiscal year.

33 In addition to the annual Certifications and Assurances, subrecipients are required to maintain
34 Important Documents on file in BlackCat in the Important Documents module. These documents are
35 reviewed during the annual application process and can be specifically requested and reviewed by



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1 WYDOT during the SIR and Site Review Process; however, subrecipients are expected to maintain
2 updated documents on an ongoing basis. These documents cover the applicable areas of review in the
3 FTA's Comprehensive Review Contractor's Manual for a specific fiscal year, which is available at this
4 website: [https://www.transit.dot.gov/regulations-and-programs/program-oversight/fy23-
5 comprehensive-review-contractors-manual](https://www.transit.dot.gov/regulations-and-programs/program-oversight/fy23-comprehensive-review-contractors-manual).

6 All subrecipients are required complete the SIR and participate in a Site Review at least once as a new
7 subrecipient, unless otherwise decided by WYDOT and then at a minimum every three (3) years. The
8 frequency of the reviews is higher for subrecipients that have a risk assessment rating of Medium or
9 High, with check-ins and Site Reviews determined as needed.

10 Information about the risk assessment is included in Chapter 3. Details about WYDOT's subrecipient
11 oversight activities are included in Chapter 4 of the SMP

12 **C1.23.3 NEPA/Environmental Protections**

13 Environmental protection requirements for a specific project are reviewed during the annual application
14 process, where WYDOT confirms that the required environmental clearances for the project have been
15 obtained.

16 Details about the required environmental clearances are included in Chapter 3 of the SMP (Section
17 3.10.1).

18 **C1.23.4 Buy America and Pre-Award and Post-Delivery Audits and Certifications**

19 WYDOT monitors subrecipient compliance with 49 CFR parts 661 -Buy America, and 49 CFR part 663 –
20 Pre-Award and Post-Delivery audits, bid specifications, and federal vehicle safety requirements during
21 the vehicle procurement process. WYDOT reviews subrecipient procurement documents to ensure that
22 the required Buy America notices are in the documents and that the required vendor Buy America
23 certifications are part of the bid documents.

24 For rolling stock, pre-award and post-delivery certifications include Buy America (if more than
25 \$150,000), Purchaser's Requirements (Specifications), and Federal Motor Vehicle Safety Standards. GC
26 confirms the pre-award and post-delivery audit certifications by the subrecipients are submitted
27 through BlackCat for review and approval during the procurement process.

28 In addition, pursuant to the Buy America, Buy America Act, which was part of the 2021 Bipartisan
29 Infrastructure Law, all of the iron, steel, manufactured products, and construction materials used in
30 construction projects after November 10, 2022 (not subject to a general waver), must be produced in
31 the United States. Notification to subrecipients about this recent requirement is provided in the annual
32 grant application documents. Signed Buy America certifications by the vendors are required.

33 Details about third-party procurement process are included in Chapter 4 of the SMP (Section 4.5.5).



1 **C1.23.5 Lobbying**

2 Restrictions on lobbying are included as part of the subaward agreement and are reaffirmed through
3 annual Certifications and Assurances submittals through BlackCat.

4 **C1.23.6 Drug and Alcohol Testing**

5 WYDOT requires grant recipients to comply with FTA’s Drug and Alcohol regulations that require drug
6 and alcohol testing for direct employees or contractors who perform safety-sensitive functions. Covered
7 employees include revenue vehicle operators, dispatchers, holders of Commercial Driver License (CDL)
8 holders operating non-revenue vehicles and those maintaining revenue service vehicles and equipment.

9 WYDOT requires subrecipients to request from the drug testing firms the qualifications of the medical
10 review officers, substance abuse professionals, breath alcohol technicians, and collectors that support
11 the subrecipient drug testing programs and to upload them to BlackCat. WYDOT reviews the
12 qualifications to ensure that they are complete and current.

13 WYDOT requires that subrecipients complete a quarterly Drug and Alcohol Testing report on a Google
14 Form. In January, WYDOT notifies subrecipients that receive federal funding of their login to complete
15 annual reporting on FTA’s Drug and Alcohol Testing Management Information System (DAMIS) for the
16 prior calendar year. Subrecipients must review and verify their quarterly reports and complete the
17 DAMIS forms in February. WYDOT reviews the reports and approves them in DAMIS, verifying the
18 annual report with the quarterly reports. WYDOT works with subrecipients to make sure the reports are
19 accurately submitted by the March 15 deadline.

20 [Details about WYDOT’s monitoring and oversight of subrecipient compliance with drug and alcohol
21 regulations and training related to these requirements is included in Chapter 6 of the SMP.](#)

22 **C1.23.7 Exclusive School Transportation**

23 A subrecipient is prohibited from providing school bus service in competition with private school bus
24 operators unless the service qualifies and is approved by the FTA Administrator under an allowable
25 exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus
26 service. Contractors, lessees, and subrecipients must also comply with school bus regulations.

27 WYDOT is responsible to ensure that exclusive school bus service operated by a subrecipient is provided
28 under one of the statutory exemptions. Compliance is confirmed during the SIR and Site Review Process.

29 [Details about requirements related to school transportation are included in Chapter 6 \(Section 6.2\).](#)