



WYOMING DEPARTMENT OF TRANSPORTATION

# State Management Plan

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Located on BlackCat in Global Resources

### **Chapter 3**

- New Applicant Questionnaire
- Local Match Information

### **Chapter 4**

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**Chapter 5**

FTA Circular 4702.1B\_App A\_Title VI Program Checklist

Title VI Compliance Questionnaire for Local Agencies

Title VI Compliance Questionnaire for Planning Agencies

DBE Program Q&A

FTA Circular 4704.1 Attachment 6\_Sample EEO Program Contents

CDOT ADA Guide for Bus and Transit Operations Example

ADA FAQ Document

ADA Review Checklist

FTA Circular 4703.1\_pages 4 and 5\_Title VI and Environmental Justice





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## 1 OVERVIEW

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### 1.1 Introduction

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#### 1.1.1 Purpose of State Management Plan

The Federal Transit Administration (FTA) provides financial assistance to states and designated recipients through a number of programs to develop new transit systems and improve, maintain, and operate existing systems. The State Management Plan (SMP), developed by a state, describes the state's policies and procedures for administering FTA's Title 49 USC Sections 5310, 5311, and 5339 programs; Sections 5305(d) and 5305(e) programs; and the state programs that fund transit projects.

A state is required to have an approved SMP on file with the appropriate FTA regional office and to update it regularly to incorporate any changes in program management or new requirements. The recipient must provide an opportunity for review by stakeholders when it develops a new plan or significantly revises an existing plan. Certain contents of the SMP, such as project selection criteria, must be coordinated with the Long-Range Transportation Plan (LRTP).

This document is the SMP adopted by the Wyoming Department of Transportation (WYDOT) by signature of the WYDOT Director. It includes WYDOT's policies and procedures for administering FTA programs and the state program. The processes are described in Chapters 1 through 6 of this document. The [appendices to this State Management Plan \(SMP\)](#) contain detail about the FTA programs.

The WYDOT Office of Local Government Coordination – Transit (LGC) manages the programs described in this document.

This SMP is intended to conform and implement applicable laws and regulations. In the event any provision herein conflicts with such laws or regulations, the terms of such laws or regulations shall apply, but only to the extent as is needed to remedy such conflict. This plan constitutes guidance, contains statements that are for information purposes only, and does not constitute a law or regulation.

#### 1.1.2 Applicability of State Management Plan

This SMP outlines WYDOT's management processes and procedures related to federal and state programs. The plan serves as a guide for applicants and subrecipients and provides the information to the general public about WYDOT's role in implementing transit across the state.

#### 1.1.3 Authority

WYDOT is the designated recipient for FTA rural and small urban funding for 5339 and 5310 under authority of the Governor of Wyoming and administers FTA programs for rural and small urban systems under this designation. WYDOT administers the FTA program funds as a pass-through entity and administers state transit funds. The 1993 Wyoming State Statute (WSS) 24-15-101 thru 24-15-102, amended in 1999, created the Public Transit Program; and WSS 24-15-102 created a Public Transit



Account within the Highway Fund to be funded annually to assist urban and rural public transit programs.

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### 1.2 State Management Plan Development

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Prior to this version of the SMP, WYDOT opted to create a separate SMP for each program it administers. The current update consolidates WYDOT's general transit funds administration processes and procedures into one document, with appendices for program-specific processes and procedures.

#### 1.2.1 Public Review

A public review and comment period was conducted that included direct notification to the state transit association board, subrecipients and affected parties that the draft SMP was available for review and feedback on WYDOT's website from April 21 through May 28, 2024.

The SMP is submitted to FTA for review and approval. Once approved by FTA, the current version of the document supersedes previous versions.

#### 1.2.2 Future Updates

The main body of the SMP is updated approximately every three (3) years. Updates to the appendices that include the requirements and administration of specific programs are made more often so that the document remains a current reference for the public and subrecipients. Any policy changes that require Transportation Commission/WYDOT Director approval must receive that approval prior to inclusion in the SMP.

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### 1.3 WYDOT's Vision and Mission

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WYDOT's transit program supports the following:

**Purpose:** Support Wyoming's economy while safely connecting communities and improving the quality of life.

**Mission:** Provide a safe and effective transportation system.

**Vision:** Excellence in Transportation

**Values:** Respect, Integrity, Dedication, Excellence, Safety (RIDES)

**Goals:**

- Ensure a vibrant, safe and competent workforce.
- Acquire and responsibly manage resources.
- Provide safe, reliable and effective transportation systems.
- Create and enhance partnerships with transportation stakeholders.
- Encourage and support innovation.
- Preserve our history and heritage.



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## 1.4 Transit Programs Overview

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WYDOT administers both FTA and state transit funds. FTA funds are divided into different programs or “sections,” named for the sections of the U.S. Code of Federal Regulations. Some FTA funding is allocated to WYDOT and large transit providers in urban areas by formula, while other funds are made available through discretionary and competitive awards. Additional state and other dedicated funding programs support transit investments. WYDOT allocates funds from these FTA programs to subrecipients to meet the goals of WYDOT’s LRTP and then oversees the transit projects that are awarded to subrecipients.

### 1.4.1 Programs Administered by LGC

#### Section 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities)

Section 5310 funds are used to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. This program supports transportation services planned, designed and carried out to meet the special transportation needs of seniors and individuals with disabilities in urbanized, and rural areas. These funds have been used for voucher programs and mobility management.

Projects selected for Section 5310 funding must be included in a locally developed, Coordinated Public Transit-Human Services Transportation Plan. At least 55 percent of program funds must be used on capital or “traditional” projects that could include buses and vans, wheelchair lifts, ramps, securement devices, transit-related information technology systems or mobility management programs. The remaining 45 percent is for other “nontraditional” projects that could include but are not limited to travel training, volunteer driver programs, building an accessible path to a bus stop, improving signage, etc.

#### Section 5311 (Rural Transit Programs)

These programs provide funds for capital and operating, administrative, and maintenance (OAM) assistance to state agencies, local governments, Indian tribes and non-profit organizations providing public transportation services in rural areas, defined as areas with fewer than 50,000 residents. Projects must benefit residents in non-urbanized areas of Wyoming.

Federal and state funds are combined and administered according to guidelines established by Section 5311.

#### 5311(f) – Intercity Bus (ICB) Program

As required by FTA, WYDOT must spend a minimum of 15 percent of its annual Section 5311 (rural transit) apportionment for development and support of intercity bus transportation, unless it can certify, after consultation with intercity bus service providers, that the intercity bus needs of the state are being adequately met and certified by the Governor or appointee. The goal of the program is to connect isolated rural areas throughout the country to larger communities. Eligible activities include operating grants through purchase-of-service agreements, planning and marketing for intercity bus



transportation, capital grants for intercity bus shelters, joint-use stops and depots, planning and coordination of rural connections between small transit operators and intercity bus carriers. Although FTA allows these funds to be used to purchase vehicles or vehicle-related equipment, such as wheelchair lifts, WYDOT awards these funds only for operating purposes. Charter and tour operators are generally not eligible for intercity assistance.

### **5311(b)(3) – Rural Transit Assistance Program (RTAP)**

This program provides funding for grants and contracts for research, technical assistance, training and related support services for rural transit programs. Allocation of federal funds for RTAP occurs annually in conjunction with Section 5311 and State Public Transit Account (PTA) funds.

RTAP funds are used by WYDOT for training and technical assistance to rural transit providers. The funds are in part allocated to the statewide organization of community transit providers. The organization uses the funds to provide driver training and safety programs; technical assistance; a newsletter; its annual conference that includes education and training for transit administrators, bus drivers and dispatchers; and the Bus Road-e-o with written and driving skills contests.

### **Section 5339 (Bus and Bus Facilities Program)**

This capital program provides funding to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities. Eligible capital projects include the acquisition of buses for fleet and service expansion, bus maintenance and administrative facilities, transfer facilities, bus malls, transportation centers, intermodal terminals, park-and-ride stations, acquisition of replacement vehicles, bus rebuilds, passenger amenities such as passenger shelters and bus stop signs, accessory and miscellaneous equipment such as mobile radio units, supervisory vehicles, fare boxes, computers, and shop and garage equipment. This is an apportionment program divided between the Rural and Urban areas of Wyoming. The urban areas of Wyoming are Casper and Cheyenne.

### **Section 5305(e) (formerly 5304) (State Planning Grants)**

Statewide planning (Section 5305(e)) is made available to both municipalities and small rural areas for their transit planning needs.

### **Federal Emergency Assistance Programs**

If and when any emergency funds become available to the state through such programs as the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the COVID-19 Relief or Coronavirus Response and Relief Supplemental Appropriations act of 2021 (CRRSAA) funds, or American Rescue Plan Act (ARPA) funds, WYDOT distributes and monitors the use of funds according to the guidelines under the specified formula grant programs.

### **State Public Transit Account (PTA) Funds**

State Public Transit Account (PTA) funds, authorized by the Wyoming Legislature from the state's unrestricted (general) State Highway Fund supplement the FTA Section 5311 program funds, and are



also available to Cheyenne and Casper (Wyoming's two "urban" communities, as defined by the U.S. Census with a population greater than 50,000).

### **1.4.2 Transit Funds Not Administered by WYDOT**

#### **Section 5307 (Urbanized Area Formula Grants)**

This program provides grants to Urbanized Areas (UZA) for public transportation, capital, planning, and preventive maintenance, as well as operating expenses. These funds constitute a core investment in the enhancement and revitalization of public transportation systems in the nation's urbanized areas, which depend on public transportation to improve mobility and reduce congestion. This funding is obligated to Wyoming's urbanized areas (Casper and Cheyenne) for public transportation services. All projects must benefit residents in urbanized areas (over 50,000 population) of Wyoming. WYDOT does not manage this program; however, projects must be planned in accordance with urbanized planning requirements, and projects must be contained in the WYDOT State Transportation Improvement Program (STIP).

#### **Section 5305(d) (Formerly 5303) (Metropolitan Planning Grants)**

These programs are for planning funds for Metropolitan areas to foster the development of coordinated community and regional transit planning. These funds (Section 5305(d)) are provided to Casper and Cheyenne and are annually combined with FHWA Planning Funds to create the Consolidated Planning Grant (CPG). These funds are transferred to FHWA for administration by the Systems Planning Office at WYDOT.

#### **Tribal Transit Program**

Federally recognized tribes are eligible for this program as direct recipients of FTA tribal transit formula funds, and LGC does not administer these funds. In addition, tribes are eligible to apply to the state for funding under WYDOT's apportionment under all federal and state programs, including Section 5311, Rural Transit Programs. Tribes are encouraged to apply for federal and state programs, and WYDOT makes technical assistance and training available to tribal representatives as part of its support to all subrecipients.

#### **Wyoming Transportation Enterprise Fund**

This is a funding source for public transit vehicle acquisitions. Wyoming's Transportation Enterprise Fund is administered by the State Loan and Investment Board (SLIB). Applications are submitted annually and are reviewed by the SLIB staff. WYDOT provides recommendations for award recipients, which typically are current WYDOT subrecipients. Transportation Enterprise Funds are used as a match for Section 5339 and Section 5310 subrecipients. Additional information may be found at the Office of State Lands & Investment webpage: <http://slf-web.state.wy.us/grants/tea.aspx>.

### **1.4.3 Discretionary Grants**

FTA publishes Notices of Funding Availability for discretionary grant programs under a competitive award process that are available to transit organizations directly. If a subrecipient is awarded a



discretionary grant with WYDOT named as the sponsor, WYDOT administers the subaward agreement and is responsible for ongoing project oversight.

## 1.5 Transit in Wyoming

### 1.5.1 FTA

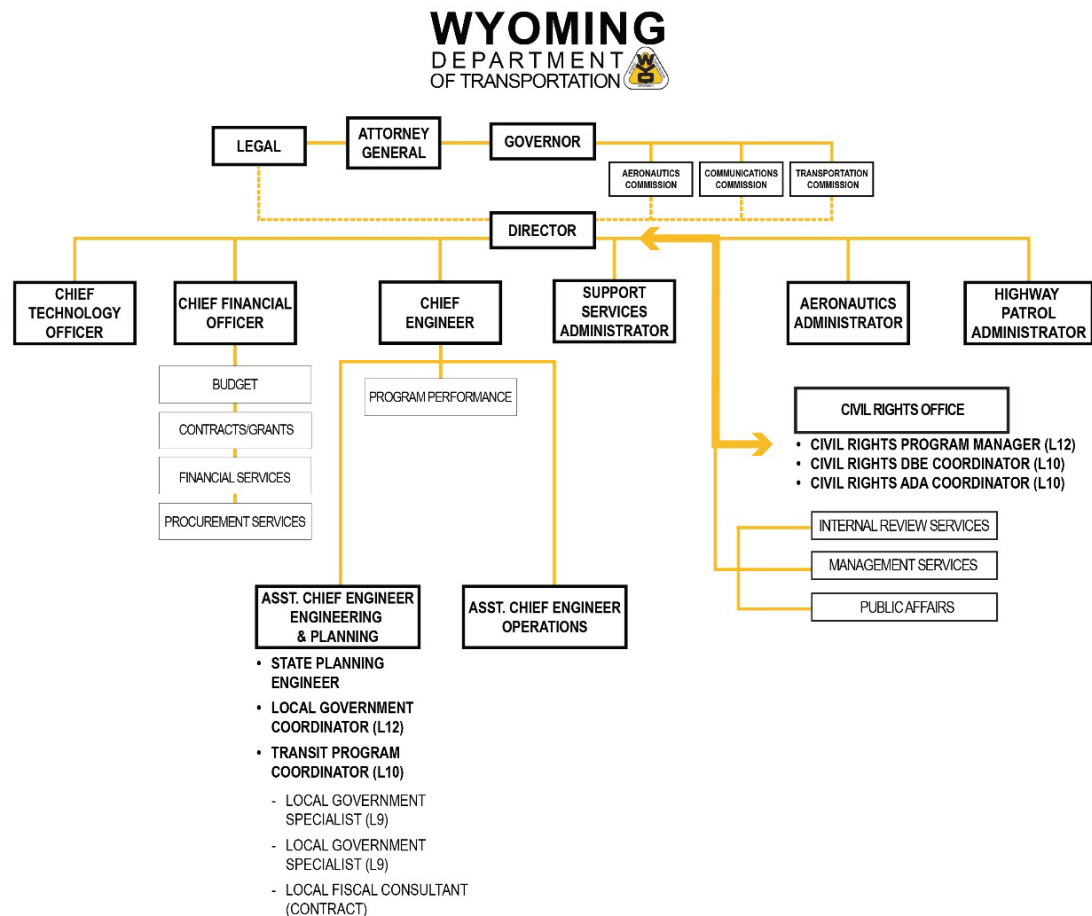
FTA Region 8, located in Denver, provides overall policy and program guidance for all FTA-funded programs in Wyoming and across a six-state area. The FTA Regional Office works with WYDOT to develop and manage grants, including:

- Oversee implementation of FTA-funded programs, including the annual Program of Projects.
- Review and approve WYDOT's SMP every three (3) years.
- Review and approve FTA grant awards.
- Monitor and close FTA awards.
- Receive state certifications.
- Provide technical assistance, advice, and guidance to WYDOT, as needed for program support, project planning, and environmental review.

### 1.5.2 State and WYDOT Organizations

WYDOT's organizational structure is shown in Figure 1.1. Roles and responsibilities of the various organizations are summarized in Table 1.1.

Figure 1.1. WYDOT Organization





**Table 1.1. Summary of Roles and Responsibilities**

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"> <li>• Participates in statewide planning process, coordinates with MPOs regarding TIPs and STIP.</li> <li>• Develops Coordinated Public Transit Human Services Transportation Plan.</li> <li>• Conducts annual grant application process and awards program funds.</li> <li>• Prepares Program of Projects (POP) and manages grant budgets and schedules.</li> <li>• Reviews and approves subrecipient reimbursements.</li> <li>• Prepares and submits required reporting to FTA, including FFR, FFATA, Milestone Progress Reports, Program Measures Reports, and NTD reports.</li> <li>• Provides technical support to subrecipients and manages submittals through BlackCat.</li> </ul>
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>
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>



<b>Organization</b>	<b>Role</b>
Procurement Services Program	Advertises statewide contracts for state and local government agencies to purchase items. Assists Office of Civil Rights in communicating contracting opportunities, including DBEs and small businesses.
Engineering Services Department	Advertises RFPs for personal services contracts (architectural/engineering).
Office of Civil Rights	Serves as the Disadvantaged Business Enterprise Liaison Officer (DBELO) to WYDOT's Director. Develops civil rights programs and policies, including the Triennial DBE Participation goal. Provides LGC guidance on civil rights requirements. Oversees subrecipients' compliance with civil rights requirements in providing services and third-party contracting. Maintains WYDOT's and subrecipients' required civil rights documentation. Reports semiannually to FTA on DBE participation.
Office of Internal Review Services	Reviews Single Audit Certification Form or Single Audit Reports. Participates in subrecipient risk assessment evaluations.
Office of Public Affairs	Issues public notices of public comment periods for statewide planning process. Advertises statements of project awards.
Wyoming Department of Health (WDH)	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.
Wyoming Transit Advisory Committee (WyTAC)	Reviews applications against evaluation criteria and recommended amount of project awards.

### **1.5.3 WYDOT's Office of Local Government Coordination – Transit (LGC)**

LGC has the following staff:

- Local Government Coordinator – Oversees and supports the LGC staff, oversees state planning documents related to transit.
- Transit Program Coordinator – Supports Local Government Specialists, oversees subaward agreements and amendments, reviews applications.
- Local Government Specialists (2) – Supports subrecipients in grant application process, oversees subrecipient projects for compliance with FTA requirements.
- Local Fiscal Consultant – Manages financial processes related to FTA awards, projects, reimbursements, and reporting.

LGC staff manage the processes outlined in this SMP related to federal and state transit funds, including, but not limited to:





- Engages in planning and research activities (transit capital plans and studies, statewide transit plans, local coordination plans).
- Solicits and reviews applications for projects for eligibility and recommends awards under the various federal programs.
- Executes and amends agreements with subrecipients.
- Administers grant budgets, payments, encumbrances, reimbursements, audits, and agreement closeouts.
- Manages data and databases related to vehicle and facility condition assessment data relevant to the TAM Plan.
- Provides technical assistance (drug and alcohol program reviews, training and workshops for subrecipients)
- Submits funded transit projects for the STIP.
- Develops and submits an annual Program of Projects (POP) and FTA Grant Application via FTA's TrAMS system.
- Submits required FTA reports.
- Monitors subrecipients for compliance with FTA requirements, including all certifications and assurances.

### **1.5.4 Other Agencies and Units of Government**

The LGC staff work collaboratively with other divisions of WYDOT, other state agencies and their subdivisions, local units of government, tribal governments, boards and councils, and other interested parties to ensure the effective delivery of public transit in Wyoming.

### **1.5.5 Wyoming Transit Advisory Committee (WyTAC)**

WYDOT is in the process of forming the Wyoming Transit Advisory Committee (WyTAC). The WyTAC will meet to review and recommend funding levels on applications for FTA grant awards once a year during the application cycle. Members of the committee will include representatives from the following organizations:

- WYDOT Local Government Coordinator (Chair)
- WYDOT Office of Civil Rights (advising only)
- Directors Appointee (DBE/Civil Rights)
- Wyoming Institute for Disabilities (WIND)
- Wyoming Governor's Council on Developmental Disabilities
- Wyoming Department of Family Services – Adult Protection Program
- Wyoming Department of Health – Aging Division
- Wyoming Association of Municipalities (WAM)



- Wyoming County Commissioners Association (WCCA)
- State transit association Board member

### **1.5.6 Roles and Responsibilities**

Table 1.2 outlines the functional responsibilities of the various groups involved in the planning, budgeting, application, and project implementation related to federal and state funds.



## WYDOT State Management Plan

**Table 1.2. Functional Responsibilities for Transit Programs and Projects**

Organization	Responsibilities at Each Stage of Project			
	Program and Project Planning	Budgeting	Application/Award	Project Implementation
Wyoming Attorney General	Advise LGC on legal matters and policy changes, e.g., subaward protest process Review State Management Plan (SMP)		Sign off as to form of subaward agreement (contract)	Review and certify FTA certifications and assurances
WYDOT Director's Office (or its designee)	Adopt State Management Plan (SMP)		Review 2 <sup>nd</sup> Notice of appeal in Subaward Appeal process, if required	
WYDOT Assistant Chief Engineer	Approve high-level policy criteria and transit metrics by which state transit funds are allocated. Approve state transit program criteria for project selection			Review and certify FTA certifications and assurances
Transportation Commission of Wyoming	Approve STIP requests/project budgets	Approve LGC annual budget Adopt STIP (with transit projects included)		
WYDOT State Planning Engineer		Review/approve capital project amendments Review/approve transfer of funds between transit programs	Review 1 <sup>st</sup> Notice of Appeal in Subaward Appeal process	



## WYDOT State Management Plan

Organization	Responsibilities at Each Stage of Project			
	Program and Project Planning	Budgeting	Application/Award	Project Implementation
WYDOT Program Performance Office	Prepare annual STIP updates Submit 6-year STIP to FHWA and FTA for concurrent approvals	Update STIP in PeopleSoft		
WYDOT Budget Office (includes Financial Services and Office of Federal Aid)	Set WYDOT accounting procedures Set WYDOT budget structure	Verify fiscal constraint of STIP Approve FTA and state transit funds	Set up FTA award accounts (PeopleSoft) Set up awarded projects and budgets (PeopleSoft) Modify FTA award budgets and project budgets in PeopleSoft, if needed	Process reimbursement requests. Maintain Status of Funds Analyze and report on budgets, available balances, and outstanding apportionments monthly Close Authorities for Expenditure for closed projects and generate report of expenses and cash disbursements Review/approve final award reimbursement request to FTA Process payment to vendors for vehicles procured for subrecipients Process Electronic Clearing House Operation (ECHO2) drawdown from FTA
WYDOT Procurement Services Program	Assist WYDOT Office of Civil Rights in communicating contracting opportunities to transit contractors, including DBEs and small businesses.		Advertise statewide contracts for state and local government agencies to purchase items	



## WYDOT State Management Plan

Organization	Responsibilities at Each Stage of Project			
	Program and Project Planning	Budgeting	Application/Award	Project Implementation
WYDOT Engineering Services Department			Advertise RFPs for personal services (architectural/engineering) contracts	
WYDOT Grants and Contracts Policy Program	Develop template subaward agreements with required federal clauses Provide guidance on agreement and contract-related questions	Verify available discretionary grant match	Oversee project award and contract process	
WYDOT Office of Civil Rights	Develop and set WYDOT's overall DBE goal and WYDOT's Triennial DBE Participation Goal Develop and monitor WYDOT Title VI, DBE, EEO, and ADA programs Develop WYDOT ADA policies Provide guidance on the integration of FTA civil rights requirements into transit planning		Provide guidance on the integration of FTA civil rights requirements in the application process	Submit semi-annual DBE participation reports to FTA Provide guidance to LGC staff and subrecipients on the integration of FTA civil rights requirements into project execution
WYDOT Internal Review Services			Conduct subrecipient risk assessment	Review Single Audit Certification Form or Single Audit Reports if needed
WYDOT Public Affairs	Issue public notices of public comment periods related to statewide planning process		Post notices of annual application process	



## WYDOT State Management Plan

Organization	Responsibilities at Each Stage of Project			
	Program and Project Planning	Budgeting	Application/Award	Project Implementation
	Issue invitations to public transportation providers, cities, towns, counties, and MPOs for STIP public meetings		Post notices of project awards	
LGC Local Government Coordinator	Participate in planning process for STIP and LRTPs Oversee the periodic development of the: <ul style="list-style-type: none"> <li>State Management Plan</li> <li>Transit Asset Management Plan</li> <li>Intercity Bus Study</li> <li>Coordinated Public Transit Human Services Transportation Plan</li> </ul>	Communicate available award funds to the Wyoming Transit Advisory Committee (WyTAC)	Supervise the LGC Office Coordinate the requests for Subaward Appeal process Establish baseline criteria for evaluation of applications Review applications for compliance with civil rights policies, regulations, and laws Support subrecipient procurement of contracted services	Oversee the statewide fleet and facility inventory Conduct asset review of subrecipients as warranted Approve FTA voucher for reimbursement Review/approve FTA ECHO2 drawdowns
LGC Transit Program Coordinator	Coordinate with MPOs and other rural planning activities Manage BlackCat development	Create subaward agreement and route to Grants and Contracts Policy Program for sign-off	Prepare and release notice of annual applications Determine applicant eligibility Review application for completeness Send award recommendations to WyTAC	Advise Local Government Specialists on program-related questions  Close out contract with subrecipient at end of project Monitor subrecipient's oversight of contracted service providers Review contract deliverables for compliance



## WYDOT State Management Plan

Organization	Responsibilities at Each Stage of Project			
	Program and Project Planning	Budgeting	Application/Award	Project Implementation
			Conduct WYDOT personal services procurements (architecture and engineering services) Support applicants to prepare discretionary program applications	
Local Fiscal Consultant	Assist in preparing LGC Annual Budget and Three (3)-year Financial Plan Prepare STIP and STIP amendment requests Update FTA and state program funds Prepare and submit FTA award budget revisions and amendments Prepare and submit POP status report to FTA	Prepare LGC Annual Subrecipient Budget Allocate funds within FTA and state programs Identify old money Submit STIP requests to the Program Performance Office for FTA-funded projects Set up project budgets in BlackCat Set up Authorities for Expenditure for Budget Office Update BlackCat when awards are budgeted in PeopleSoft Submit budget amendments Review/approve FTA award amendments	Review applications for completeness Determine appropriate program for project award Submit STIP amendments to the WYDOT Office of Program Performance Enter FTA award application and execute FTA award in TrAMS Upload FFATA report within 30 days of award execution	Reconcile project expenditures against budgets Analyze and report on budgets, available balances, and outstanding apportionments monthly Generate FFRs and state funds project status reports and revenue reports Submit FTA award amendments and adjust budgets Recommend reimbursement requests for payment Reconcile FTA award final expenses and disbursements Submit final reimbursement request to FTA Close out FTA awards (TrAMS) Close out project in PeopleSoft and transfer remaining funds into Status of Funds Submit FFRs and Milestone Progress Reports to FTA



## WYDOT State Management Plan

Organization	Responsibilities at Each Stage of Project			
	Program and Project Planning	Budgeting	Application/Award	Project Implementation
				Prepare Program Measure Reports for 5310 (TrAMS) Report quarterly to FTA for construction projects
LGC Local Government Specialist	Advise potential applicants on optimizing eligibility for projects Assist applicants in determining best avenue for obtaining project funds Review New Applicant Questionnaires	Create subaward agreement for awarded project Approve applications in BlackCat	Provide input on past performance and help complete risk assessment Review application for completeness Confirm eligible in-kind services Finalize project scope of work and budget Finalize contract with subrecipient and State signatures Assist with subrecipient professional services procurements (architecture and engineering services)	Review required FTA certifications and assurances and required documents submitted with applications for accuracy and completeness Review reimbursement requests for compliance with scope of work budget, state & federal requirements Create project amendments Monitor subrecipient performance Conduct regularly scheduled calls with subrecipients based on risk assessments Conduct Subrecipient Information Request (SIR) and Site Review process approximately every three (3) years Provide technical assistance to subrecipients Oversee subrecipient third-party procurements





## WYDOT State Management Plan

Organization	Responsibilities at Each Stage of Project			
	Program and Project Planning	Budgeting	Application/Award	Project Implementation
				Collect quarterly reports from 5310, 5311 and 5339 subrecipients Close out project with subrecipient
Wyoming Transit Advisory Committee	Review ranking criteria for transit projects		Review applications against evaluation criteria Recommend amount of project awards	
Subrecipient	Participate in development of the Long-Range Transportation Plan and the Coordinated Public Transit Human Services Transportation Plan Participate in STIP public meetings	Submit project budgets to WYDOT for STIP or MPO for MTIP	Submit annual applications with required documentation Complete Internal Review Services risk assessment questionnaire Execute subaward agreement with WYDOT	Execute project according to subaward agreement Participate in regularly scheduled calls and SIR and Site Review process Comply with reporting requirements Conduct third-party procurements according to FTA and state regulations Provide required information to LGC for National Transit Database reporting, DBE semi-annual reports, MPRs, etc.
Metropolitan Planning Organization(s)	Prepare Long Range Metropolitan Transportation Plan, and Transit Development Plans Amend Transportation Improvement Program (TIP)	Prepare MTIP (included by reference in the STIP) Amend Unified Planning Work Program and MTIP		As direct recipients of 5307 funds, report directly to FTA As subrecipients receiving 5303 funds from WYDOT, report to WYDOT



## WYDOT State Management Plan

Organization	Responsibilities at Each Stage of Project			
	Program and Project Planning	Budgeting	Application/Award	Project Implementation
	and Unified Planning Work Program annually Integrate Title VI public involvement requirements and Environmental Justice considerations in the planning process Submit Title VI and DBE Programs to WYDOT Office of Civil Rights as requested			

### Acronyms and Abbreviations:

ADA	Americans with Disabilities Act
DBE	Disadvantaged Business Enterprise
LGC	Local Government Coordination - Transit
EEO	Equal Employment Opportunity
FFATA	Federal Funding Accountability and Transparency Act
FFR	Federal Financial Report
FTA	Federal Transit Administration
MPO	Metropolitan Planning Organization
MTIP	Metropolitan Transportation Improvement Program (Cheyenne and Casper)
POP	Program of Projects
SIR	Subrecipient Information Request
STIP	Statewide Transportation Improvement Program
TIP	Transportation Improvement Program
TrAMs	Transit Award Management System (FTA)
WYDOT	Wyoming Department of Transportation



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## 2 PLANNING PROCESS AND FUNDING

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### 2.1 Statewide Planning Process

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Wyoming Department of Transportation's (WYDOT) statewide planning process, inclusive of transit, follows federal and state regulations and provides a direction and framework for decision-making regarding investments in Wyoming's multimodal transportation system. The statewide planning process, with a documented public involvement process, supports sound investment choices that promote responsible and effective use of taxpayer dollars.

All subrecipients and transit stakeholders are encouraged to participate in local, regional, and statewide planning processes so their needs are included in a coordinated effort of providing transit in Wyoming. WYDOT issues invitations to the annual STIP) public meetings to all transit providers, as well as cities, towns and counties.

Federal Transit Administration (FTA) planning regulations (23 Code of Federal Regulations [CFR] part 450) require states and Metropolitan Planning Organizations (MPO) engaged in planning activities to seek out and consider the needs and input of the general public. As states and MPOs develop and conduct their public involvement activities, they must include interested parties and those traditionally underserved by existing transportation systems, such as minority and Limited English Proficiency (LEP) persons, who may face challenges accessing employment and other services. Recipients engaged in planning and other decision-making activities at the local level must consider the principles embodied in the planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

In non-metropolitan areas, federal planning law (49 United States Code [U.S.C.] 5304) requires each state to cooperate with local officials to develop a statewide long-range transportation plan (LRTP) and a statewide transportation improvement program (STIP). These planning and programming documents are developed through a comprehensive process carried out on a statewide basis and coordinated with the metropolitan planning processes of the state. For nonmetropolitan areas, the LRTP is developed in cooperation with local planning and transportation stakeholders.

#### 2.1.1 WYDOT's Transit Planning Cycle

WYDOT continuously examines the needs of Wyoming's transit systems and studies specific needs to address current and future issues. Previous planning efforts set the stage for the most current plans, providing a comprehensive look at current challenges and emerging opportunities for transit in Wyoming.

WYDOT's Local Government Coordination Office (LGC) is responsible for planning, developing, operating, and integrating transit into the statewide multimodal transportation system. LGC works in coordination with public and private transit providers to plan, promote, and implement investments in transit services statewide, with the goal of providing a coordinated transportation system to meet



Wyoming's transportation challenges now and in the future. LGC's primary functions include administering federal and state programs; planning for transit services; coordinating with subrecipients and stakeholders; and complying with federal and state regulations.

A high-level summary of how a transit project is developed through the local, regional, and statewide planning processes is illustrated in [Flowchart 2-1 Transit Project Planning Lifecycle](#).

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## 2.2 Long-Range Plans

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### 2.2.1 WYDOT Long-Range Transportation Plan

The WYDOT Long-Range Transportation Plan (LRTP) represents the people of Wyoming's long-range vision for the transportation system. This 20-year multimodal plan integrates Transportation Commission policies with input from regional stakeholders, multimodal transportation interests, and the traveling public. Individual modal plans are integrated within the overall state plan. Public involvement and coordination, which includes public transit providers, nonmetropolitan local officials, and elected officials, helps ensure that all Wyoming stakeholders have a voice in deciding the vision, goals, and priorities for the statewide transportation system. The participating groups in the statewide transportation process are included in the documentation for the LRTP.

The WYDOT LRTP guides project selection and the development of the STIP, which is updated annually (refer to Section 2.2.1).

WYDOT's LRTP may be accessed at: [https://www.dot.state.wy.us/home/planning\\_projects/long-range-plan.html#:~:text=WYDOT's%20Long%20Range%20Transportation%20Plan,to%20points%20external%20to%20Wyoming](https://www.dot.state.wy.us/home/planning_projects/long-range-plan.html#:~:text=WYDOT's%20Long%20Range%20Transportation%20Plan,to%20points%20external%20to%20Wyoming).

### 2.2.2 Metropolitan Planning Organizations Long-Range Plans

The state's two urban MPOs, Cheyenne and Casper, are responsible for preparing long-range metropolitan transportation plans and transportation improvement programs (TIP) for their regions. These plans can be accessed at:

- Casper Area MPO: [Metropolitan Planning Organization - City of Casper \(casperwy.gov\)](#). The Casper MPO also has a Five-Year Transit Strategic Development Plan at this website.
- Cheyenne MPO: [Cheyenne Area Transportation Master Plan - Cheyenne MPO \(plancheyenne.org\)](#). The Cheyenne MPO and City of Cheyenne also prepared a Transit Development Plan that is posted here: <https://www.plancheyenne.org/transportation/>.

### 2.2.3 WYDOT Intercity Bus Service Study

The Intercity Bus Service Study conducted in 2016 assessed Wyoming's intercity bus (ICB) services to determine if the ICB service needs were being met. It outlined a process to identify potential routes/services if and when needed, and how to allocate funding for new services. The plan is the basis for how WYDOT awards Section 5311(f) to subrecipients. Section 5311(f) requires each state to expend at least 15 percent of its annual Section 5311 apportionment to carry out a program to develop and



support intercity bus transportation, unless the governor certifies that the intercity bus service needs of the state are being met adequately.

The 2016 ICB Service Study is located here: [https://westerntransportationinstitute.org/wp-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).

### **2.2.4 WYDOT Coordinated Public Transit Human Services Transportation Plan**

WYDOT completed a Coordinated Public Transit Human Services Transportation Plan for the state that identifies and assesses the needs and transportation challenges of older adults, those with disabilities, and low-income individuals. Developed with input from transit providers and users across the state, it presents goals and objectives and a plan for improving the accessibility of a specialized transit network. The plan meets the requirement that the projects, activities, and/or strategies funded by the FTA Section 5310 program be included in a Coordinated Public Transit Human Services Transportation Plan. WYDOT's 2024 Plan will be located on this website once it is finalized:

[https://www.dot.state.wy.us/home/planning\\_projects/transportation\\_programs/transit-in-wyoming.html](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html).

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## **2.3 Transit Funding**

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### **2.3.1 Transit Three (3)-Year Financial Plan**

WYDOT is responsible for managing and monitoring the flow of FTA and state funds, including annual revenue, roll forwards, transfers, and expenditures. LGC prepares a Three (3)-Year Financial Plan to project future transit revenues and their allocation/distribution among FTA and state transit programs, determine WYDOT's financial capacity to support the programs, and to be transparent with subrecipients about longer-term funding availability. The Financial Plan will be available on the website: [Transit in Wyoming \(state.wy.us\)](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html).

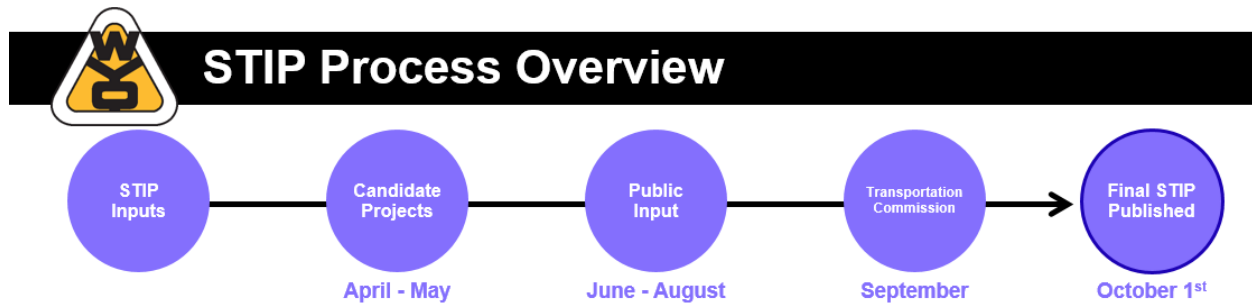
### **2.3.2 Statewide Transportation Improvement Program (STIP)**

The LRTP is implemented by programming projects into the STIP. Figure 2.1 presents the STIP process and timeline. The STIP includes state and federal capital and non-capital highway and transit projects intended to be funded for the current year, plus five (5) years. The STIP is updated annually according to the timeline in Figure 2.1 and is fiscally constrained based on projections of reasonably anticipated revenue.

Every year in the months of June through August, WYDOT District staff conduct public meetings seeking input for the updated STIP. Entities invited to those meetings include state legislators, county commissioners, mayors and council members, transit providers, and the general public.



Figure 2.1. STIP Process Overview



For transit projects, the STIP lists the transit providers that are eligible to receive funding for the covered fiscal years through FTA programs 5310, 5311, 5339, and 5305(e), as well as competitive USDOT grant program funds. The STIP details the program allocations and sources for the covered fiscal years. Individual projects are listed by county and indicate the provider receiving the funds, the funding source, and the general character of work.

WYDOT's Office of Program Performance verifies the fiscal constraint of the draft STIP by comparing the total dollars programmed in the STIP to the amount of funding available within the fiscal year. After fiscal constraint is verified, WYDOT releases the STIP for a 30-day public review and comment period at the beginning of August. The Transportation Commission approves the STIP at its September meeting, and FHWA and FTA concur in approval. The STIP takes effect at the start of a fiscal year on October 1. Projects added after the annual STIP approval are included in STIP amendments and approved by the Transportation Commission.

The most recent WYDOT STIP and amendments are available at: <https://www.dot.state.wy.us/STIP>.

### 2.3.3 Metropolitan Transportation Improvement Programs

The Casper Metropolitan Transportation Improvement Program (MTIP) and the Cheyenne MTIP, as amended, are included in WYDOT's STIP by reference. The amounts shown in WYDOT's STIP represent the state local share only—total program amounts are in the MTIPs. The latest MTIPs are available at:

- Casper MTIP: [Metropolitan Planning Organization - City of Casper \(casperwy.gov\)](https://casperwy.gov/).
- Cheyenne MTIP: [http://www.plancheyenne.org/wp-content/uploads/2022/06/22-25\\_TIP\\_Projects\\_MAY2022\\_AMENDMENTS.pdf](http://www.plancheyenne.org/wp-content/uploads/2022/06/22-25_TIP_Projects_MAY2022_AMENDMENTS.pdf).

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## 2.4 Performance-Based Planning

The Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act of 2012 directed the U.S. Department of Transportation to establish a set of performance measures to increase the accountability and transparency of the federal highway and transit programs and improve project decision-making through performance-based planning and programming. The Fixing America's Surface Transportation Act (FAST



Act) of 2015 continued the performance management and performance-based planning and programming requirements of MAP-21 with minor changes.

FHWA and FTA published the final rule on Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning on May 27, 2016, that implements changes to the planning process and performance-based planning. FTA published the final rule on Transit Asset Management (TAM) on July 26, 2016.

State Departments of Transportation and providers of public transportation must:

- Establish performance targets that reflect the measures.
- Report on progress towards achieving those targets.
- Develop performance-based plans for safety and asset management.
- Implement a performance-based approach to planning and programming.

WYDOT, MPOs, and transit providers are responsible for performance targets in two areas related to transit:

- Transit Asset Management
- Safety and Security

WYDOT manages all programs in an effort to improve the overall state of good repair of capital assets within the state. Transit projects are selected for funding based on FTA minimum useful life guidelines for buses and related facilities and FTA program guidance, including asset management principles.

WYDOT coordinates with subrecipient Accountable Executives who have the responsibility for developing and carrying out the subrecipient's Transit Asset Management Plan and the subrecipient's Public Transportation Agency Safety Plan (if applicable) so that the applicable requirements are met and maintained.

## 2.4.1 Transit Asset Management Plan

In 2016, FTA published the National Transit Asset Management (TAM) Final Rule related to Title 49 CFR Part 625 – Transit Asset Management (<https://www.govinfo.gov/content/pkg/FR-2016-07-26/pdf/2016-16883.pdf>). The rule requires recipients of FTA Chapter 53 funding for assets used to deliver or support public transportation services to develop asset management plans for all transit assets owned, operated, or managed by the organization, including vehicles, facilities, equipment, and other infrastructure. The TAM is an asset inventory and condition assessment with a prioritized list of investments.

Figure 2.2. Tier I and Tier II Agencies

Tier I	Tier II
Operates rail	Subrecipient of 5311 funds
OR	OR
≥ 101 vehicles across all fixed route modes	American Indian Tribe
OR	OR
≥ 101 vehicles in one non-fixed route mode	≤ 100 vehicles across all fixed route modes
	OR
	≤ 100 vehicles in one non-fixed route mode



Tier I agencies (recipients that own, operate, or manage either 101 or more vehicles in revenue service during peak regular service across all fixed route modes or in any one non-fixed route mode, or rail transit) (Figure 2.2), must develop and carry out their own TAM plan.

Tier II agencies (recipients that own, operate, or manage 100 or fewer vehicles in revenue service during peak regular service across all non-rail fixed route modes or in any one non-fixed route mode, subrecipients under the 5311 Rural Area Formula Program, or any American Indian tribe) have the option to develop their own organization TAM plan or participate in a group TAM plan. All of the transit providers in Wyoming fall into the Tier II category.

Under 49 CFR Part 625, WYDOT is considered a Sponsor, a designated recipient responsible for developing a group TAM plan for Tier II providers that own, operate, or manage transit capital assets, except those direct recipients under the Section 5307 program (Cheyenne and Casper). As Tier II agencies, all of Wyoming transit providers have chosen to participate in WYDOT's group TAM plan.

WYDOT's group Transit Asset Management Plan (TAMP) outlines transit asset inventory, maintenance, and reporting requirements for WYDOT and smaller Wyoming transit agencies. Per 49 CFR Part 625, group TAM plans must be updated no less than every four (4) years and should coincide with the relevant TIP or STIP planning cycles. More frequent group TAM plan updates can be made when necessary or desired. After a comprehensive update to the group TAMP in 2023, WYDOT will run an updated inventory list and forecasting model every year and append the group TAMP. The full TAMP is updated and revised every four (4) years.

The most recent WYDOT group TAMP, is found at

[https://www.dot.state.wy.us/home/planning\\_projects/transportation\\_programs/transit-in-wyoming.html](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html).

The TAM Final Rule necessitates additional NTD reporting obligations. FTA 5310 recipients that provide public transportation and who had not been previously required to report, are required to submit asset inventories, performance measures, and performance targets beginning with report year 2018. As the group TAMP sponsor, WYDOT reports State of Good Repair (SGR) measures, SGR targets, and TAMP narrative to the NTD on behalf of the subrecipients participating in the group TAMP. Subrecipients that have reported directly to NTD previously submit their own asset inventory modules to the NTD, while WYDOT submits asset inventories on behalf of those subrecipients new to NTD reporting (FTA Section 5310 recipients) and those not directly reporting previously.

### **2.4.2 Public Transportation Agency Safety Plan**

In 2018, FTA published the Public Transportation Agency Safety Plan Final Rule (<https://www.govinfo.gov/content/pkg/FR-2018-07-19/pdf/2018-15167.pdf>). The rule requires that certain operators of public transportation systems receiving federal funds develop Public Transportation Agency Safety Plans (PTASP) that include the processes and procedures to implement Safety Management Systems (SMS). The 2021 Bipartisan Infrastructure Law included changes to PTASP requirements ([Bipartisan Infrastructure Law Changes to Public Transportation Agency Safety Plan \(PTASP\) Requirements Webinar | FTA \(dot.gov\)](#)).





The rule applies to all operators of public transportation systems that are recipients and subrecipients of funds under Section 5307 (Urbanized Area Formula Program). Operators that only receive funds through Section 5310 and/or Section 5311 are not required to prepare a PTASP.

Large bus operators (operating more than 100 vehicles in peak revenue service) receiving Section 5307 funds must draft and implement their own safety plans.

Small public transportation providers (operating 100 or fewer vehicles in peak revenue service across all non-rail fixed route modes, or in any one non-fixed route mode) receiving Section 5307 funds may have WYDOT draft a safety plan on their behalf, or they may opt to draft their own safety plan. In either case, the small bus operator must implement the safety plan.

WYDOT is required to draft and certify a PTASP on behalf of any small public transportation provider that does not draft its own plan. To date, the two public transportation agencies in Wyoming required to have PTASPs are the Cheyenne Transit Program (CTP) and the City of Casper. WYDOT developed a PTASP template that the agencies used to prepare a PTASP for their respective agencies ([https://www.dot.state.wy.us/home/planning\\_projects/transportation\\_programs/transit-in-wyoming.html](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html)). WYDOT reviews these PTASPs on an annual basis.

The PTASP must include safety performance targets and must be updated and certified by the transit agency annually with the Certifications and Assurances.

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## 2.5 National Intelligent Transportation Systems Architecture and Standards Conformity Policy

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Section 5206(e) of the Transportation Equity Act for the 21st Century (TEA-21), enacted on June 9, 1998, requires Intelligent Transportation System (ITS) projects funded through the Highway Trust Fund to conform to the National ITS Architecture and applicable standards. On January 8, 2001, the Final Rule on ITS Architecture and Standards Conformity (Final Rule) and the Final Policy on Architecture and Standards Conformity (Final Policy) were enacted by the FHWA and FTA respectively ([https://ops.fhwa.dot.gov/its\\_arch\\_imp/policy.htm](https://ops.fhwa.dot.gov/its_arch_imp/policy.htm)). The Final Rule/Final Policy ensures ITS projects carried out using funds from the Highway Trust Fund, including the Mass Transit Account, conform to the National ITS Architecture and applicable ITS standards. This will be accomplished through the development of regional ITS architectures and using a systems engineering process for ITS project development.

ITS Projects are any project that includes the implementation and operation of one or more of the ITS User Services defined in the National ITS Architecture. Transit-related services that are considered ITS are traveler information, automatic vehicle location and computer aided dispatch, electronic payment systems, transit signal priority, automatic passenger counters, security surveillance both within stations and on vehicles, highway/rail intersection protection, collision warning and driver assistance, vehicle system monitoring, advanced scheduling and run-cutting, and ITS data archiving. With few exceptions, if current or planned projects include these services and receive funds from the USDOT, including FTA, the Policy is applicable.



## WYDOT State Management Plan

Transit agencies are encouraged to participate in the development of WYDOT's ITS Architecture through statewide and metropolitan transportation planning processes, particularly if their projects include ITS, or if others in their area are planning ITS systems that will impact their operations. ITS projects for transit agencies are identified through the planning processes are incorporated into WYDOT's ITS Architecture maintained by WYDOT's GIS ITS Program, according to system engineering requirements included in the plan.

Requirements for project-level ITS requirements are outlined in FTA Circular 5010 Award Management Requirements (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>).



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### 3 AWARD MANAGEMENT

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WYDOT is responsible for awarding and administering state and federal FTA transit funds for public transit and human services transportation providers throughout Wyoming. WYDOT's competitive application and other funding processes support organizations statewide in securing federal and state funds designated for transit projects.

This chapter describes how WYDOT meets the award management requirements outlined in the FTA 5010 Award Management Circular (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 Code of Federal Regulations [CFR] Part 200) (<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>), 2 CFR 1200 (<https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XII/part-1200>), and the FTA Master Agreement (<https://www.transit.dot.gov/funding/grantee-resources/sample-fta-agreements/fta-grant-agreements>

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#### 3.1 Planning and Prioritization

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WYDOT and LGC ongoing planning and prioritization activities identify transit needs statewide. This process is illustrated in [Flowchart 3-1 Outreach/Planning to Application Notice or Request for Letters of Interest](#). LGC develops an Annual Subrecipient Budget for transit projects that estimates the anticipated funds available from federal and state funding programs for the next year. The budget helps WYDOT know the amount of funds that will be available to meet the specific project needs identified in the planning process.

Prior to participation in the application process, interested organizations are strongly encouraged to participate in the statewide transit planning process described in Chapter 2. The statewide planning process provides the opportunity for a subrecipient to coordinate with WYDOT to define projects, prepare the necessary documentation needed to apply for funds, and determine whether to apply for funds directly or to coordinate with a larger agency or MPO to request funds.

Planning activities for existing and new subrecipients are detailed in [Flowchart 3-2 Subrecipient Planning Through Application](#).

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#### 3.2 Application Development and Program Eligibility

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Once the amount of available transit funding is determined for the Annual Subrecipient Budget, WYDOT notifies subrecipients that it is accepting applications. This notification includes a description of the funding opportunity and eligibility information (determined by the specific federal or state program), local match requirements, application preparation and submittal information, evaluation criteria (metrics), and application review information.



Detailed information about the types of projects funded by each federal and state program and subrecipient eligibility requirements are contained in BlackCat Application Guidelines and the [SMP appendices](#).

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### 3.3 New Applicant Minimum (Threshold) Requirements

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All applicants are required to meet certain minimum (threshold) criteria to be considered for an award of funds. A new applicant must submit a New Applicant Questionnaire (NAQ) that includes an overview of the agency's transit services, legal standing, financial management and capacity, technical capacity, asset management plan, procurement procedures, and civil rights policies. A sample of the NAQ is available from WYDOT and is in BlackCat under Global Resources. The applicant must demonstrate that it meets minimum requirements in financial and managerial capability and capacity for managing awarded funds, as well as demonstrate that it has the resources necessary to operate a project on an ongoing basis. The applicant must also be willing to follow federal and state guidelines for third-party procurements.

The NAQ is not intended to exclude an organization from applying for funds, but rather to ensure it is prepared to administer a project at the time of application, to familiarize the organization with the requirements of administering a project, to familiarize LGC with the organization, and to arrange technical assistance, if needed, that could aid the organization in becoming eligible.

Based on the information provided on the questionnaire, the organization is set up in BlackCat and is thereafter responsible to update its profile in BlackCat to maintain its eligibility to apply for transit funds. Should an applicant not meet these threshold criteria, LGC is available to work with the organization to meet the criteria and become eligible to apply for funds, including those that serve minority and low-income populations.

State and federal funds are awarded on a reimbursement basis; that is, the award recipient must first incur and pay all costs before seeking reimbursement by WYDOT, after submitting sufficient documentation of such costs. Therefore, the recipient must have the financial ability and cash flow to incur and pay such costs initially. Should an applicant not meet the requirements or has had difficulties managing previously awarded funds, WYDOT staff are available to work with the subrecipient to maintain eligibility to apply for funds.

It is especially important that financial and managerial capability is specifically addressed by applicants that have had delays or other problems implementing projects awarded funding by WYDOT. These organizations must demonstrate their financial and project management capabilities and experience, as well as describe the steps taken to correct any past problems.

Items that WYDOT reviews with an applicant to establish technical capacity to successfully implement projects are included in Table 3.1.

**Table 3.1. Examples of Items to Demonstrate Technical Capacity**

<b>Requirement</b>	<b>Description</b>
Legal Standing	Status of suspension or debarment, false claims (SAM.gov)
Technical Capacity	Appropriate staff and capacity to implement project; track record of implementing projects; involvement in the most recent Coordinated Public Transit Human Services Transportation Plan (for Section 5310)
Asset Management/ Continuing Control	Vehicle Maintenance Plan, Asset Management Plan or participation in WYDOT's Transit Asset Management Plan (TAMP), Asset Inventory, Facilities and Equipment Maintenance Plan, Drug and Alcohol Policy and Testing Program
Procurement	Written Procurement Procedures, including Consultant Services Policy
Civil Rights	Acknowledgement of civil rights requirements, and equity analysis on impacted populations regarding the transit project, when applicable

In addition to the minimum requirements to apply for funding, the subrecipient must have one (1) staff member certified in WYDOT's Local Transit Agency (LTA) Certification Training that is offered two (2) times a year. This ensures that the subrecipient understands its roles and responsibilities related to federal and state transit funds. The training is described in Chapter 4.

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### **3.4 Application Process**

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WYDOT posts the notification of the application period on WYDOT's website. A notification is sent to existing and potential subrecipients, state agencies on aging (Wyoming Institute for Disabilities [WIND]); Wyoming Governor's Council on Developmental Disabilities, Wyoming Department of Family Services – Adult Protection Program, and Wyoming Department of Health – Aging Division), the Wyoming Association of Municipalities (WAM), and the Wyoming County Commissioners Association (WCCA).

To ensure equitable distribution of funds to subrecipients that serve predominantly minority and low-income populations, LGC coordinates with the Office of Civil Rights to notify organizations that serve minority and low-income communities, so they are aware of opportunities to apply for available funds. In regular meetings with Tribal organizations, LGC maintains their awareness of the federal Tribal Transit Program that is available to federally recognized tribes as direct recipients. Tribes have the option to apply to WYDOT for 5311 general rural funds or apply directly to FTA for 5311 funds. Tribal organizations are eligible to compete for federal discretionary transit funds. Standardized applications are accepted through BlackCat and must be complete to be considered for funding, unless WYDOT issues an exception.

The application period is typically open for forty-five (45) days. WYDOT's timeline for applications through projects becoming active is shown in Table 3.2.

**Table 3.2. Application Timeline**

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

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

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

### 3.5 Organizational Eligibility

In general, eligible applicants for FTA funding programs are described in Table 3.3.

**Table 3.3. Program Eligibility**

Program	Organization Type		
5310	--	Private non-profit organizations	Public bodies that certify to WYDOT that no non-profit corporations or associations are readily available in an area to provide the public transportation service.  Public bodies approved by WYDOT LGC to coordinate public transportation services for elderly persons and persons with disabilities.
5311/5311(f)	A state or local governmental entity.	Private non-profit organizations.	Commercial, for-profit operators Intercity Bus (5311(f)).
5339	A state or local governmental entity.	Private non-profit organizations.	Operators of public transportation services, including private operators of public transit services.
5305 (formerly 5304)	A state or local governmental entity.	Private non-profit organizations.	--
State	A state or local governmental entity.	Private non-profit organizations.	Commercial, for-profit operators.

As part of the application, all agencies are required to provide a Five-year Lookahead for their transit program that includes facilities, vehicles, equipment, and operations.



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## 3.6 Evaluation Criteria

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### 3.6.1 General Evaluation Criteria

WYDOT reviews all applications for the below-listed items.

#### Project Component

- Is the project eligible to receive the funds?
- Does the project establish, preserve, or improve public transportation services in a community?
- Does the project propose service area expansion, extended service areas, and/or address identified, unmet needs?
- Does the application identify efforts to leverage funding from other sources to support the overall project?
- Does the project reflect a coordinated community process with input from the community?
- Is the project budget balanced and feasible?
- Is the project sustainable and does it contribute to the livability of its service area?

#### Applicant Component

- Has the community participated in WYDOT's Coordinated Public Transit Human Services Transportation Plan, or has it opted out and prepared its own?
- Has the community participated in WYDOT's Coordinated Public Transit Human Services Transportation Plan?
- Does the applicant have at least one member of its transit staff certified in the Local Transit Agency (LTA) Certification Training?
- Does the application indicate that the applicant has sufficient oversight and direction by its Board of Directors or Governing Body?
- Does the application indicate that the applicant has sufficient experience in managing the requested project funding?
- Does the applicant appear to have sufficient financial and program management capabilities to meet the program compliance requirements, including the local match?
- Does the applicant exhibit a sustainable commitment to the project to continue the effort beyond the availability of this funding cycle?

#### Performance Component

- During previous funding cycles, has the applicant completed its contractual responsibilities and program compliance requirements in a timely fashion?



- Does the application indicate the applicant is attempting to improve program efficiency and effectiveness?
- Does the application describe community benefits resulting from the funding request?

### 3.6.2 Responsibility Determinations

49 U.S.C. 5325(j) provides that awards for federal financial assistance must be made to “responsible contractors,” i.e., contractors possessing the ability to successfully perform under the terms and conditions of the award. WYDOT considers the following when evaluating the applications:

- the integrity of the contractor;
- the contractor's compliance with public policy;
- the contractor's past performance, including the performance reported in the Contractor Performance Assessment Reports required under section 5309(l)(2); and
- the contractor's financial and technical resources.

### 3.6.3 Program-Specific Evaluation Criteria

In addition, WYDOT evaluates the application according to the specific FTA program requirements (e.g., Section 5310, 5311, 5339, etc.), detailed in the BlackCat Application Guidelines and [SMP appendices](#). The evaluations may take into consideration the priorities identified through WYDOT’s statewide planning process and the amount of funds available in each program.

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## 3.7 Project (Subaward) Selection

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The application process for transit projects is illustrated in [Flowchart 3-3 Transit Project Application Process](#).

### 3.7.1 WYDOT Evaluation

WYDOT reviews each application against the evaluation criteria and compliance with all state and/or federal requirements. To determine the dollar amount of awards to recommend, WYDOT takes into consideration the amount requested by the applicant, previous year(s) awards to the applicant, available funding in each of the programs, demonstrated need, and a fair and equitable distribution of funds statewide. WYDOT’s priority is to fund transit projects for existing subrecipients before funding a project for a new subrecipient. New subrecipients are required to demonstrate the coordination they have conducted and the need for the funding.

In making award decisions, WYDOT takes into consideration transit level of service available to predominately minority population areas. The WYDOT Coordinated Public Transit Human Services Transportation Plan, updated every three (3) years, provides the data to identify these populations and potential inequities and gaps in services across these communities. WYDOT’s monitoring of transit providers for minority populations allows WYDOT to determine if transit funds are being distributed equitably to these populations statewide, and considers this in its award decision-making process.





In addition, transit needs in minority communities are identified through participation of a cross section of social, economic, and ethnic interest groups in the development of long-range transportation plans and transit plans prepared by WYDOT and MPOs. Information regarding the planning process is distributed to minority media and ethnic/gender-related organizations, and WYDOT participates in roundtable meetings in predominantly minority communities. Minority outreach and participation in the planning processes are documented by WYDOT and the MPOs.

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

- Projects that preserve and maintain currently established public transit operations, administration, maintenance, vehicles, facilities, and equipment funded with FTA and state transit funds.
- Projects and/or strategies that are included in the WYDOT Long Range Transportation Plan and/or Coordinated Public Transit Human Services Transportation Plan so that service gaps are addressed without duplicating service.
- Projects that ensure state of good repair under the Transit Asset Management Plan.
- Projects for non-profit, public transportation providers not currently in the WYDOT program (if funding allows).

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

### **3.7.2 Subrecipient Risk Assessment**

2 CFR 200 requires that WYDOT perform a risk assessment of each award a subrecipient receives for federal funds. WYDOT also conducts risk assessments of subrecipients receiving state funds.

With the annual application, an applicant must complete a questionnaire prepared by WYDOT Internal Review Services related to the risk assessment. After award, WYDOT Internal Review Services reviews the information received from the subrecipient and asks LGC staff these additional questions:

- Has the personnel or financial system gone unchanged (remained the same)?
- Has a Federal awarding agency conducted a recent review or audit of the subrecipient?
- Total Federal Funds Awarded for current Fiscal Year
- Was the total funding amount = or < \$50,000?
- Does the subrecipient have any Federal Grant experience? (# of years)
- Did the subrecipient receive a Single Audit in [last fiscal year] (or were they a Component Unit of a county/city that received a Single Audit)?
- Was the audit opinion unmodified?



- Has the subrecipient been consistently on-time and accurate in the submission of: Application, Budgets, Amendments, Reimbursement Requests
- Have WYDOT's Local Government Specialists conducted a site review within the last 2 years?
- Has Internal Review Services performed an audit?
- Was the audit free of any findings?

Based on the risk assessment, the applicant receives a rating of High, Medium, or Low risk.

The risk assessment rating determines the level of compliance oversight that WYDOT applies to the subrecipient once a subaward agreement is in place. Chapter 4 contains additional information about subrecipient oversight.

### **3.7.3 Single Audit**

If applicable, Internal Review Services reviews the applicant's Single Audit certification. The Single Audit requirements are in Section 3.10.5.1; the process is illustrated in [Flowchart 3-4 Single Audit](#).

### **3.7.4 Wyoming Transit Advisory Committee**

LGC presents its award recommendations to the Wyoming Transit Advisory Committee (WyTAC) for further evaluation, concurrence, comment, or changes. The recommended list of transit projects is included in the annual STIP, which is jointly approved by the Federal Highway Administration (FHWA) and FTA.

The outcome of this process is a list of awards by funding program that identifies the successful applicants, the project, and the anticipated budget.

### **3.7.5 Project (Subaward) Award Letter and Public Notice**

WYDOT generates an award letter to successful applicants that includes the project name, award amount, and any contingencies, method of selection, and LGC contact information. Once the successful subrecipients have accepted the terms of the award detailed in the award letter, WYDOT issues a public notification of the awards via the WYDOT website. The announcement includes all of the applicants, the types of projects, WYDOT Districts where projects are located, the requested amounts, and the award amounts by program.

### **3.7.6 Subaward Appeal Process**

Both successful and unsuccessful applicants are notified of the project awards. They are provided a list of projects that were selected and, for transparency purposes, general comments indicating the reasons an application or project was not selected. Applicants not awarded funding may reapply in future years for projects that were denied.

Applicants may initiate a subaward appeal process by submitting a Request for Review within 30 calendar days after receipt of the formal decision to the WYDOT Local Government Coordinator at the following address: 5300 Bishop Boulevard, Cheyenne, WY 82009. Supporting documentation must be received within fifteen (15) calendars days of submitting the Request for Review.



Within fifteen (15) calendar days, the Local Government Coordinator will issue a decision. If the decision is unsatisfactory, the applicant may submit a First Notice of Appeal to the State Planning Engineer within fifteen (15) calendar days of the Local Government Coordinator's decision. The State Planning Engineer will meet with the applicant and the Local Government Coordinator will issue a decision within fifteen (15) calendar days of the meeting. If this decision is unsatisfactory, the applicant may submit a Second Notice of Appeal to the WYDOT Director within fifteen (15) calendar days of the State Planning Engineer's decision. The WYDOT Director will meet with the applicant, the State Planning Engineer, and the Local Government Coordinator, and issue a final decision within fifteen (15) calendar days of the meeting.

Applicants are encouraged to continue applying for any projects for which they may be eligible in the meantime if there is an active call for projects.

This process is illustrated in [Flowchart 3-5 Subaward Appeal Process](#).

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### 3.8 STIP Process

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After final selection of awards and projects, WYDOT ensures that those projects are in the STIP. WYDOT's process for including a transit project in the STIP is outlined in [Flowchart 3-6 Transit Project STIP Process](#).

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### 3.9 Project (Subaward) Budgeting

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After awards are made, the Local Government Specialist creates the subaward agreement (or contract) and sends it through WYDOT's contract approval process and issues a Notice to Proceed. The Local Fiscal Consultant sets up the project budget and Authority for Expenditure in BlackCat. The Budget Office receives the Authority for Expenditure with the fully executed subaward agreement and sets up the budget in PeopleSoft.

WYDOT's internal processes for budgeting projects in BlackCat and PeopleSoft are shown in [Flowchart 3-7 Project Budgeting](#).

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### 3.10 FTA Programs Award Application and Program of Projects

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From the final list of subawards, as required by FTA, the Local Fiscal Consultant develops a Program of Projects (POP) for each FTA program. The POP lists the recipients and subrecipients and indicates whether they are private non-profit agencies, governmental authorities, or private providers of transportation service. The POP also designates the areas served (including rural areas, as applicable) and identifies any tribal entities. In addition, the POP includes a brief description of the projects, the total project cost, the federal share for each project, and the amount of funds used for program administration from the allowed percentage. A Section 5311 POP also identifies intercity bus and RTAP projects, if applicable. The POP summarizes the available and applied funds for the program and the sources of funding for each parent award and project within the parent award (FTA, local match, local in-kind match).



WYDOT then assembles an award application in the FTA Award Management System—known as TrAMS—based on the POP. The award application must include the following minimum information:

- Fiscal year of funding and whether program requirements are met
- Period of performance end date
- STIP/Unified Planning Work Program (UPWP) references
- Project locations
- Activity Line Item (ALI) and budget line information, federal and local match ratio
- Local match sources
- If applicable, vehicle useful life, fuel type and quantities
- Local Transportation Human Service Coordination Plan for 5310 projects
- Project milestones
- Environmental clearances

FTA reviews the POP and application for compliance, then approves the award of funds to WYDOT.

This process is illustrated in [Flowchart 3-8 FTA Award Application and FFATA Reporting](#).

### 3.10.1 NEPA Class of Action Determination

For projects involving construction, applicants must provide sufficient make a NEPA class of action determination prior to proceeding with design and construction. Most of the projects funded through WYDOT-administered FTA funds qualify as a Categorical Exclusion (CatEx), including many of the construction projects. For construction projects, the FTA requires completion and approval of FTA Region 8's Categorical Exclusion Worksheet (CatEx Worksheet). FTA and the WYDOT environmental staff review the CatEx Worksheet to determine whether the project qualifies as a CatEx and if compliance with other environmental laws or environmental permits is required. Additional compliance might be required under Section 106 of the National Historic Preservation Act, Section 4(f) of the US Department of Transportation Act of 1966, Section 404 of the Clean Water Act, or Section 7 of the Endangered Species Act.

FTA makes the final determination whether the construction project qualifies as a CatEx, Environmental Assessment, or Environmental Impact Statement (i.e., the action meets all conditions listed in the regulations), whether the action is impermissibly segmented from a larger project, and whether there are unusual circumstances (e.g., substantial controversy on environmental grounds, significant impact to properties protected by Section 4(f) or Section 106) that would make a CatEx determination inappropriate.

For construction projects, FTA Region 8 issues an environmental decision letter if all of the requirements are met. For non-construction projects, a description of the project in the grant application is sufficient for FTA approval and the determination is made in TrAMS with FTA concurrence.

Section 5305(e) funds can be used to complete the NEPA documentation for the approved class of NEPA. This includes conducting technical studies, leading public involvement, and preparing environmental documents. FTA resources for the FTA environmental review process are available at:



<https://www.transit.dot.gov/regulations-and-programs/environmental-programs/environmental-review-process>.

Information about the NEPA requirements for FTA-funded projects is included in WYDOT's Environmental Services site:

([https://www.dot.state.wy.us/home/engineering\\_technical\\_programs/environmental\\_services.html](https://www.dot.state.wy.us/home/engineering_technical_programs/environmental_services.html)). It should be noted, however, that FTA does not delegate authority for NEPA to WYDOT in the same manner as FHWA. FTA must be contacted, as described above, to confirm the appropriate course of action is taken.

### 3.10.2 Local Match Requirements

Federal and state programs require some form and percentage of local match, which is determined by the type of project. WYDOT follows the matching funds guidelines set forth in 49 USC Chapter 53 and further clarified in the FTA circulars for each federal program and generally applies these guidelines to its state funding program. Details about each program's federal and local share matches are included in the [SMP appendices](#). Federal aid guidance regarding non-federal matching requirements can be found at: <https://www.law.cornell.edu/cfr/text/2/200.306>

WYDOT specifically defines the local match requirements for a project (including the percentage of allowed in-kind contributions) in the BlackCat Application Guidelines. Applicants are required to provide the amount of local match funds being used for the project. After award, the project budget in the executed subaward agreement defines the local share amount and percentage, as well as any restrictions on the type of funds that may be used for the match. Throughout the project, the subrecipient is responsible for documenting eligible local match funds through reimbursement requests and progress reporting.

Minimum matching ratios for each type of project are included in the BlackCat Application Guidelines on BlackCat, and are generally as shown in Table 3.4. Information about the local match is also available in BlackCat under Global Resources.

**Table 3.4. Local Match Requirements**

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



## WYDOT State Management Plan

	Program	Local/State Match (%)	Federal Share (%)
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

PTA = State Public Transit Account

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

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

The following applies to the local match:

- Local match can only be counted once.
  - Local match cannot be used to match Federal funds for more than the single project for which the funds are dedicated.
- Local match for capital requests must be in cash (land value considered for facility construction). Note that this is more restrictive than the federal options.
- All recipients may be required to provide a detailed report stating what sources of local match were expended and where they came from during the fiscal year.
- The State Loan and Investment Board (SLIB) Transportation Enterprise Fund could possibly be an eligible matching source for a portion of vehicle purchase costs.

The local match may be provided from an undistributed cash surplus, cash reserve fund and service agreements with state or local human services agencies. Some examples of these sources include:

- State or local appropriations
- Dedicated tax revenue
- Private donations
- Revenue service contracts
- Net income from marketing/advertising
- In certain instances, the local match may be derived from federal programs that are eligible to be expended for transportation, other than USDOT programs. These are explained in FTA's *Coordinating Council on Access and Mobility (CCAM) Federal Fund Braiding Guide* (<https://www.transit.dot.gov/sites/fta.dot.gov/files/2021-04/ccam-federal-fund-braiding-guide-june-2020.pdf>). Examples of these sources include:
  - Temporary Assistance for Needy Families (TANF)
  - Medicaid
  - Employment training programs
  - Rehabilitation Services
  - Older Americans Act (Title 3B)



- Community Services Block Grant (CSBG) funding
- Community Development Block Grant (CDBG) funding

Non-cash match, such as donations, volunteer services and in-kind contributions, as well as funding from other federal programs, may be used as local match. However, such match must be thoroughly documented and supported by statements of value. Prior approval from WYDOT LGC is mandatory.

### **3.10.2.1 In-Kind Contributions**

It is WYDOT policy that in-kind contributions can be used as a local match for operating assistance under Sections 5310 and 5311 programs. It is also WYDOT policy that capital equipment purchases, such as buses, require a cash match; in-kind contributions are not allowed. In-kind contributions must be approved in advance by WYDOT and must be aligned with the purpose of the project, meaning there must be a logical relationship between the match claimed and the project, and the local match must be applied to an eligible expense under the award.

In-kind match represents a third party's non-cash contribution to a federally funded project or activity. In-kind match differs from cash/direct match in that the basis of valuation is founded upon an estimated value rather than the actual cost or calculated proportional cost as is found in a cost allocation plan or indirect cost rate. The Uniform Guidance at 2 CFR part 200.306 offers criteria defining the use of in-kind contributions. For third-party in-kind contributions, the fair market value of goods and services must be documented.

In-kind contributions can be:

- Donated services
- Donated time
- Donated equipment
- Donated office space

### **3.10.3 Program Income**

Per 2 CFR § 200.307, with prior approval of the federal awarding agency, program income may be used to meet the cost sharing or matching requirement of the federal award. The amount of the federal award remains the same. FTA recognizes program income to be gross income earned by the recipient, or subrecipient, that is directly generated by a supported activity, or earned only as a result of the federal Award during the period of performance.

Per FTA Circular 5010, Award Management Requirements, program income includes the following:

- Fees for services performed.
- The use or rental of real or personal property acquired under its award.
- The sale of commodities or items fabricated under its award.
- License fees and royalties on patents and copyrights.



- Advertising/concessions specifically required by the federal award, and pertaining to specific activities or accomplishments which result from performance of the federal award.
- Payment of principal and interest on loans made with federal assistance.

Interest earned on advances of federal assistance is NOT program income. Except as otherwise provided in federal statutes, regulations, or the terms and conditions of the federal award, program income does not include rebates, credits, discounts, taxes, special assessments, levies, and fines raised by a recipient and subrecipient, and interest earned on any of them.

Farebox revenue may not be used as non-federal share for any of FTA's programs. Farebox revenue is used to determine "net project cost" for operating assistance funds only. Farebox revenue is not considered program income for capital assistance funds.

### **3.10.4 Indirect Costs**

Indirect costs are defined in 2 CFR part 200. Examples of indirect costs are administrative, operational, and expenses of department heads and their immediate staff. At this time, WYDOT does not fund indirect costs. All costs must be incurred by transit functions.

### **3.10.5 Statutory and Policy Requirements**

WYDOT is responsible for administering federal and state transit awards to ensure that the funds are expended, and the associated programs are implemented in full accordance with U.S. statutory and public policy requirements. Specific requirements are outlined in FTA Circular 5010 Award Management Requirements, which is available at: <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>.

WYDOT LGC and WYDOT Grants and Contracts communicate these requirements to subrecipients in the terms and conditions included with the subaward agreement and through communications, resources, and WYDOT LGC training available to subrecipients. WYDOT oversees subrecipients to monitor their compliance with these provisions as they use the funds to implement projects.

#### **3.10.5.1 Single Audit**

In accordance with 2 CFR § 200.501(a) and (b), subrecipients that expend \$750,000 or more in a year in federal assistance from all sources must have a single audit conducted, except when they elect to have a program-specific audit conducted, 2 CFR 200.501(c). The audit must be completed, and the data collection form and reporting package must be submitted within the earlier of thirty (30) calendar days after receipt of the auditor's report(s), or nine (9) months of the end of the audit period. Subrecipients are required to submit one copy of their annual single audit report to WYDOT and the Federal Audit Clearinghouse.

### **3.10.6 Internal Controls/Accounting Standards**

Internal controls encompass processes implemented by WYDOT as a direct recipient or WYDOT's subrecipient to provide reasonable assurance regarding the achievement of objectives in the following categories:





- Effectiveness and efficiency of operations.
- Reliability of reporting for internal and external use.
- Compliance with applicable laws and regulations. The recipient must also have processes implemented that are designed to provide reasonable assurance regarding the achievement of the objectives for the subaward agreement and that transactions are executed in compliance with federal laws, regulations, and terms of the agreements.

### **3.10.6.1 WYDOT Internal Controls**

WYDOT manages funds in compliance with federal statutes, regulations, and terms and conditions. The internal controls comply with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

WYDOT’s internal control procedures are outlined in the Internal Review Services questionnaire. The questionnaire is included in the annual grant application packet available in BlackCat.

#### **3.10.6.1.1 PeopleSoft**

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

#### **3.10.6.1.2 BlackCat**

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

#### **3.10.6.1.3 ECHO-Web Drawdowns**

The FTA Electronic Clearing House Operation (ECHO)-Web is a web application that WYDOT uses to draw down federal grant funds to be reimbursed for eligible transit expenses. WYDOT’s Authorizing Official in ECHO-Web. is the WYDOT Financial Services Accounting Manager. In the event the current Authorizing Official is no longer a WYDOT employee, LGC will submit a request to the WYDOT Controller (in Financial Services) to either update the Authorizing Official through a signed ECHO-Web User Change/Modify Form, or the Authorizing Official will submit in writing a delegate name for approving the requests.

The Local Government Specialist reviews the subrecipient reimbursement request and approves for payment. On a monthly basis, the Local Fiscal Consultant reconciles project expenditures and reimbursements with the balances in BlackCat, PeopleSoft, and TrAMS. Actual expenditures are



converted into federal share; and previous drawdowns plus current expenditures are compared to the federal share allowable for request.

The Local Fiscal Consultant then generates a voucher for payment and a voucher group with required ECHO2 draw information, which is reviewed and approved by the Local Government Coordinator. The Budget Office pays the vouchers, then Financial Services submits the request for reimbursement to FTA via ECHO2.

This process is shown in [Flowchart 4-3 Capital Project Reimbursement](#) in Chapter 4.

### 3.10.6.2 Subrecipients Internal Controls

WYDOT requires subrecipients to have financial management and capacity that comply with financial tracking and reporting requirements outlined in 2 CFR Part 200, Subparts A-F. This is evaluated as part of the applicant's minimum threshold requirements detailed in Section 3.3 that establish an applicant's eligibility for receiving funds. Additionally, WYDOT conducts a pre-award review of a new applicant that includes a discussion of the adequacy of the applicant's financial systems.

WYDOT requires that each subrecipient organization have:

- Written financial policies and procedures.
- An organizational structure that defines, assigns, and delegates authority.
- A financial plan that projects revenues and expenses for the next three years (or longer), including the assumptions and notes to the financial plan.

After award, WYDOT LGC monitors the agency's performance related to responsible management of the awarded funds and takes prompt action when instances of noncompliance are identified through reimbursement requests, site visits, or audits. Subrecipients must be able to show documentation for all financial transactions in its files and make the documentation available for audit upon request.

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## 3.11 FTA Financial Reporting

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### 3.11.1 Federal Financial Accountability & Transparency Act Report (FFATA)

Under the Federal Funding Accountability & Transparency Act (FFATA) of September 26, 2006 (as amended), as a "prime grant and cooperative agreement awardee" of federal funds, WYDOT is required to report on awards to subrecipients equal to or greater than \$30,000. WYDOT prepares one FFATA report after the annual subagreements are executed. If there are any changes to the subawards over \$30,000, the FFATA is updated. Once uploaded to the Federal Subaward Reporting System (FSRS), this information is available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov).

WYDOT's process for preparing the FFATA report is included in the [Flowchart 3-8 FTA Award Application and FFATA Reporting](#).



### 3.11.2 Federal Financial Report

WYDOT is required to report to FTA on the financial status of projects. If the project uses pre-award authority, an initial FFR will have to be completed. The Federal Financial Report (FFR) is used to:

- Report federal cash receipts and disbursements.
- Explain federal cash on hand.
- Report unliquidated obligations.
- Report indirect cost rates.
- Respond to FTA comments on prior FFRs.

The FFR reporting process is illustrated in [Flowchart 3-9 Federal Financial Reports \(FFR\) and Milestone Progress Reports \(MPR\)](#).

The Budget Office generates the FFR information from PeopleSoft monthly using the accrual basis of accounting, including unliquidated obligations. Based on the monthly reimbursement requests that the subrecipients submit through BlackCat, the Local Fiscal Consultant reconciles project budgets, expenses, and unliquidated obligations with PeopleSoft and BlackCat monthly and reconciles the information with the quarterly Milestone Progress Reports. The process for reimbursement requests is in Section 4.4.

The Local Fiscal Consultant submits FFRs quarterly for Section 5339 open construction projects and annually for all other projects. The quarterly schedule is as follows:

- April 30 for period January—March
- July 30 for period April—June
- October 30 for period July—September and annual reporting
- January 30 for period October—December

FTA reviews the FFR for these key indicators of potential problems:

- Excessive unobligated balances.
- Projects with funds obligated more than three (3) years ago, and/or with no draws in the last twelve (12) months; or federal funds not in use.
- Discrepancies in information or date with MPR.
- Discrepancies in indirect rates and amounts.

### 3.11.3 Program of Projects Status Report

For FTA Section 5311 and Section 5310 programs, WYDOT submits annual Program of Projects (POP) Status Reports to FTA after the end of each federal fiscal year by October 30.

Based on updates to the Milestone Progress Reports, the Local Fiscal Consultant updates the narrative in the Program of Projects to describe the status and any changes to milestone dates.

A POP is updated for each approved FTA award that contains active projects. The updated POP includes revised project descriptions, changes in projects from one category to another, and adjustments within



budget categories. If revisions to the POP result in changes to the line-item budget for the award, these changes are submitted as budget revisions.

Significant civil rights compliance issues occurring during the year (such as Title VI, EEO, or Disadvantaged Business Enterprise [DBE] complaints against the state or subrecipients) are addressed in the annual status report. In addition, the state may report notable accomplishments or problems involving Section 5311 or Section 5310 subrecipients.

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### 3.12 FTA Program Performance Reporting

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#### 3.12.1 Milestone Progress Reports

After reconciling the project financial information with the FFRs, the Local Fiscal Consultant submits Milestone Progress Reports (MPR) to the FTA.

The Local Fiscal Consultant submits MPRs quarterly for Section 5339 open construction projects and annually for all other projects. The quarterly schedule is as follows:

- April 30 for period January—March
- July 30-for period April—June
- October 30 for period July—September and annual reporting
- January 30 for period October—December

The MPR reporting process is illustrated in [Flowchart 3-9 Federal Financial Reports \(FFR\) and Milestone Progress Reports \(MPR\)](#).

#### 3.12.2 National Transit Database

FTA's National Transit Database (NTD) records the financial, operating and asset condition of transit systems to track the industry and provide public information and statistics. Reported items include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership.

FTA recipients receiving funding from Section 5307 are required to report directly annually to the NTD in uniform categories. WYDOT reports to NTD annually on behalf of 5311 subrecipients by January 30. WYDOT reports transit asset management State of Good Repair performance measures and targets on behalf of subrecipients participating in the WYDOT Transit Asset Management (TAM) Plan (described in Chapter 2). WYDOT gathers data from BlackCat, then prepares and submits the data to NTD. If there are validation requests, WYDOT reaches out to the subrecipients to validate, revises the data as needed, and resubmits the report.

For additional information, refer to the FTA website for the NTD at <https://www.transit.dot.gov/ntd>.

#### 3.12.3 DBE Compliance Reports

WYDOT and subrecipient requirements related to DBE reporting are included in Chapter 5.



### 3.12.4 Program-Specific Reports

WYDOT and subrecipients are responsible for submitting the additional reports that are specific to the FTA programs. These are outlined in the [SMP appendices](#).

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## 3.13 FTA Award Budget Revisions, Amendments, and Closeout

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### 3.13.1 Budget Revisions and Amendments

Local Government Specialists notify the Local Government Coordinator and the Local Fiscal Consultant immediately if there are changes in a project statement of work, budget, funding source, or milestone dates. This process for amending a capital budget is shown in [Flowchart 4-2 Capital Project Amendment](#) in Chapter 4.

After the project amendment is approved, the Local Fiscal Consultant submits the award amendment to FTA for approval in TrAMS, then adjusts the award budget in PeopleSoft and BlackCat. This process is shown in [Flowchart 3-10 FTA Award Amendment](#).

### 3.13.2 Award Closeout in TrAMS

FTA awards that were made before November 12, 2020, must be closed within 90 days from the period of performance end date or sooner if all activities are completed. FTA awards after that date must be closed within 120 days from the period of performance end date or sooner if all activities are completed. The Local Fiscal Consultant checks to be sure that all of the reimbursements have been made for all of the projects, prepares the final MPR and FFR, and does a final budget reconciliation. If the FTA award was for a facility project with capitalized elements over \$5,000, the close-out asset inventory is uploaded with the documentation to TrAMS.

The Local Fiscal Consultant closes the project number in PeopleSoft. The Budget Office then closes the Authorization for Expenditures. Remaining funds go onto the Status of Funds and can be re-obligated. If funds are re-obligated, then a budget revision is completed with the FTA and all documentation updated with the new projects awarded funds. If funds are not re-obligated, when the award is closed with the FTA, the funds are de-obligated and returned to the FTA, and the Status of Funds is also adjusted. The Local Fiscal Consultant notes on the grant copy that the projects are completed and initiates the award closeout in TrAMS.

The process for closing out an FTA award is illustrated in [Flowchart 3-11 FTA Award Closeout](#).

WYDOT retains all financial records of activities of the project on file for a minimum of three (3) years from the disposition date.

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## 3.14 FTA Discretionary Programs

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FTA publishes Notices of Funding Availability for discretionary programs under a competitive award process that are available to transit organizations directly. Typically, the agency submits an application for these programs directly to FTA. As a direct recipient of the funds, the agency reports directly to FTA. If WYDOT is named as the sponsor on the application and distributes the funds to the subrecipient,



## WYDOT State Management Plan

WYDOT budgets the award in BlackCat, submits an FTA award application, creates a subaward agreement, and conducts project oversight. This process is illustrated in [Flowchart 3-12 FTA Discretionary Program Application and Award](#).

In cases where the applicant is required to be a state agency, WYDOT Management Services works with the subrecipient to prepare the application, with WYDOT LGC review and input.



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## 4 PROJECT MANAGEMENT

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### 4.1 Project Coordination/Oversight Program

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

When subrecipients enter into contracts with contractors and subcontractors to perform work funded by the Federal Transit Administration (FTA) or state transit funds, the subrecipients are responsible for oversight and compliance of the contractors and subcontractors with federal and state regulations and guidelines.

WYDOT utilizes the Comprehensive Review Contractor's Manual, updated annually by the FTA, as a guide to conduct oversight. The most current Manual can be found through a link on FTA's Program Oversight web page (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

#### 4.1.1 Organization for Project Oversight

The Local Government Specialists are responsible for overseeing subrecipients to determine their compliance with federal and state requirements, knowledge of programs, level of risk, timeliness and participation, operation levels, fiscal responsibility, and budget management practices.

LGC staff with oversight responsibilities take an active role in understanding state and federal requirements related to management of projects and funds. They attend outside training provided by third parties and the state transit association as time and budgets allow and consult with FTA Region staff when needed for clarification and process approvals. Their knowledge is transferred to subrecipients at the semi-annual Local Transit Agency (LTA) Certification Training, scheduled calls, ongoing support, and the Subrecipient Information Request (SIR) and Site Reviews detailed in Section 4.1.5.

The Wyoming Department of Health monitors the use of WYDOT-administered federal funds that overlap with WDH federal funds that support senior centers throughout the state, as needed to assist WYDOT.

#### 4.1.2 WYDOT Oversight Policy

As funding recipients, subrecipients are responsible for:

- Meeting the requirements for applying for appropriate funding.
- Having the technical capacity for managing and implementing the projects.
- Ensuring availability of the required match.
- Working with WYDOT to develop an appropriate project description.



- Entering into a subaward agreement with WYDOT for the project.
- Meeting all subaward agreement requirements, including submitting Procurement Requests for WYDOT approval.
- Maintaining appropriate and accurate records.
- Submitting reports and reimbursement requests in a timely manner.
- Submitting a final reimbursement request within 45 days of the project ending.
- Complying with all state and federal regulations pertaining to the award.

#### 4.1.2.1 Baseline Activities

WYDOT and subrecipients have responsibilities related to ongoing oversight. Subrecipients that receive FTA funds through WYDOT are expected to participate in baseline activities, unless notified they are not required by WYDOT. Direct recipients of FTA funds have similar requirements and are responsible for meeting them. Baseline activities are outlined in Table 4.1.

**Table 4.1. Baseline Activities**

	Activity	Subrecipient	WYDOT
Daily/Weekly	Technical support and BlackCat support	Contact LGC with questions and/or concerns	Assist subrecipients as requested
Monthly	Expense reports for administration, operating, maintenance expenses	Submit	Review, return for edit (if necessary), approve
	Ridership Reports**	Submit	Review, return for edit (if necessary), approve
	Telephone and technical assistance for subrecipients with a High risk assessment rating	Prepare for and participate	Conduct and implement corrective action plans if necessary
Quarterly	State transit association District meetings	Attend	Coordinate and conduct
	Telephone and technical assistance for subrecipients with a Medium risk assessment rating	Prepare for and participate	Conduct and implement corrective action plans if necessary
	State Rural Transit Assistance Program (RTAP) and other training opportunities	Attend	Schedule and conduct
	RTAP committee	Participate and attend	Participate and attend
	Drug and Alcohol Testing Reporting (MIS spreadsheet)	Collect random test results and submit	Review and ensure completion
	Performance Measures Reports (Section 5310 subrecipients)*	Prepare	Review and approve
Semi-Annually	Update mileage for all vehicles in the BlackCat Inventory	Collect data and submit	Ensure completion





	Activity	Subrecipient	WYDOT
Annually	Reports on services provided (Section 5311, State transit, and Section 5311[f] subrecipients)**	Prepare	Review and approve
	Condition Assessment updated for all Real Property, Vehicles, Facilities, and Equipment in BlackCat Inventory	Evaluate asset conditions and report	Ensure completion
	Complete funding applications	Evaluate needs and apply for appropriate funding	Application technical support, review, return for edit (if necessary), approve as to form
	Attend RTAP Wyoming conference	Participate and attend	Participate and attend
	Drug and Alcohol Management Information System (DAMIS) Reporting	Collect test results and report	Review and ensure completion
Every Three Years	Subrecipient Information Request (SIR) and Site Review	Participate and attend	Initiate and conduct
As Needed	Informal Site Reviews	Prepare for and participate	Schedule and conduct

\*Performance Measures Reports are requested from subrecipients that have active 5310 projects. Subrecipients provide in BlackCat, LGC then submits the reports to FTA using TraMS.

\*\*Subrecipient reports are completed so that WYDOT can report annually in the NTD. Subrecipients that have active 5311, state funded, and 5311(f) projects must complete these reports in BlackCat.

### 4.1.3 Subrecipient Training

WYDOT conducts mandatory LTA Certification Training two (2) times a year for subrecipients. The training covers roles and responsibilities of WYDOT and the subrecipients regarding the administration and reporting required by FTA and WYDOT. Each subrecipient is required to have a minimum of one (1) staff member certified by the training. The certification is valid for a period of three (3) years. If no significant deficiencies are noted in the administration of projects, the certified individual may request a one-time extension of three (3) years. If the subrecipient's only certified employee is no longer employed by the organization they certified under, the organization will be required to have a new individual attend and be certified at the next certification class.

The annual Wyoming RTAP conference also includes education and training for transit administrators, bus drivers and dispatchers; and the Bus Road-e-o with written and driving skills contests. Training occurs as needed regarding current legislation, Wyoming RTAP and national RTAP initiatives, and FTA reporting requirements.

Training opportunities are offered through various nationwide entities as well. The National RTAP website and RTAP conferences offer training and resources. FTA also has technical assistance centers. These resources are available at <https://www.transit.dot.gov/funding/grants/fta-sponsored-technical-assistance-training-and-research-resource-programs>. Registration and travel expenses may be eligible for reimbursement through RTAP. (Prior authorization by WYDOT is required.)



#### 4.1.4 Ongoing Oversight and Support

During the annual application process, WYDOT requires each subrecipient to submit a detailed program description, information demonstrating compliance with federal and state requirements, and the FTA Certifications and Assurances (Section 4.2). Review of these documents on an annual basis helps WYDOT to identify common and program-specific deficiencies among subrecipients that can lead to the identification of training needs, areas for follow-up, and new areas of compliance emphasis.

WYDOT also conducts audits/reviews of particular FTA compliance requirements for all or some of its subrecipients based upon a statewide demonstrated need, individual subrecipient finding(s), or changes in FTA requirements.

WYDOT maintains a policy to meet with each subrecipient as needed and according to the subrecipient's risk level rating. These meetings can include a review of delayed projects, ADA compliance, Title VI and service information, and implementation actions needed to resolve identified deficiencies.

WYDOT assists, reviews, and approves local transit construction and renovation projects. Technical assistance and funding are available for development of RFPs and RFQs and for environmental reviews, compliance and other related expenses. WYDOT does not provide on-site project management type activities nor directly contracts for locally funded construction or renovation projects.

#### 4.1.5 SIR and Site Review Process

All subrecipients are required complete the Subrecipient Information Request (SIR) and participate in Site Review at least once as a new subrecipient, unless otherwise decided by WYDOT and then at a minimum every three (3) years. The SIR is adapted from FTA's current Comprehensive Review Contractor's Manual (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>) that covers the range of requirements for all FTA programs.

The process is illustrated in **Flowchart 4-1 Subrecipient Information Request (SIR) and Site Review Process** and includes the following:

- **SIR Completion.** The Local Government Specialist and the subrecipient agree on a date for the site review. The reviewer prepares and sends a Site Review agenda with a request to upload documents and information prior to the Site Review. Documents can be related to accounting procedures and records, procurement documentation, drug use and alcohol policies, etc.
- **Desk Review.** The reviewer performs a Desk Review of the subrecipient's SIR and documents prior to the Site Review.
- **Site Review.** The Site Review is typically a one-day meeting with facility and/or vehicle tours, as appropriate. Subrecipients are responsible for ensuring that pertinent staff members are available for the meetings. The Site Review is an opportunity for the reviewer and the subrecipient to review projects, help subrecipients reach compliance requirements, identify opportunities for improvement, answer questions, and identify future needs. The SIR is tailored to cover the areas applicable to the funding sources or types of projects the subrecipient is responsible for. The SIR and Field Guide



topics are available in Blackcat under Global Resources and are sent to the subrecipient prior to the review date.

The Site Review ends with an exit conference to review the notes taken during the Site Review and clarify any next steps.

- **Post-Review.** WYDOT sends a report that includes all findings and corrective actions. The subrecipient has an opportunity to provide comments. The subrecipient works with the reviewer to submit satisfactory corrective actions to resolve any findings.

#### **4.1.5.1 Frequency and Level of SIR and Site Reviews**

Due to time constraints and the broad scope of federal and state requirements associated with subrecipient oversight, WYDOT conducts the SIR and Site Review process as diligently as possible, given the allotted time and resources available and the desire to minimize disruption to subrecipient operations and activities.

WYDOT conducts the SIR and Site Visit with a subrecipient a minimum of every three (3) years. WYDOT evaluates each subrecipient with risk assessment during the application process that evaluates the likelihood that activities associated with awards are conducted according to regulatory requirements and sound practices. The frequency of the SIR is higher for subrecipients that have a risk assessment rating of Medium or High, with check-ins and Site Reviews determined as needed. Information about the risk assessment is included in Chapter 3.

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## **4.2 FTA Requirements**

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### **4.2.1 Certifications and Assurances**

WYDOT LGC notifies the Attorney General's Office when the annual Certifications and Assurances are available in TrAMS. The AG's Office and the WYDOT Assistant Chief Engineer authorize WYDOT's Certifications and Assurance.

To ensure compliance with federal requirements, subrecipients are required to submit the FTA Certifications and Assurances for FTA Assistance Programs annually to WYDOT with grant applications. The signed Certifications and Assurances are uploaded to the Important Documents under each subrecipient.

FTA issues a list of required certifications and assurances for each fiscal year. The most current list is available at <https://www.transit.dot.gov/funding/grantee-resources/certifications-and-assurances/certifications-assurances>. Some certifications and assurances apply to all applicants. Others are required from applicants requesting more than \$100,000 in federal assistance or depend on the type of applicant or project.

### **4.2.2 Important Documents**

In addition to the annual Certifications and Assurances, subrecipients are required to maintain Important Documents on file in BlackCat in the Important Documents module. These documents are



reviewed during the annual application process and can be specifically requested and reviewed by WYDOT during the SIR and Site Review Process; however, subrecipients are expected to maintain updated documents on an ongoing basis. These documents cover the applicable areas of review in the FTA's Contractor's Manual for a specific fiscal year, which is available at this website:

<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>.

Individual FTA programs and non-federal programs require additional submittals. Specific program requirements are detailed in the [SMP appendices](#).

Finally, there are Civil Rights program requirements for both WYDOT and subrecipients. These are described in Chapter 5.

### 4.2.3 Remedies for Noncompliance

Remedies for a subrecipient's noncompliance with the statutes, regulations, or the terms and conditions of the award or the executed subaward are set forth in 2 Code of Federal Regulations (CFR) 200 (<https://www.govinfo.gov/content/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200.pdf>). If WYDOT determines that a subrecipient is not complying with the general or specific terms of an award, WYDOT may impose additional conditions to the award, as described in 2 CFR 200.207, or take additional actions, as detailed in 2 CFR 200.338. Rules pertaining to noncompliance are defined in WYDOT's executed subaward agreement with the subrecipient in the Breach of Agreement and Remedies sections. WYDOT's template subaward agreement is available upon request.

### 4.2.4 Subaward (Project) Performance Schedule and Project Amendments

The subrecipient is responsible for meeting the schedule requirements included in the executed subaward agreement. Regularly scheduled meetings between WYDOT and the subrecipients provide the opportunity for the schedule review. If a project falls behind schedule, a plan is developed to remediate or terminate the project.

Subrecipients are responsible for reporting to WYDOT whenever one or more of the following occurs:

- Proposed budget or schedule changes.
- Milestone or completion dates were not met.
- Identification of problem areas and how the problems will be resolved.
- Expected impacts and the efforts to recover from delays.

WYDOT takes proactive steps to address issues on projects that are not meeting performance standards, including identifying resources for subrecipients, identifying specific issues causing the delay, and providing a date by which time requirements must be met.

If determined necessary to amend a project, WYDOT extends the end date or adjusts awarded amount to reflect the approved changes. The process WYDOT uses to amend a capital project is shown in [Flowchart 4-2 Amendment for Capital Project](#).

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## 4.3 Cost Principles

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#### **4.3.1 General Provisions**

WYDOT expects all subrecipients of federal and state awards to comply with the General Provisions referenced in 2 CFR 200 Subpart E (<https://www.govinfo.gov/content/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200-subpartE.pdf>). These General Provisions align with oversight practices that ensure subrecipients are fiscally responsible and have sound award management practices.

WYDOT monitors subrecipients for fiscal controls and accounting procedures in accordance with Wyoming State laws and in compliance with all FTA requirements. Information received from subrecipients provides detailed documentation of expenditures and services provided in support of projects. The subaward agreements require that all funds be expended and accounted for as required by federal, state, and local law. This information, as well as records held by the subrecipient, provide documentation for WYDOT and FTA review.

#### **4.3.2 Basic Considerations**

WYDOT expects all subrecipients of federal and state awards to comply with the Basic Considerations referenced in 2 CFR 200 Subpart E. Local Government Specialists review reimbursement requests to determine if costs are reasonable, allocable, and allowable. The criteria for these costs can be found at 2 CFR 200 403-405. Each cost must meet these criteria for the specific award being reimbursed, and cannot be cross-referenced against a different award when seeking reimbursement.

#### **4.3.3 Direct and Indirect Costs**

Direct costs are the costs that can be identified specifically or that can be directly assigned to such activities with relative ease and a high degree of accuracy for a particular award or project. An indirect cost is one that has been incurred for the common objectives of an organization, such as administrative, operational, and expenses of department heads and immediate staff. As stated in Chapter 3 (Section 3.12.5 Indirect Costs), WYDOT does not fund indirect costs.

#### **4.3.4 General Provisions for Selected Items of Cost**

2 CFR 200 Subpart E, paragraphs 200.420 to 200.475, cover considerations for allowability of specific cost items. WYDOT can address specific questions from subrecipients.

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### **4.4 Invoicing and Reimbursement**

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#### **4.4.1 Governing Policies**

The federal Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called Uniform Guidance) is the authoritative set of rules and requirements for federal awards and project management (<https://www.grants.gov/learn-grants/grant-policies/omb-uniform-guidance-2014.html>). In addition, specific requirements are outlined in FTA Circular 5010 Award Management Requirements, which can be found here: [2024](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-</a></p></div><div data-bbox=)



[innovation/32136/5010-1e-circular-award-management-requirements-7-21-2017.pdf](https://www.wydot.gov/innovation/32136/5010-1e-circular-award-management-requirements-7-21-2017.pdf). Requirements for invoicing and reimbursement are also covered in 2 CFR 200.

The State of Wyoming Statutes (<https://www.wyoleg.gov/StateStatutes/StatutesConstitution>) and Administrative Rules (<https://rules.wyo.gov/>) govern the administrative procedures for reviewing and accepting all requests for reimbursement.

### **4.4.2 Reimbursement to Subrecipients**

According to state and federal fiscal rules, WYDOT will not reimburse subrecipients for expenses incurred prior to the date of subaward agreement execution. Under an executed subaward agreement, a subrecipient must first incur costs and pay before submitting an invoice for reimbursement. All federal and state transit funds allocated to subrecipients by WYDOT through Third Party Agreements are paid to subrecipients on a reimbursement basis.

Reimbursement requests may be held for payment due to any breach of the executed subaward agreement, i.e., lack of reporting or other documented noncompliance with the subaward agreement terms.

### **4.4.3 Eligible Expenses**

According to federal and state policies, WYDOT pays all reasonable and fully and accurately documented requests for reimbursement within 45 calendar days of submittal (Wyoming State Statute 16-6-602). If the documentation is incomplete or there are ineligible expenses in the expense report, the process may take longer.

Eligible expenses are defined in the FTA circulars and state documents. Descriptions of the different types of expenses are in *WYDOT's Expense and Ridership Report Guidance* document in BlackCat. Information about how to submit documentation for reimbursement is outlined in the BlackCat User Guide.

Supporting documentation for the expenses and payment of expenses includes, but is not limited to accounting records, such as cancelled checks, paid bills with receipts, or other proof-of-payment; payroll; time and attendance records; contracts; and subaward documents. Some programs have specific requirements related to documentation.

### **4.4.4 Invoicing/Reimbursement Request Schedule**

WYDOT requires subrecipients to submit Reimbursement Requests in a timely fashion and regularly, according to the executed subaward agreement.

Delay in submitting invoices may result in the subrecipient being considered a higher-risk and more stringent requirements may be placed on the subrecipient. For example, the subrecipient may be required to provide additional or more detailed documentation in its Reimbursement Requests. Or, the subrecipient may be required to clear the backlog of invoices before WYDOT will approve future applications from the subrecipient.



For operating, administration, and maintenance costs, subrecipients must submit a monthly expense report with back-up documentation through BlackCat.

For capital expenditures, subrecipients can submit a request for reimbursement through BlackCat after delivery of the capital equipment. Required documentation includes an invoice from the vendor/supplier of capital equipment or vehicles, proof of payment by the subrecipient and evidence it has cleared the bank account, and documentation of post-delivery visual inspection and post-delivery road test results.

The process for reimbursement for capital projects is illustrated in [Flowchart 4-3 Capital Project Reimbursement](#).

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## 4.5 Procurement Policies and Procedures

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### 4.5.1 WYDOT Procurement Standards

As recipients of federal funds used in third-party procurements, WYDOT and its subrecipients must comply with the WYDOT procurement standards for non-federal procurements and with federal procurement standards that follow 2 CFR § 200.318 General Procurement Standards through 2 CFR § 200.326 Contract Provisions.

WYDOT procurement policies and procedures are governed by the following:

- WYDOT Procurement Policies and Procedures Manual
- WYDOT Operating Policy 24-1, Spending Authority and Monetary Limits
- WYDOT Operating Policy -24-9, Procurement Services
- WYDOT Operating Policy 40-1, Consultant Services Agreements

WYDOT's allowed methods of procurement are as follows:

- Micro-Purchase - \$0-\$4,999 – requires at least three phone quotes or informal quotes.
- Small Purchase - \$5,000-\$24,999 – requires at least three documented written quotes.
- Large Purchase - \$25,000 + - requires Competitive Solicitation – IFB/RFP.

WYDOT assists subrecipients in determining which procurement method is appropriate for a project.

### 4.5.2 Subrecipient Written Procedures

Subrecipients are required to have written procurement procedures that conform to applicable state and local regulations, as well as the federal law and the standards set forth in 2 CFR § 200.318 General Procurement Standards through 2 CFR § 200.326 Contract Provisions.

Subrecipient procedures may vary from WYDOT's procurement procedures and may be used if they are more stringent than the federal or WYDOT requirements; however, they must comply with all state and federal laws. Subrecipients must have the subrecipient's procurement policies and procedures on file in BlackCat, which are verified during the annual application process.



Resources related to WYDOT transit procurements are available at this website:

[https://www.dot.state.wy.us/home/planning\\_projects/transportation\\_programs/transit-in-wyoming/procurement-information.html](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming/procurement-information.html)

Subrecipients can use WYDOT's Procurement Policy Builder to generate procurement procedures for the subrecipient. It is located here and is accessible from BlackCat and the WYDOT website:

[https://docs.google.com/forms/d/e/1FAIpQLSf9S2FFBTuuH0Aj0S9dvzR-mXIB0hHYgPtPm8-u4N\\_YU7q3Sg/viewform](https://docs.google.com/forms/d/e/1FAIpQLSf9S2FFBTuuH0Aj0S9dvzR-mXIB0hHYgPtPm8-u4N_YU7q3Sg/viewform).

The written procedures for third-party procurements should include at a minimum:

- Identified dollar thresholds, specifically for sealed bids/competitive process.
- Graduated purchasing authority (what employee can authorize what type of purchase).
- Standards of conduct.
- DBE policy or goal.
- A protest and appeal process.
- Description of management of payment to contractors.
- Policy for the documentation of responsibility determinations (prior to the award, the bidders are checked for integrity, compliance, past performance, etc., per Section 3.6.2).

Procurement policies and procedures must also include the following requirements per 2 CFR Part 200.319(d)(1) and 2 CFR Part 200.319(d)(2):

- Incorporate a clear and accurate description of the technical requirements for the material, product or service to be procured.
- Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

### 4.5.3 Types of Procurements

Subrecipients conduct procurements for vehicles and equipment, as well as services they cannot perform with in-house staff.

Typical procurements for WYDOT's subrecipients include:

- Capital
  - Vehicles
  - Equipment
- Operating, Administration, and Maintenance (OAM)
  - Fuel
  - Insurances
  - Maintenance Services
- Professional Services
  - Architectural/engineering services





- Planning
- Construction

A subrecipient has the following options for procurement:

- Use a negotiated State of Wyoming purchase agreement for vehicles.
- Conduct a joint procurement with other organizations that have common needs and specifications.
- Conduct a third-party procurement on its own.

Technical assistance for procurements is available from WYDOT to determine procurement method, develop procurement documents, review bids, review contract documents, and verify that all federal procurement requirements are met. WYDOT conducts training as needed for its internal staff and subrecipients on procurement requirements.

### 4.5.4 Project Form

If a subrecipient is conducting a third-party procurement, WYDOT provides a [Project Form](#) with instructions that outline the required documentation and approvals. The documentation in the form and attachments support WYDOT's policies that all procurements are conducted in a manner providing full and open competition and excluding in-state or local geographic preference clauses. An overview of the process for a vehicle procurement is illustrated in [Flowchart 4-4 Third-Party Vehicle Procurement](#).

The form provides documentation for the following:

#### Pre-solicitation

- Independent Cost Estimate or Cost Analysis
- Rationale for procurement method (IFB, RFQ, RFP, sole source)
- Request for Consideration of Sole Source Procurement (if applicable)
- Local Match information
- Solicitation documents (Telephone log, IFB, RFQ, RFP)
  - Title VI and DBE nondiscrimination language
  - Required FTA clauses if over \$2,000
  - Required certifications (lobbying, Transit Vehicle Manufacturers [TVM], and Buy America)
  - Protest procedures

#### Pre-award

- Bids received
  - DBE Participation (does not apply to vehicle procurement)
- Bidder's Authorized Offer/Contract Signed (capital and OAM)
- Pricing Proposal Signed (professional services)
- Pre-award audit certifications (49 CFR parts 661 -Buy America, and 49 CFR part 663 – Pre-Award and Post-Delivery, Build America, Buy America Act)
  - Purchaser's Requirements (Specifications)
  - Pre-Award Buy America Certification or Waiver



- FMVSS compliance certification signed (vehicles only)
- Certification of Equivalent Service (non-ADA vehicles only)
- Lobbying Certificate if over \$100k
- Responsibility Check for vendors, contractors, and consultants
  - SAM.gov screen shot
  - Transit Vehicle Manufacturer (TVM) (vehicles only) (screen shot)
  - Additional reviews of vendor (BBB, online reviews)
- Contract documents
  - Title VI and DBE nondiscrimination language
  - Required FTA clauses
  - Davis Bacon for construction contracts greater than \$2,000
- Rationale for contract selection
- Bid Award and Concurrence form signed by subrecipient, vendor, and WYDOT

### Post Delivery

- Post-award audit certifications (49 CFR parts 661 -Buy America, and 49 CFR part 663 – Pre-Award and Post-Delivery, Build America, Buy America Act)
  - Purchaser's Requirements (Specifications)
  - Post-Award Buy America Certification or Waiver
  - FMVSS compliance certification signed (vehicles only)
- Capital Order and Delivery Tracking Form
  - Post Delivery Visual Inspection
  - Post-Delivery Road Test
- Altoona Test (vehicles only)
- Verify no deficiencies in testing process (vehicles only)
- Bus Test Certificate (vehicles only)
- Satisfactory Continuing Control form

### 4.5.5 WYDOT Oversight of Third-Party Procurements

In its oversight role, LGC monitors and oversees subrecipient purchases of goods and services using FTA and state funds to confirm that the procurements are conducted in compliance with applicable state and federal regulations, regardless of the amount.

WYDOT reviews and approves documents generated for the Project Form. Additional items that WYDOT reviews include:

- Verifying that the solicitation is non-restrictive and will result in open and fair competition and excluding in-state or local geographic preference clauses.
- Verifying that every contract includes all clauses required by federal statutes. The required clauses vary depending on the type of goods or services being procured and the dollar amount. Subrecipients must contact WYDOT for the current list of clauses to include in the procurement documents.



- Title VI, DBE, and Civil Rights requirements related to procurement are coordinated with the Office of Civil Rights in accordance with 49 CFR part 26. Subrecipients must incorporate Title VI and DBE nondiscrimination language into procurement documents and awarded contracts.

Local Government Specialists monitor subrecipient compliance with procurement requirements as part of the SIR and Site Review process that WYDOT conducts with each of its subrecipients approximately every three (3) years. As part the SIR and Site Review, WYDOT reviews subrecipient written procedures and procurement history files.

### 4.5.6 Special Considerations

#### 4.5.6.1 Professional Services Contracts

WYDOT's Engineering Services group works with LGC to conduct this type of procurement for its transit program, as shown in [Flowchart 4-5 LGC Professional Services Procurement](#).

#### 4.5.6.2 Contracting with Small and Minority- and Women-Owned Business Enterprises

In accordance with 49 CFR Part 26, WYDOT seeks to ensure non-discrimination in the award and administration of Department of Transportation (DOT)-assisted contracts and to create a level playing field on which Disadvantaged Business Enterprises (DBE) can compete fairly for DOT-assisted contracts.

Detailed information about WYDOT's DBE Program and requirements for subrecipients regarding DBE contracting is provided in Chapter 5.

#### 4.5.6.3 Independent Cost Estimate

Per CFR 200.324, recipients of federal funds must perform a cost or price analysis in connection with every procurement action in excess of the Federal Simplified Acquisition Threshold (\$250,000). The purpose is to determine the reasonableness of the project cost and the bidder's offer. An Independent Cost Estimate is required for all purchases over \$25,000; however, WYDOT recommends that an Independent Cost Estimate or cost or price analysis be performed for all procurements, regardless of the amount. The cost estimate must be prepared prior to the procurement solicitation and must be documented.

#### 4.5.6.4 Sole Source

In rural areas of Wyoming, and in the case of certain specialized transit equipment, subrecipients are not always able to obtain competitive quotes. In cases where a single source is all that is available, the subrecipient administrator must submit a [Request for Consideration of Sole Source Procurement](#) ([https://docs.google.com/forms/d/e/1FAIpQLSdDdkTqz\\_WI-fADFPuxaY5IsdiFPzW8Sju4t\\_h3VsXxRKQH2g/viewform](https://docs.google.com/forms/d/e/1FAIpQLSdDdkTqz_WI-fADFPuxaY5IsdiFPzW8Sju4t_h3VsXxRKQH2g/viewform)) to WYDOT that documents all efforts made to obtain competitive quotes, or, in cases where the sole source is apparent, provide rationale that validates the use of the sole source.

A review by WYDOT, along with a formal Notice to Proceed, is required for all cases where purchase from a sole source is requested. Omission of information, providing false information, or other



intentional inaccuracies designed to allow purchase from a preferred vendor while bypassing the competitive purchase process is grounds for WYDOT to cease reimbursement of federal grant funding.

### 4.5.7 Procurement History Files

Completion of the procurement process using WYDOT's **Project Form** ensures that the required documentation is generated and filed. WYDOT maintains the procurement-specific **Project Form** on its Google Drive. The form contains links to the submitted signed procurement documents, also on Google Drive.

WYDOT also requires subrecipients to maintain all documentation related to a specific procurement, and reviews it at a minimum every three (3) years during the SIR and Site Review. Retention of procurement history files follow the requirements outlined in Section 4.7.

Procurement history files must include:

- Rationale for the method of procurement (e.g., RFP, IFB, Sole Source).
- Selection of contract type.
- Reasons for contractor selection or rejection.
- Basis for the contract price (i.e., cost/price analysis).

Additional documentation might include:

- Independent cost estimate.
- Purchase request, acquisition planning information and other pre-solicitation documents.
- Copy of the solicitation, all addenda and all amendments.
- List of sources solicited.
- Copies of published notices of proposed contract action.
- An abstract of each offer or quote.
- Determination that contractor is responsive and responsible.
- Determination that price is fair and reasonable including an analysis of the cost and price data.
- Required internal approvals for award.
- Notice of award.
- Notice to unsuccessful quoters or offerors and record of any debriefing.
- Record of any debriefing with proposers
- Record of any protest and subrecipient response.
- Required insurance documents, if any.
- Notice to proceed.

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## 4.6 Project Close-Out

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A project is complete after the purchase of the goods for capital projects or at the end of the service period for operating or mobility management agreements as provided in 2 CFR § 200.343 and within 45



days of the final invoice being paid. The executed subaward agreement includes the required project close-out elements or other project deliverables.

WYDOT's policy is to close out projects as soon as practicable and deobligate and reobligate unspent funds, such that "older money" from these closed awards is used first for new projects.

The Local Government Specialist verifies that the subrecipient has completed all of its responsibilities related to the project. Examples include:

- Final and quarterly financial and milestone reports submitted to WYDOT.
- Copy of vehicle title on file with WYDOT.
- Copy of completed plan for planning projects, if applicable.

After the Local Fiscal Consultant verifies that all payments to the subrecipient have cleared, the Local Government Specialist issues an Intent to Close letter to the subrecipient. The subrecipient has forty-five (45) days from the date of the letter to notify the Local Government Specialist if additional reimbursements will be submitted or if additional time is needed prior to project closure. If no notification is received, the Local Fiscal Consultant closes the project in BlackCat at the forty-five (45)-day mark.

WYDOT's process for this is shown in [Flowchart 4-6 Project Closeout](#).

When a project is closed out, terminated or partially terminated, the recipient is responsible for compliance with the requirements in 2 CFR § 200.344 Post-Close Out Adjustments and Continuing Responsibilities.

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## 4.7 Records Retention, Access, and Transfer

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The FTA Master Agreement and FTA Circular 5010.1D outline retention and access requirements for all financial and programmatic records, supporting documents, statistical records, and other records of award recipients. The requirements apply to direct recipients, subrecipients, contractors, and subcontractors.

The general requirements for records retention are in Table 4.2. Specific rules are defined in the subrecipient's executed subaward agreement with WYDOT a section called Record Retention and Access to Sites of Performance. This section also outlines WYDOT's right to access to records related to the project. At project close-out, WYDOT notifies the subrecipient of any records that must be transferred from the subrecipient.

**Table 4.2. General Requirements for Records Retention**

Financial and programmatic records, supporting documents, statistical records, and other records	Three (3) years after completion of any subaward agreement, litigation, claim, negotiation, audit, or other action involving the records and started before the expiration of the three (3)-year period and including resolution of all issues that arise from these actions.
Vehicle records	Three (3) years after disposition, including procurement, maintenance, repairs, and inspection records.



## WYDOT State Management Plan

Facilities or Real Property records, including construction	Three (3) years after disposition, including procurement, maintenance, repairs, warranties, and inspection records.
Procurement History	Three (3) years after the final payment and all other pending matters are closed.
Safety Records	Documents that are included in whole, or by reference, that describe the programs, policies, and procedures that the subrecipient uses to carry out its PTASP for three (3) years.
ADA Complaint Records	Copies of ADA-related complaints for at least one (1) year and a summary of all ADA-related complaints for at least five (5) years. The complaints or copies of complaints may be retained for five (5) years in lieu of a summary.

As stated in 2 CFR 200.335 regarding the 2013 Executive Order 13642 on Making Open and Machine Readable the New Default for Government Information, WYDOT maintains project records in open and machine-readable formats; however, WYDOT also transmits and accepts paper versions of award-related information when necessary.



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## 5 CIVIL RIGHTS

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### 5.1 Introduction

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The mission of WYDOT's Office of Civil Rights is to promote equal access to and participation in WYDOT programs and activities. Additionally, the Office of Civil Rights collaborates with various WYDOT program staff to foster equality in WYDOT's transportation contracting processes. The Office of Local Government Coordination is responsible for incorporating equal access to programs and activities during the planning, development, operation, and integration of transit into the statewide transportation system.

The Office of Civil Rights Program Manager works with the Office of Local Government Coordination – Transit (LGC) to implement and monitor compliance with the Federal Transit Administration's (FTA) civil rights requirements.

WYDOT consists of individuals with diverse backgrounds, including different cultures, beliefs and life experiences.

WYDOT is committed to the rights of all people to work and advance on the basis of merit, ability and potential.

Affirmative action is a valuable and an effective tool that enables WYDOT to mitigate the effects of discrimination, intended or unintended, on the basis of race, color, sex, age, national origin, disability/handicap or income status.

WYDOT also engages in public contracting practices designed to promote affirmative action goals, policies or programs for disadvantaged or minority groups to ensure equal opportunity, employment and business for people otherwise disadvantaged by reason of race, color, sex, age, national origin, disability/handicap or income status.

The Office of Civil Rights is responsible for the administration of the Title VI requirements which include Limited English Proficiency (LEP), Environmental Justice (EJ), Affirmative Action Requirements, Americans with Disabilities (ADA), Prevailing Wage, Contract Compliance and the Disadvantaged Business Enterprise Program (DBE).

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### 5.2 Title VI of the Civil Rights Act of 1964 (Title VI)

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Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code (U.S.C.) 2000d, 49 Code of Federal Regulations (CFR) part 21, prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance or receiving any funding from FTA or WYDOT. Failure to provide LEP language assistance may constitute national origin discrimination in violation of Title VI.

FTA Circular 4702.1B, Title VI Requirements and Guidelines for FTA Recipients, outlines Title VI requirements for recipients of FTA funds, including fixed-route providers, states, and Metropolitan



### Planning Organizations (MPO)

([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf)). Additionally, WYDOT is required to maintain “racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving federal financial assistance.”

A Language Assistance Plan (LAP) is required as part of the Title VI Program in accordance with Executive Order No. 13166, Improving Access to Services for Persons with Limited English Proficiency, August 11, 2000; 42 U.S.C. § 2000d-1 note; and United States Department of Transportation (DOT) Notice, DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons, 70 Fed. Reg. 74087, December 14, 2005.

Reasonableness of the language assistance provided by WYDOT and its subrecipients is determined by the following Four-Factor analysis:

- Factor 1: Number/proportion of LEP persons eligible to be served or likely to be encountered by the agency receiving FTA funding.
- Factor 2: Frequency with which LEP persons encounter the transit program or service.
- Factor 3: Nature and importance of the program, activity, or service provided by the agency to LEP persons.
- Factor 4: Local resources available to respond to LEP outreach and identify needs, as well as costs.

An agency’s LAP is developed based on the results of the Four-Factor analysis and must include the agency’s current procedures and steps it plans to take in the future to ensure meaningful access to transit programs by LEP persons.

### 5.2.1 Title VI Program Requirements

FTA has several resources on its website related to Title VI on its website:

<https://www.transit.dot.gov/title6>, including Title VI – Frequently Asked Questions (<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-frequently-asked-questions>).

FTA Circular 4702.1B (Title VI Requirements and Guidelines for Federal Transit Administration Recipients) outlines how to comply with Title VI regulations (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>). **Appendix A of the Circular is a checklist of Title VI Program requirements**, depending on the type of recipient/subrecipient ([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf)). This checklist is available in BlackCat under Global Resources.

Title VI program requirements are also outlined in FTA’s current Comprehensive Review Contractor’s Manual (<https://www.transit.dot.gov/oversight-policy-areas/fy22-comprehensive-review-contractors-manual>). A Title VI program must include a Language Assistance Plan (LAP) for providing language assistance to persons with limited English proficiency (LEP), a Public Participation Plan with information on outreach methods to engage minority and LEP populations, Title VI complaint procedures and





complaint form, and additional information. Additional program contents vary for fixed-route service providers (including deviated fixed-route service), transit providers in Urbanized Areas of 200,000 or more people, states, and MPOs.

### 5.2.1.1 WYDOT Title VI Program

WYDOT's Office of Civil Rights is responsible for the administration of the Title VI requirements.

Information about WYDOT's Office of Civil Rights is available at:

[https://www.dot.state.wy.us/home/business\\_with\\_wydot/civil\\_rights.html](https://www.dot.state.wy.us/home/business_with_wydot/civil_rights.html).

WYDOT is required to maintain a Title VI Program that is updated and submitted every three (3) years for FTA concurrence. WYDOT'S FTA Title VI Program contains information on how WYDOT implements Title VI requirements in its transit program, including how funds are used and distributed equitably. The Title VI Program must be approved by WYDOT's Director and uploaded to TrAMS. FTA reviews and concurs with the plan, or requests WYDOT to provide additional information. WYDOT'S Title VI Program is available at [https://www.dot.state.wy.us/home/planning\\_projects/transportation\\_programs/transit-in-wyoming.html](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html).

### 5.2.1.2 FTA Direct Recipient Title VI Program

Transit service providers and MPOs that are direct recipients of FTA funding are required to update the subrecipient's Title VI Program every three (3) years. The updated program, with the FTA concurrence letter, must be provided to WYDOT.

### 5.2.1.3 Subrecipient Title VI Program

FTA Circular C4702.1B outlines how to comply with Title VI regulations. All subrecipients must have a Title VI Program that has been approved by the subrecipient's board with signatures to receive federal funds. Subrecipients may choose to adopt WYDOT's notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate.

WYDOT, as the primary recipient passing through FTA funds to a subrecipient, is charged with ensuring subrecipient compliance with the regulations and reporting requirements.

As agents of WYDOT's transit program, a subrecipient that does not receive federal assistance is still subject to WYDOT's non-discrimination policy and shall not discriminate on the basis of race, color or nation origin in the administration of the project. If a subrecipient is not in compliance with Title VI requirements, then the primary recipient (WYDOT) is also not in compliance. The Title VI Program must be reviewed by WYDOT for compliance and kept current in BlackCat prior to a subrecipient receiving FTA funds.

In addition, WYDOT and its subrecipients must also assure that their advertisements, contracts and subcontracts include certain Title VI non-discrimination clauses and terms, depending on the type of contract.



### 5.2.2 WYDOT Oversight of Subrecipient Title VI Program

WYDOT monitors subrecipients to verify they have a Title VI Program prior to receiving funds and are in compliance with all Title VI requirements, including passing on these requirements to its third-party contractors.

With the annual application, the [WYDOT Signature Page – IR Questions document](#) asks the subrecipient to certify that it has adopted an approved Title VI Program and that it is on file with WYDOT. Title VI Programs must be uploaded in BlackCat with the Important Documents. In executed subaward agreements, subrecipients agree to comply with all applicable civil rights statutes and regulations.

The Office of Civil Rights Office uses a questionnaire to review subrecipient activities related to Title VI. The categories are listed below. The [Title VI Compliance Questionnaire for Local Agencies](#) and [Title VI Compliance Questionnaire for Planning Agencies](#) are available in BlackCat under Global Resources.

- Administration
- Planning Activities
- Consultant Contracts Activities
- Design/Environmental Activities
- Right of Way Activities
- Construction and Maintenance Activities

If the Program does not meet the requirements, a letter with a Corrective Action Plan is issued to the subrecipient.

The subrecipient's Title VI Program must be updated every three (3) years unless the subrecipient is no longer receiving federal funds, is not still expending federal award, and does not have any federally funded equipment in operation. If the subrecipient has become a direct recipient of FTA funds, the subrecipient is required to submit its Title VI Program to FTA and provide a copy to WYDOT, as described in Section 5.2.1.2.

When a subrecipient first submits its Title VI Program to BlackCat, an expiration date that is three (3) years after the creation of the submitted Title VI Program is entered. Expiration dates are tracked in BlackCat, and the subrecipient is notified through BlackCat of upcoming expiration dates. If the subrecipient has a change in its Authorized Representative, a Title VI Program with the new Authorized Representative's signature is required, even if three (3) years haven't passed.

Every year, WYDOT reviews a select number of subrecipients' Title VI Programs—with the ones expiring as the priority.

Oversight includes WYDOT's review of a subrecipient's website to ensure the following information is posted: Title VI public notice, Title VI complaint procedures, and Title VI complaint form. Examples of these are included in WYDOT's Title VI Plan at [Transit in Wyoming \(state.wy.us\)](https://transit.wyoming.gov/).



In addition, the Title VI Program is reviewed as part of the SIR and Site Review Process a minimum of every three (3) years with each subrecipient. The Office of Civil Rights may also conduct a Desk Review of a subrecipient's Title VI Program as a portion of the review.

This Title VI process is shown in [Flowchart 5-1 Title VI Program Submittal](#).

### 5.2.3 Title VI Technical Support for Subrecipients

WYDOT LGC is available to assist a subrecipient to prepare its Title VI Program and correct any deficiencies. Deficiencies identified during the Site Review are reported to the Office of Civil Rights within approximately 30 days of the review and may result in an additional program area review.

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## 5.3 Disadvantaged Business Enterprise

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Disadvantaged Business Enterprise (DBE) regulation 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs (<https://www.ecfr.gov/cgi-bin/text-idx?SID=53cd5c89e0e9bdcfc93bae3ae3efb10c&mc=true&node=pt49.1.26&rgn=div5>) seeks to ensure nondiscrimination in the award and administration of DOT-assisted contracts, create a level playing field on which DBEs can compete fairly for DOT-assisted contracts, help remove barriers to the participation of DBEs in DOT-assisted contracts, promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients, and assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

FTA direct recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$250,000 in FTA funds in a federal fiscal year (see: 49 CFR 26.5) are required to have a DBE Program and participation goal specific to FTA. Contracting opportunities are counted in the aggregate, and include FTA-funded purchase orders, capital projects, professional services, Transportation Infrastructure Finance and Innovation Act (TIFIA) loan-funded projects, contracting activities of subrecipients, and discretionary grant funds. Small and micro-purchases are also counted toward this threshold.

Recipients that meet the above threshold must ensure that its chief executive officer designate a DBE liaison officer (DBELO) who has direct and independent access to the chief executive officer concerning DBE matters.

### 5.3.1 WYDOT DBE Program

WYDOT is required to have an FTA-approved DBE Program and a DBE Participation Goal on file with the FTA. Significant changes to the Program must be submitted to FTA for approval. The DBELO for WYDOT is the Office of Civil Rights Program Manager.

In accordance with 49 CFR Part 26, WYDOT seeks to ensure non-discrimination in the award and administration of DOT-assisted contracts and to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts. WYDOT and its subrecipients shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the



administration of its DBE program or the requirements of 49 CFR Part 26. In administering its DBE Program WYDOT shall not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin. WYDOT's DOT-approved DBE Program Plan is managed by the Office of Civil Rights and is available at

[https://www.dot.state.wy.us/home/business\\_with\\_wydot/contractors/Disadvantaged\\_Business\\_Enterprise.html](https://www.dot.state.wy.us/home/business_with_wydot/contractors/Disadvantaged_Business_Enterprise.html).

### 5.3.2 WYDOT Triennial DBE Participation Goal

Every three (3) years, WYDOT is required to submit a transit-specific DBE participation goal to FTA for all contracting opportunities funded in whole or in part with FTA funds (Triennial DBE Goal).

As part of WYDOT's Triennial DBE Participation goal setting process, the Office of Civil Rights seeks public input, as follows:

- Not later than April 1<sup>st</sup> of the final year of the current DBE goal, WYDOT engages in consultation with minority, women, and general contractor groups; community organizations, and other officials or organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and a state's efforts to establish a level playing field for the participation of DBEs. WYDOT contacts the above-listed groups by email or hard copy written communication requesting information that may be germane to the upcoming goal setting. WYDOT keeps a record of the request, identification of all groups contacted, dates of contact, and any information provided to WYDOT that may or may not have bearing upon the goal.
- Once the draft triennial goal is established, WYDOT publishes a notice, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the WYDOT office in Cheyenne for 30 days following the date of the notice, and informing the public that comments on the goals will be accepted for 45 days from the date of the notice. The notice includes addresses to which comments may be sent (including the FTA Region VIII Civil Rights Officer's address). The notice is published in general circulation media, any minority-focused media in Wyoming, and trade association publications in Wyoming.
- The Office of Civil Rights revises the goal, as needed based on public input. This Triennial DBE Goal is submitted to FTA in Transit Award Management System (TrAMS), posted on WYDOT's website, and communicated to WYDOT's transit stakeholders.

The process that WYDOT uses to set the goal is shown in [Flowchart 5-2 Triennial DBE Participation Goal \(FTA\)](#).

WYDOT's current Triennial DBE Participation Goal can be found at.

[https://www.dot.state.wy.us/home/business\\_with\\_wydot/civil\\_rights.html](https://www.dot.state.wy.us/home/business_with_wydot/civil_rights.html).



WYDOT DBE goals are obtained through race-neutral measures with no project-specific goals. These measures are outlined in WYDOT's DBE Program. LGC works with the WYDOT Procurement Services Program to ensure that race-neutral measures are implemented on WYDOT and subrecipient procurements, inclusive of disadvantaged businesses and small businesses. This includes monitoring marketing conditions, evaluating contracting opportunities for DBEs and small businesses, maintaining a current list of certified DBEs and communicating this to subrecipients, and continued monitoring of business size and participation in opportunities.

### 5.3.2.1 Reporting

The Office of Civil Rights submits the Semiannual DBE Report (Uniform Report of Awards or Commitments and Payments) to FTA in TrAMS by June 1 and December 1 each year. FTA responds with a concurrence letter that the Office of Civil Rights and LGC keep on file. This process is shown in [Flowchart 5-3 DBE Semiannual Report to FTA](#).

If the established DBE participation goal is not met in any one fiscal year, WYDOT is required to prepare a shortfall analysis and corrective action plan. These are to be kept on file in all cases. FTA can request the analysis and plan at any time for review.

### 5.3.3 Direct Recipient DBE Program

If a direct recipient of FTA funds and it meets the threshold noted in Section 5.3, it is required to have a DBE Program, a designated DBELO, and a participation goal specific to and approved by FTA.

#### 5.3.3.1 Reporting

A direct recipient with an approved DBE program is responsible for submitting its DBE participation reports to FTA in TrAMS by June 1 and December 1.

### 5.3.4 Subrecipient DBE Program

Subrecipients in Wyoming will not likely meet the threshold requirement that would require them to have their own DBE Program. Subrecipients can adopt WYDOT's DBE Program. If a subrecipient elects to have its own DBE program, it must be consistent with WYDOT's DBE Program requirements. Those requirements are outlined in a [DBE Program Q&A document](#) available to subrecipients in BlackCat under Global Resources. Because WYDOT has adopted a race-neutral program to meet its DBE Triennial Goal, a subrecipient that has adopted WYDOT's DBE Program does not need to set DBE goals on projects, but must comply with WYDOT's DBE Program and report all DBE participation on contracting opportunities.

Subrecipients shall not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering WYDOT's DBE Program or, if applicable, a subrecipient DBE program, subrecipients shall not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the Program with respect to individuals of a particular race, color, sex, or national origin. Subrecipients shall



take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. WYDOT and its subrecipients must include contract provisions required by 49 CFR Part 26 regarding nondiscrimination, prompt payment, and release of retainage in all federally assisted project advertisements and contracts.

Subrecipients are expected to include DBEs in the competition for contracting opportunities to the fullest extent practicable through outreach and recruitment. In addition, subrecipients must include nondiscrimination language in procurement documents and contracts. Required language is included in the [DBE Program Q&A document](#) in BlackCat under Global Resources.

### 5.3.4.1 Reporting

A subrecipient that receives federal assistance must track and report all bidders and contractors and subcontractors, including DBEs, who participate and seek to participate in its contracting opportunities. A subrecipient is required to report DBE participation to WYDOT twice a year by May 1 and November 1 to be included in the WYDOT DBE Semiannual Report to FTA. WYDOT may conduct random audits to verify the contracting data reported by subrecipients.

The reporting includes:

- DBE firms approached and invited to bid.
- DBE firms that submitted bids.
- All contracting awards, both non-DBE and DBE.

### 5.3.4.2 Transit Vehicle Manufacturers

Per 49 CFR 26.49, only eligible transit vehicle manufacturers (TVM) that have an FTA-approved DBE goal methodology and DBE program may bid on FTA-assisted transit vehicle procurements. Subrecipients must request a TVM certification from bidders during the procurement process. Subrecipients can verify the certification at this website: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers>. A screenshot from the website serves as the documentation.

Documentation of the TVM certification of the successful bidder must be provided with the procurement documentation to WYDOT prior to ordering a vehicle.

49 CFR 26.49 requires that WYDOT report a transit vehicle procurement award within 30 days of making the award, including the name of the successful bidder and the total dollar value of the contract.

WYDOT uses this reporting form to report the award to FTA:

<https://www.surveymonkey.com/r/vehicleawardreportsurvey>.

### 5.3.4.3 WYDOT Oversight of Subrecipient DBE Program

WYDOT oversees subrecipient implementation of its DBE Program. WYDOT monitors subrecipient compliance with DBE requirements through review of the subrecipient's DBE program and procedures for developing and meeting DBE goals when applicable, monitoring contractor performance,



determining good faith efforts in the procurement process, and through subrecipient reporting of DBE participation.

WYDOT verifies that DBEs reported by subrecipients meet the criteria of 49 CFR Part 26 and are certified by WYDOT. The DBE requirements, application forms, and a list of currently certified DBE firms are provided at [Disadvantaged Business Enterprise \(state.wy.us\)](https://www.wy.gov/transportation/disadvantaged-business-enterprise).

### 5.3.5 DBE Technical Support for Subrecipients

The Office of Civil Rights and LGC are available to assist a subrecipient in meeting the requirements of 49 CFR Part 26. LGC staff provide support in the following ways:

- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients.
- To provide DBE-specific and periodic training through the statewide transit association.
- To assist the development of organizations that can compete successfully in the marketplace outside the DBE Program.
- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

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## 5.4 Equal Employment Opportunity

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The FTA Master Agreement requires all applicants, recipients, subrecipients, and contractors receiving FTA funding to comply with applicable federal civil rights laws and regulations and to follow applicable federal guidance. Equal Employment Opportunity (EEO) requirements apply to nondiscrimination as related to employment. EEO guidance is outlined in FTA Circular 4704.1, Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients (<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/civil-rights-ada/56501/eo-circular-c-47041a.pdf>).

WYDOT and its subrecipients or contractors shall not discriminate in employment on the basis of race, color, religion, national origin, sex, age, genetic information, disability, veteran status, or retaliation.

Direct recipients, subrecipients, or contractors that meet the thresholds outlined in the following sections must prepare EEO Programs that meet the requirements described below. Those that do not meet the thresholds are not required to submit an EEO Program, but are still required to comply with all EEO statutes and regulations.

### 5.4.1 Thresholds for Full EEO Program

Any subrecipient, subrecipient of a WYDOT subrecipient, or contractors that meet both of the following thresholds must implement all of the EEO Program elements.





- Employs 100 or more transit-related employees, and (When calculating the total number of transit-related employees, subrecipients are required to include all part-time employees and employees with collateral duties that support the transit program. For example, a budget analyst who processes payments for the transit program would be considered a transit-related employee.)
- Requests or receives capital or operating assistance in excess of \$1 million in the previous federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous federal fiscal year.

Requirements for a full EEO Program are outlined in [Attachment 6 to FTA Circular 4704.1](#) that is available in BlackCat under Global Resources.

### 5.4.2 Thresholds for Abbreviated EEO Program

Any subrecipient, subrecipient of a WYDOT subrecipient, or contractor that meets both of the following threshold requirements must prepare, maintain, and submit, if requested by WYDOT, an abbreviated EEO Program:

- Employs between 50 and 99 transit-related employees, and
  - (When calculating the total number of transit-related employees, subrecipients are required to include all part-time employees and employees with collateral duties that support the transit program. For example, a budget analyst who processes payments for the transit program would be considered a transit-related employee.)
- Requests or receives capital or operating assistance in excess of \$1 million in the previous federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous federal fiscal year.

Requirements for an abbreviated EEO Program are outlined in [Attachment 6 to FTA Circular 4704.1](#) that is available in BlackCat under Global Resources.

### 5.4.3 WYDOT EEO Program

WYDOT's internal EEO policy is consistent with FTA's EEO requirements. It applies to all WYDOT employees and is set forth in WYDOT Operating Policy 35-6.

### 5.4.4 Direct Recipient EEO Program

A direct recipient of FTA funds or a contractor to WYDOT that meet the EEO thresholds, must submit the applicable EEO Program and FTA concurrence letter to WYDOT every four (4) years to keep on file.

### 5.4.5 WYDOT Oversight of Subrecipient EEO Requirements

In the event that subrecipients and contractors meet the EEO Program thresholds, they are required to have EEO Programs and submit them through BlackCat under the Important Documents tab. The process for collecting and reviewing subrecipient EEO Programs through BlackCat is shown in [Flowchart 5-4. EEO Tracking and Reporting](#).





WYDOT is responsible for ensuring and documenting that subrecipients and contractors that receive funds directly from FTA, receive funds as a contractor to WYDOT, or receive FTA funds from WYDOT comply with EEO statutes and regulations.

WYDOT oversees subrecipient compliance with FTA's EEO requirements. Subrecipients are responsible for reporting EEO complaints filed against them to WYDOT. WYDOT then reviews and tracks resolution of the complaints.

### 5.4.6 EEO Technical Support for Subrecipients

The Office of Civil Rights and LGC are available to assist a subrecipient in meeting EEO Program requirements and in resolving EEO complaints.

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## 5.5 Americans with Disabilities Act

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FTA is charged with ensuring public transit providers comply with the DOT regulations implementing the transportation-related provisions of the Americans with Disabilities Act (ADA) of 1990 as amended (42 U.S.C. 12101 et seq.), and Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) (Section 504). The ADA affords equal opportunity for employment, transportation, telecommunications, and places of public accommodation for people with disabilities. In accordance with Section 504, WYDOT and its subrecipients shall not discriminate on the basis of handicap by recipients of federal financial assistance.

In order to receive federal funds, recipients, and subrecipients of FTA funds must comply with Section 504; in order to comply with DOT's Section 504 regulations, recipients and subrecipients must comply with the DOT ADA regulations.

The regulations in 49 CFR Parts 27, 37, 38, and 39 set specific requirements transit providers must follow to ensure their services, vehicles, and facilities are accessible to and usable by individuals with disabilities.

- Part 27 contains general nondiscrimination requirements (which largely overlap with the more recent nondiscrimination requirements in Part 37), along with subrecipient local complaint process requirements and DOT compliance and enforcement provisions.
- Part 37 contains the service-related requirements for fixed-route bus, complementary paratransit, demand responsive service, and rail systems.
- Part 38 contains the design specifications for various types of buses, vans, and rail cars.
- Part 39 sets forth the general nondiscrimination and service-related requirements for passenger vessel operators that provide ferry and other water transportation services.

The ADA guidance outlined in FTA Circular 4710.1, Americans with Disabilities Act (ADA): Guidance ([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final\\_FTA\\_ADA\\_Circular\\_C\\_4710.1.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf)) addresses the ADA requirements for the following types of public transit services:

- Fixed route bus.



- Complementary paratransit.
- Demand responsive.
- Rail (rapid, light, and commuter).
- Water transportation/passenger ferries.

### 5.5.1 WYDOT ADA Complaint Process

FTA requires all organizations receiving federal funds to have procedures in place to specifically address complaints alleging ADA violations. The WYDOT Office of Civil Rights Title II Coordinator is responsible for coordinating ADA compliance as delegated by the WYDOT Office of Civil Rights Director. WYDOT reviews and responds to ADA complaints according to the process shown in [Flowchart 5-5 WYDOT ADA Complaint Process](#).

### 5.5.2 WYDOT Accessibility Program

Public entities are required by Title II of the ADA to provide accessible services to persons with disabilities. For WYDOT, “accessible services” means curb ramps, rest stops, building facilities, and public information. Regulations pertaining to ADA Title II can be found in 28 CFR Part 35. Design and construction standards can be found in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) (<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag>) and Public Right of Way Accessibility Guidelines (PROWAG) (<https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>).

WYDOT’s ADA Transition Plan is a living document that assesses accessibility across all programs and projects, highlighting compliance efforts and charting a course for improvements. The latest ADA Transition Plan approved by WYDOT and FHWA is on WYDOT’s website ([https://www.dot.state.wy.us/home/business\\_with\\_wydot/civil\\_rights.html](https://www.dot.state.wy.us/home/business_with_wydot/civil_rights.html))

### 5.5.3 Subrecipient ADA Requirements

The regulations in 49 CFR Parts 27, 37, 38, and 39, and Section 504 apply broadly to both public and private entities and to almost all types of transportation services. FTA encourages providers to have ADA-related written policies and procedures to ensure consistency in operations.

49 CFR Part 27 covers general nondiscrimination. This includes prohibition against discrimination, equipment requirements for accessible service, accommodation of wheelchair users, assistance by transit personnel, service animals and oxygen supplies, information in accessible formats, and personnel training.

Part 37 covers service requirements for fixed-route bus, complementary paratransit, and demand response,

Part 38 covers vehicle acquisition and specifications, including requirements for equivalent facilitation requests for equivalent service.



## 5.5.4 WYDOT Oversight of Subrecipient ADA Requirements

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.

### 5.5.4.1 Vehicles

WYDOT ensure that all vehicles acquired with FTA funds are equipped, maintained, and operated in accordance with ADA requirements by reviewing and approving vehicle procurements and on-site inspections during the SIR and Site Review every three (3) years.

### 5.5.4.2 Demand Responsive Service

A subrecipient must receive prior approval from WYDOT to purchase an inaccessible vehicle. Subrecipients receiving FTA funding under Section 5307, Section 5310, or Section 5311 that provide demand responsive service are required to submit a [Certification of Equivalent Service](#) to WYDOT prior to procuring an inaccessible vehicle. A provider of demand responsive service also makes this certification with the annual Certifications and Assurances submitted with its annual application. The certification is valid for one (1) year. A sample Certification is available as an attachment to FTA Circular 4710.1, Americans with Disabilities Act Guidance. If LGC and the Office of Civil Rights determine that a subrecipient presents a risk in this category, an ADA review may be performed.

### 5.5.4.3 Complementary Paratransit

WYDOT reviews the complementary paratransit services that subrecipients providing a fixed route service must also provide. Requirements include:

- Having a process for determining paratransit eligibility that includes an appeal process.
- Providing paratransit service to out-of-town visitors.
- Service requirements:
  - Origin-to-destination service.
  - Service area that is corridors  $\frac{3}{4}$ -mile wide on either side of the fixed route, with a  $\frac{3}{4}$ -mile radius around the end points.
  - Allowing riders to reserve trips on a next-day basis, from 8:00 a.m. to 5:00 p.m., Sunday through Saturday.
  - Fares cannot exceed twice the fare that would be charged to an individual paying full fare.
  - No restrictions on trip purpose.
  - Trips must be available during the times and days that the fixed-route service is available.
  - Service must be provided to at least one other individual accompanying the eligible individual.



- Optional no-show policy.

These requirements also apply to service provided under contract to another entity.

#### 5.5.4.4 Facilities

WYDOT reviews construction plans and specifications for newly constructed facilities, including joint use stops and depots for intercity bus transportation, to ensure that they comply with ADA accessibility standards.

#### 5.5.5 ADA Technical Support for Subrecipients

LGC and the Office of Civil Rights have prepared an [ADA Frequently Asked Questions \(FAQ\) document](#) and an [ADA Review Checklist](#) that are available to subrecipients in BlackCat under Global Resources. An example of an [ADA Guide for Bus and Transit Operations](#) is available to subrecipients in BlackCat under Global Resources.

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### 5.6 Environmental Justice

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As stated in FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients,

“Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires the U.S. Department of Transportation (DOT) and FTA to make environmental justice part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of our programs, policies, and activities on minority populations and/or low-income populations (collectively “EJ populations”). Environmental justice at FTA includes incorporating environmental justice and non-discrimination principles into transportation planning and decision-making processes, as well as project-specific environmental review.”

[https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_EJ\\_Circular\\_7.14-12\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_EJ_Circular_7.14-12_FINAL.pdf)

DOT Order 5610.2(a) sets forth the DOT policy to consider environmental justice principles in all DOT programs, policies, and activities.

The environmental justice Orders and Circular set forth steps to prevent disproportionately high and adverse effects to minority or low-income populations not only through environmental analyses conducted as part of federal transportation planning and National Environmental Policy Act (NEPA) provisions, but also through Title VI analyses.

While Title VI is a federal statute that applies to recipients and subrecipients of federal financial assistance, environmental justice is addressed in an Executive Order that applies to federal agency (DOT and FTA) actions. Title VI is one of the tools used by federal agencies to implement the environmental justice directive. FTA Circular 4703.1 further explains how Title VI and environmental justice work



together. This is summarized on pages 4 and 5 of the circular. [A copy of this chart](#) is available to subrecipients in BlackCat under Global Resources.

The overarching objective for environmental justice is that there be a fair distribution of benefits and burdens associated with federal programs, policies, and activities. The guiding environmental justice principles followed by the DOT and FTA are summarized as follows:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### 5.6.1 WYDOT Environmental Justice Commitments

As a recipient of federal funding, WYDOT follows the environmental justice principles adopted by the DOT and FTA to help ensure the fair distribution of the benefits and burdens associated with WYDOT programs and activities, including federally funded projects.

WYDOT and its subrecipients shall include and consider environmental justice principles at every stage of a project, including transit planning, decision-making, and project-specific environmental review. WYDOT and its subrecipients can satisfactorily demonstrate that environmental justice was integrated into decision-making through a variety of ways, including:

- Ensuring that the level and quality of public transportation service is provided in a non-discriminatory manner. For example, when considering transit routes and service options, subrecipients should take into account the challenges faced by low-income and minority households who are dependent on transit for accessing employment and other services.
- Promoting full and fair participation in transportation decision-making without regard to race, color, national origin, or income. For example, subrecipients should (and MPOs must) be able to demonstrate how they seek out and consider the needs of those traditionally underserved by existing transportation systems and should periodically review the effectiveness of the procedures, strategies, and desired outcomes contained in their public participation plan to ensure a full and open participation process, which considers the needs of low-income and minority households.
- Ensuring meaningful access to public transportation-related programs and activities by persons with limited English proficiency. For example, subrecipients can prepare additional literature in the languages which are predominant in their service areas.
- Making public involvement an integral part of decision-making so that all populations within a community have an opportunity to be heard and policymakers understand community needs, perceptions, and goals.



- Ensuring that public involvement activities identify and involve minority and low-income populations when making transportation decisions.
- Avoiding, minimizing, or mitigating disproportionately high and adverse effects on minority and low-income populations.
- Demonstrating the opportunity has been provided for public involvement in the identification of potential projects when applying for discretionary funds.

At the planning level, activities should be supplemented by data collection through both national services (e.g., Census Bureau, American Community Survey) and locally developed and administered data collection (e.g., finance department data, community impact assessments, and customer surveys). Local data can be derived from local surveys and recordkeeping. Places where surveys may be used include churches, farmers markets, transit stations and centers, senior centers, and various local community organizations and social groups. This data will permit a comparative assessment of accessibility, travel times, travel mode usage, and other travel attributes across environmental justice and non-environmental justice populations.

WYDOT projects that require a federal action must comply with NEPA. During the NEPA review process, WYDOT evaluates possible adverse human health and environmental effects of a project on minority and low-income communities.

### 5.6.2 Subrecipient Environmental Justice Responsibilities

FTA requires recipients and subrecipients of FTA funds to facilitate its compliance with Executive Order 12898 and DOT Order 5610.2(a) by incorporating environmental justice principles into transportation decision-making process and environmental review documents. The following responsibilities related to environmental justice are summarized from FTA Circular 4703.1

([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_EJ\\_Circular\\_7.14-12\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_EJ_Circular_7.14-12_FINAL.pdf)).

- Consider transportation needs of the public, including minority and low-income populations, in all transportation planning processes, including mobility issues; access to jobs and services; level of service; and service equity.
- Conduct an environmental justice analysis as part of any Environmental Impact Statement when triggered by an action (e.g., construction, fare, route, service change, etc.).
- With major changes to routes, services, or fares, conduct a modified equity analysis to identify if a disproportionate impact of changes was experienced by minority or low-income populations.
- When determining a site or location of a constructed facility, complete a Title VI equity analysis.

This is not intended to be an all-inclusive list—recipients must familiarize themselves with the details of how to integrate environmental justice into their transit decision-making processes that are included in the Circular.



### **5.6.3 WYDOT Oversight of Subrecipients**

WYDOT oversees how a subrecipient integrates environmental justice into its decision-making processes as part of its Title VI oversight described in Section 5.2.2.

### **5.6.4 Environmental Justice Technical Support**

The Office of Civil Rights provides technical assistance and training for LGC staff and subrecipients. This includes helping subrecipients understand environmental justice-related outreach to minority and low-income populations. Additional resources can be found on the FTA website at

<https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/environmental-justice/environmental-justice> and the Environmental Justice Frequently Asked Questions at <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/environmental-justice/environmental-justice-faqs>.



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## 6 PROGRAM MANAGEMENT

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### 6.1 Continuing Control

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The Federal Transit Administration (FTA) has specific requirements related to assets purchased with FTA funds, such as real property, facilities, equipment, and rolling stock vehicles. The requirements are outlined in FTA Circular 5010, Award Management Requirements ([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Grant%20Management%20Requirements%20Circular\\_5010-1E.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Grant%20Management%20Requirements%20Circular_5010-1E.pdf)).

Project property means any real property, equipment, supplies, or improvements included in the costs of an FTA-assisted project, regardless of whether such property was acquired using FTA assistance, was provided as the nonfederal share, donated by a third party, or acquired in some other way.

WYDOT is responsible to FTA to monitor a subrecipient's processes and procedures related to the assets, as well as the condition and eventual disposal of the asset. This includes monitoring and reporting on the existence, current use, and continued need for the FTA-funded assets.

The annual grant application contains the FTA Certifications and Assurances requiring the applicant to certify to satisfactory continuing control over the use of project equipment and facilities. A subrecipient is required to maintain an asset inventory in BlackCat. WYDOT verifies the inventory at the scheduled Subrecipient Information Request (SIR) and Site Review Process (Chapter 4), and through coordination of the disposition of the assets.

#### 6.1.1 Insurance Coverage

A subrecipient must provide adequate insurance coverage and documentation of the coverage for real property and equipment acquired or improved with federal and state funds. Insurance requirements are specified in the subaward agreement. Required insurance for a vehicle or facility must be updated in the annual condition assessment in October. In the event of damage or loss, a subrecipient must notify WYDOT and enter the incident into the inventory in BlackCat.

#### 6.1.2 Safety & Security

A subrecipient is required to have procedures in place to securely store federal- and state-funded assets. A control system must be in place to ensure adequate safeguards to prevent the loss, damage, or theft of equipment. Any loss, damage, or theft shall be investigated. In cases of accidental or casual loss of project equipment, fair market value shall be deemed as the value of the equipment prior to its destruction. The subrecipient must reinvest the insurance proceeds from the settlement for public transit purposes. FTA useful life requirements apply. If the asset has not reached its useful life, the appropriate payment should be made to replace the asset. Otherwise, documentation should be provided supporting the application of proceeds to the transit operation.

During a scheduled Site Review, the Local Government Specialist reviews the subrecipient's safety and security procedures to verify that there are proper controls in place to safeguard property against loss,





damage, or theft through the use of locked fences or garages, lighting, security systems, etc. The Local Government Specialist may also check to see how and where keys are secured.

### **6.1.3 Title**

If a subrecipient uses federal or state funding to purchase any real property or facilities or equipment or supplies valued at \$5,000 or more, the title must be in the name of the subrecipient with the following typed on the face of the title document by the County Clerk: “WYDOT – Grant Restricted.” The title stays with the subrecipient, and a copy must be uploaded in BlackCat.

### **6.1.4 Encumbrance**

A subrecipient shall not execute any lease, pledge, mortgage, lien, contract or other obligation touching or affecting the federal interest in any project facilities or equipment; nor shall it obligate itself in any other manner, to any third party with respect to project facilities or equipment, unless such lease, pledge, mortgage, lien contract or other obligation is expressly authorized, in writing, by WYDOT and FTA; nor shall the subrecipient, by any act or omission of any kind, adversely affect the federal interest or impair its continuing contract over the use of project facilities or equipment.

### **6.1.5 Real Property or Facilities**

#### **6.1.5.1 Real Property**

As defined in the Code of Federal Regulation (2 CFR Part 200.85), real property means land, including land improvements, structures, and appurtenances thereto, but excludes moveable machinery and equipment. It includes anything permanently affixed to the land, such as buildings, fences, and those things attached to the buildings that, if removed, would deface the structure or integrity of the building, such as plumbing, heating fixtures, etc.

Except as otherwise provided by federal or state statutes or by WYDOT, real property must be used for the originally authorized purpose as long as needed for that purpose, during which time the subrecipient must not dispose of or encumber its title or other interests.

#### **6.1.5.2 Facilities**

Facilities mean all or any portion of a building or structure that is used in providing public transportation, including related roads, walks, parking lots, and parking facilities. Facilities could include the following capital assets:

- Passenger shelters
- Signs
- Amenities, such as passenger benches and bicycle lockers
- Bus barns and storage sheds
- Bus parking areas
- Bus maintenance facilities
- Transit infrastructure such as transfer facilities
- Park and ride lots, facility parking lots, sidewalk improvements



- Transit administration facilities

Facilities must be used for the intended purpose as stated in the project application, and WYDOT must be notified immediately if the facility is no longer needed, or if the facility use is altered from its original purpose.

### 6.1.5.3 Incidental Use

If a subrecipient has an incidental use for a property or facility, the incidental use must be submitted to and approved by WYDOT according to the process shown in [Flowchart 6-1 Facility Incidental Use](#). Incidental use must be compatible with the approved purposes of the project award and may not interfere with either the intended uses of the property or the subrecipient's ability to maintain satisfactory continuing control. Additional requirements about incidental use are in FTA Circular 5010.

Examples of incidental use include:

- Temporary use of transit property as a staging area for nearby construction.
- Allowing nearby theaters and restaurants to use transit parking spaces during the transit system's off-hours.
- Leasing of space in a station for a newspaper stand or coffee shop when the additional use does not interfere with the original purpose authorized in the award.
- The lease of air rights over transit facilities or utilities associated with transit facilities (such as spare capacity in general utilities and fiber optics communications utilities) that do not impact the structural configuration of the transit facility.

### 6.1.5.4 Facility Leasing

A subrecipient can use federal or state funds for leasing a facility with written authorization from WYDOT. The Local Government Specialist may review the lease documents during the SIR and Site Review Process. Lease agreements should be submitted to WYDOT prior to executing any contract with service providers. It is the subrecipient's responsibility to ensure that contractors comply with all federal and state requirements.

### 6.1.5.5 Facility Insurance

All major structures and facilities funded under state or federal programs must have adequate insurance throughout the life of the facility. The level of insurance coverage should be commensurate with the cost and risk potential for replacing the facility. Subrecipients must immediately contact the Local Government Specialist in the event a program-funded facility is severely damaged or destroyed from vandalism, fire, accident, or other causes.

Subrecipients are required to have procedures to determine if federal assisted buildings are located in special flood hazard areas and procedures for determining sufficient levels of insurance and periodically reevaluate to determine if federally assisted buildings have been moved into a special hazard area by FEMA. Subrecipients must have flood insurance for FTA-funded buildings located in areas that have



been identified as having special flood hazards and in which the sale of floor insurance has been made available under the National Flood Insurance Act of 1968.

WYDOT reviews the plans for and the locations of FTA-buildings to ensure that the subrecipient has identified those buildings located in areas with special flood hazards and that the subrecipient has purchased adequate flood insurance for the facility.

### **6.1.6 Equipment and Supplies (Including Rolling Stock)**

Equipment means an article of nonexpendable, tangible personal property (including information technology systems) having a useful life of more than one (1) year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the recipient or subrecipient for financial statement purposes, or \$5,000. Equipment includes rolling stock, computing devices, information technology systems, and all other such property used in the provision of public transit service.

In addition to rolling stock, equipment could include the following:

- Vehicle equipment (e.g., fare boxes and bike racks).
- Shop equipment for vehicle maintenance.
- Computer equipment and software required to put the equipment into service (e.g., servers, computers, printers).
- Computer software systems (e.g., scheduling software, maintenance/fleet management software).
- Communications equipment (e.g., telephone systems, radio systems, and security systems).
- Security and surveillance equipment (e.g., lighting, video surveillance systems).
- Light-duty sedans, cargo vans, and trucks that are not used for passenger transportation (e.g., maintenance vehicles, staff vehicles).

Supplies are defined as tangible personal property, other than equipment, with an acquisition value of less than \$5,000.

### **6.1.7 Vehicles**

#### **6.1.7.1 Vehicle Title**

The title for a vehicle must be in the name of the subrecipient with the following notification typed on the face of the title document by the County Clerk where the vehicle is registered: “WYDOT – Grant Restricted.” The subrecipient retains the original title to the vehicle, and a copy is uploaded to BlackCat.

#### **6.1.7.2 Vehicle Maintenance**

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. If preventive maintenance services are not being done according to the guidelines of the manufacturer, supplier or builder, the subrecipient may jeopardize any claim to a warranty. Services eligible for warranty payment must be made by the appropriate personnel and filed with the manufacturer. Documentation of such services should remain in the vehicle file, and a copy should be forwarded to WYDOT. A table of recommended maintenance at various mileage intervals is included in the Vehicle Maintenance Guide. A preventive maintenance plan for ADA accessibility features (e.g., lifts) should be in place, including a system of maintenance checks based on manufacturer's recommended guidelines within 50 cycles or yearly, whichever comes first.

Subrecipients must be able to demonstrate that 80% of the preventive maintenance was completed on time in accordance with their vehicle maintenance plan. This is verified by WYDOT during the SIR and Site Review.

As a best practice, a vehicle maintenance plan could include the following:

- Maintenance procedures for wheelchair lifts and other accessibility features in accordance with manufacturer's specifications.
- System of periodic inspections policy.
- Reference to the manufacturer's minimum maintenance requirements in terms of time or mileage.
- Preventive maintenance performed at certain intervals.

A subrecipient must submit its vehicle maintenance plan in BlackCat. WYDOT reviews the plan during the SIR and Site Review Process. WYDOT performs periodic inspections of vehicles and equipment to assess a subrecipient's general maintenance program and evaluate the condition of the subrecipient's fleet.

Records related to service work performed must identify the vehicle by VIN or fleet number and at a minimum include the date and mileage and description of the work performed. A subrecipient must allow WYDOT access to vehicles and vehicle records in accordance with the provisions of the subaward agreement.

### **6.1.7.3 Vehicle Inventory and Condition Assessment Requirements**

A subrecipient is required to update its inventory for each revenue vehicle twice a year in the provided forms in BlackCat. The forms cover details about the following:

- Vehicle ID
- Funding
- Vehicle Description
- Condition
- Procurement
- Inspection



A full vehicle condition assessment is required annually in October using WYDOT's [Vehicle Condition Form](#) available in BlackCat. The vehicle's mileage must be updated in October on the Vehicle Condition Form and in April during the grant application process.

### 6.1.7.4 Vehicle Casualty Loss

If a vehicle is withdrawn from service due to damage from an accident, theft, or vandalism, a subrecipient must immediately notify WYDOT. A [Post-Accident Summary Report form](#) is available in BlackCat. The following actions will be taken:

- If the damaged vehicle can be repaired, the subrecipient is responsible to make necessary repairs to restore the vehicle to its original working condition. The cost of such repairs shall be borne by the subrecipient, from local funds, and/or insurance proceeds.
- If the vehicle cannot be adequately repaired, is stolen, or otherwise unrecoverable, the following steps must be taken:
  - An insurance adjustor determines the Fair Market Value of the vehicle at the time it was removed from service. The subrecipient will need to provide the last mileage reading and condition.
  - The subrecipient must promptly file an insurance claim for damage or loss of vehicle and provide WYDOT a copy of the insurance claim and subsequent correspondence with the insurance carrier or agent.
  - The subrecipient is required to use the entire insurance settlement to purchase a replacement vehicle.

### 6.1.7.5 Vehicle Leasing

A subrecipient may lease vehicles with state or federal funds only under special circumstances, for example as an emergency or to fill a service gap to maintain service levels. Long-term leases are not allowed. Leases are considered third-party contracts within the meaning of FTA Circular 4220.1F (Third Party Contracting Guidance). FTA requirements concerning the leasing of FTA-funded property by a subrecipient are described in FTA Circular 5010.1D, Chapter IV 3.j. (1) (Grant Management Requirements).

If a subrecipient must lease a vehicle, the subrecipient must contact WYDOT to review the lease and to obtain FTA's written approval prior to the subrecipient entering into that agreement. It is a subrecipient's responsibility to ensure that the contracted service provider complies with all of the requirements that the subrecipient must meet, including required lease provisions outlined in FTA Circular 5010.1D.

### 6.1.8 Intangible Property

Intangible property means property having no physical existence, such as trademarks, copyrights, patents and patent applications, and property, such as loans, notes and other debt instruments, current and future lease agreements, stock and other instruments of property ownership (whether the property at issue is tangible or intangible).



Intangible property may be funded through FTA Section 5304 program.

### 6.1.9 Inventory Requirements

A subrecipient is responsible for maintaining inventory data in BlackCat on all real property and equipment used to support transit services, including those purchased with federal or state funds. WYDOT consolidates the data in its Transit Asset Management Plan.

Real property inventory requirements are listed in Appendix I to the FTA Circular 5010. A subrecipient is required to maintain an inventory of real property and submit an annual report for real property in which the government retains an interest. WYDOT requires a subrecipient to maintain its facility inventory in BlackCat and update it annually in accordance with FTA requirements. Real property reports must be submitted by WYDOT annually in TrAMS.

Equipment inventory requirements are listed in FTA Circular 5010. A subrecipient must include equipment valued at over \$5,000 in its inventory on BlackCat. WYDOT requires the inventory to be updated annually.

Designated assets below \$5,000 procured with FTA funds, such as software or electronics, also must be inventoried annually.

### 6.1.10 Facility and Equipment Maintenance Requirements

All FTA-funded facilities must have a written facility and equipment maintenance plan with maintenance procedures and preventive maintenance schedules that keep the property in good condition.

A subrecipient is required to provide its facility and equipment maintenance plan in BlackCat. The Local Government Specialist reviews the maintenance plan during the SIR and Site Review Process, as well as the preventive maintenance and inspection logs and documentation.

A [Facility Maintenance Plan Template document](#) is available in BlackCat that covers both facilities and equipment. It includes the following and must be signed by the transit provider and acknowledged by WYDOT:

- Policy Statement
- Objectives
- Description
- Assignment of Responsibility and Frequency of Maintenance (preventive maintenance schedules for specific systems and equipment)
- Record Keeping
- Maintenance Contact Information

A [Facility Condition Assessment Form](#) is available on BlackCat that lists the main building components and systems. This information is incorporated into WYDOT's Transit Asset Management Plan (TAMP).

A subrecipient must maintain permanent records of the maintenance and inspection activities for all facilities and equipment. The records must contain all original paperwork for equipment and systems



within the facility. These maintenance records must be uploaded to BlackCat. The Local Government Specialist reviews compliance with the maintenance plan and preventive maintenance activities through review of the records in BlackCat and at on-site inspections conducted at the SIR and Site Review.

Subrecipients must be able to demonstrate that 80% of the preventive maintenance was completed on time in accordance with their vehicle maintenance plan. This is verified by WYDOT during the SIR and Site Review.

### 6.1.11 Disposition

There are four justifications for disposition:

- Accident, insurance (use casualty loss): insurance settlement will be used toward the replacement.
- End of useful life: subrecipients may choose to refurbish, donate, or sell.
- Transfer before end of useful life: a pro-rata share of the local investment based on the fair market value of the vehicle will be used.
- Subrecipient goes out of business: vehicles will be redistributed.

A subrecipient cannot dispose or otherwise release capital assets to any other party while there is federal or state interest in the capital asset without approval from WYDOT. Prior to initiating disposal, a subrecipient must contact a Local Government Specialist to confirm that the asset is eligible for disposition and to confirm the process and requirements for disposal of facilities and equipment, including vehicles.

The subrecipient must submit a request for disposition to LGC through BlackCat. When approved by WYDOT, WYDOT provides a [Release of Continuing Control form](#) to the subrecipient authorizing the County Clerk to remove the “WYDOT Grant Restricted” language from the title. After the title is processed, the subrecipient may dispose of the vehicle or sell it. If selling, the subrecipient must follow its locally adopted process to determine the fair market value of the equipment to be sold, and concurrence must be received from WYDOT.

WYDOT has established accounting requirements regarding grant-funded vehicle sales proceeds, to ensure that there is a paper trail demonstrating that such revenues are not used as local match or for operating expenses.

A Disposition Guide posted on BlackCat outlines useful life benchmarks, required FTA reimbursements, and how to record the disposition in BlackCat.

The process for vehicle disposition is illustrated in [Flowchart 6-2 Asset Disposition](#).

#### 6.1.11.1 Real Property

Real estate disposition requirements are outlined in FTA Circular 5010. FTA must approve the use of the property for other purposes and the disposition method.



When real property is no longer needed for the originally authorized purpose, the subrecipient must obtain disposition instructions from WYDOT. Uniform Act compliant appraisals are required.

When the subrecipient is directed to sell the property, sales procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.

### 6.1.11.2 Equipment (including Vehicles)

FTA retains financial interest in equipment with a unit fair market value exceeding \$5,000. WYDOT follows minimum useful life standards for rolling stock purchased with state or federal funds set forth in FTA Circular 5010. Useful life minimums are outlined in [the SMP appendices](#) for each grant program and vehicle type.

The useful life of a vehicle begins on the date the vehicle is placed in revenue service (In-service date) and continues until it is removed from revenue service. The minimum useful life in years refers to total time in transit revenue service, not time spent stockpiled or otherwise unavailable for regular transit use. A subrecipient is required to notify WYDOT if a vehicle has been out of service for 30 consecutive calendar days as this may affect its useful life.

Refurbished vehicles that are now at the end of their second useful life (after a refurbishment extension) are eligible for replacement again. A life-extending overhaul is an eligible capital expense, and is not considered a replacement. The “beyond useful life” determination on an overhauled vehicle is based on upon the original expected life plus the additional years added by the overhaul.

Disposition of equipment before the end of its service life requires FTA approval, and FTA is entitled to a proportionate reimbursement of the greater of the straight-line depreciated value (based on years or miles for rolling stock), or the sale price. A subrecipient must contact WYDOT of the disposition request. WYDOT contacts FTA for dispositions of equipment that has reached the end of its service life and for which the unit fair market value exceeds \$5,000. FTA approves the request with direction on the amount that is owed to FTA. The federal interest may be transferred to replacement equipment of like kind that meet certain criteria.

The Bipartisan Infrastructure Law (BIL) changed provisions for transit asset disposition, effective November 15, 2021:

For rolling stock, equipment and aggregate supplies that have met their minimum useful life – where (1) purchased with federal assistance (2) with a fair market value of more than \$5,000 and (3) sold after November 15, 2021, the recipient may retain a portion of the funds -- \$5,000 plus the percentage of its local share in the original award. Any remaining federal share must be returned to FTA. The federal share of the sales proceeds cannot be retained for public transportation use.

Equipment with a unit fair market value of \$5,000 or less requires no FTA reimbursement. It may be retained, sold, or otherwise disposed of with no obligation to reimburse FTA. However, records of the action must be retained.





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## 6.2 School Bus Service

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### 6.2.1 Use of Assets

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

WYDOT is responsible to ensure that exclusive school bus service operated by a subrecipient is provided under one of the statutory exemptions. Compliance is confirmed during the SIR and Site Review Process (Chapter 4).

### 6.2.2 School Bus Exemptions

A subrecipient wanting to operate school bus operations must demonstrate the following, as defined in 49 CFR Part 605:

- The recipient operates a school system in its urban area and also operates a separate and exclusive school bus program for that school system.
- Existing 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.
- The recipient, a governmental authority, has operated exclusive school bus service.

A recipient wishing to engage in school bus operations under one of these exemptions must demonstrate that it has provided written notice to all private school bus operators in the urban area and published a notice in the local newspaper.

The FTA Administrator makes the determination of whether to permit a recipient to operate exclusive school bus service under one of the statutory exemptions. Upon notice of approval by the Administrator, the recipient enters into an agreement with the FTA.

### 6.2.3 Tripper Service

Tripper service is regularly scheduled mass transportation service that is open to the public and that is designed or modified to accommodate the needs of school students and personnel, using various fare collections or subsidy systems. Tripper service allows a subrecipient to:

- Modify the frequency of service.
- Make *de minimis* route alterations from route paths in the immediate vicinity of schools to stops located at or in close proximity to the schools.

Buses used in tripper service must:

- Be open and promoted to the public.
- Not carry designations such as “school bus” or “school special.”



- Stop at regular bus stops.

WYDOT is responsible for ensuring that school tripper service operated by subrecipients, contractors, and lessees operates and looks like all other regular service. All routes traveled by tripper buses must be within the regular route service in the published route schedules. Schedules listing tripper routes should be on the subrecipient's regularly published schedules or on separately published schedules that are available to the public with all other schedules, including on a website. Demand responsive service does not qualify for the tripper service exception.

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### 6.3 Charter Bus Service

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#### 6.3.1 Charter Program

Details about the FTA charter service regulations and reporting requirements (Title 49 Part 604) are available at: <https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service-regulations-0>.

The regulations define charter service as:

- Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristics of charter service:
  - A third party pays a negotiated price for the group;
  - Any fares charged to individual member of the group are collected by a third party;
  - The service is not part of the regularly scheduled service, or is offered for a limited period of time; or
  - A third party determines the origin and destination of the trip as well as scheduling.
- Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and
  - A premium fare is charged that is greater than the usual or customary fixed-route fare
  - The service is paid for in whole or in part by a third party.

Examples of services that do not meet FTA's definition of charter service and, therefore, are not considered charter services are:

- Service requested by a third party that is irregular or on a limited basis for an exclusive group of individuals and the recipient does not charge a premium fare for the service and there is no third party paying for the service in whole or in part.
- Shuttle service for a one-time event if the service is open to the public, the itinerary is determined by the recipient, the recipient charges its customary fixed-route fare and there is no third-party involvement.



- When a university pays the recipient a fixed charge to allow all faculty, staff, and students to ride the transit system for free so long as the recipient provides the service on a regular basis along a fixed route and the service is open to the public.
- When the recipient sees a need, and wants to provide service for a limited duration at the customary fixed-route fare.

The charter regulations do not apply to equipment that is fully funded with local funds, is stored in a locally funded facility, and is maintained only with local funds. A complete segregation is necessary to avoid the application of these requirements to charter services operated with locally owned vehicles.

A subrecipient is allowed to operate community-based charter services exempted under the regulations (Section 6.3.1.1), some irregular or limited duration services (if approved by the FTA Administrator), and those that are covered by the exceptions (Section 6.3.1.2). These exceptions and exemptions are more fully described in the FTA Contractors Manual (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

#### **6.3.1.1 Charter Service Exemptions**

Certain charter services are not considered charter service and require no notification to registered charter providers, record-keeping, quarterly reporting, or other requirements. These include:

- Transportation of employees, contractors, and government officials
- Private charter operators
- Emergency preparedness planning and operation
- Section 5310 and 5311 recipients
- Emergency response
- Recipients in non-urbanized areas

#### **6.3.1.2 Charter Service Exceptions**

Exceptions are considered charter service and have administrative, record-keeping, and reporting requirements, as listed in Table 6.1.

A recipient wishing to engage in charter services operations under one of the exceptions must provide an email notice to all registered charter bus operators describing the services to be provided. If, in responding to the notification, a registered private charter operator expresses interest in providing the service a subrecipient is prohibited from using federally funded equipment and facilities to provide charter service.

**Table 6.1. Charter Service Exceptions (49 CFR Part 604)**

<b>Exception</b>	<b>Notification to Registered Charter Providers</b>	<b>Trip Record Keeping</b>	<b>Quarterly Reporting</b>	<b>Other Requirements</b>
Government officials on official	No (unless the recipient exceeds 80 hours per year	Yes	Yes	If additional charter service hours are needed (beyond the 80 annual service hours allowed), the recipient must



## WYDOT State Management Plan

Exception	Notification to Registered Charter Providers	Trip Record Keeping	Quarterly Reporting	Other Requirements
government business	and has not petitioned the Administrator for additional charter service hours)			petition the Administrator. The petition must include: <ul style="list-style-type: none"> <li>– Date and description of the official government event and the number of charter service hours requested.</li> <li>– Explanation of why registered charter providers in the geographic service area cannot perform the service (e.g., equipment, time constraints, or other extenuating circumstances).</li> <li>– Evidence that the recipient has sent the request for additional hours to registered charter providers in its geographic service area.</li> </ul>
Qualified Human Service Organization *	No	Yes	Yes	Evidence that the Human Service Organization receives funding, directly or indirectly, from the programs listed in Appendix A of the charter regulation or was registered at least 60 days before the date of the first request.
Leasing FTA-funded equipment and drivers	No	Yes	Yes	Evidence that registered charter provider has exhausted all of the available vehicles of all registered charter providers in the recipient's geographic service area.
When no registered charter provider responds to notice from a recipient	Yes	Yes	Yes	None.
Agreement with registered charter provider	Yes (if a newly registered charter provider joined the Urbanized Area after the initial agreement)	No	No	Properly executed agreements with all registered charter providers in recipient's geographic service area.
Petitions to the Administrator	Yes	No	No	Recipient must demonstrate how it contacted registered charter providers and how the recipient will use the registered charter providers in providing service to the event. Recipient must also certify that it has exhausted available registered charter providers' vehicles in the area.

\*Information about how to register as a Qualified Human Service Organization is at this website: [FTA Charter Registration Tool \(dot.gov\)](#).



### 6.3.2 Reporting

All recipients that operate charter service under an authorized exception are required to maintain notices and records for at least three (3) years and report to the FTA quarterly. The records must include a clear statement identifying which exception the recipient relied upon when it provided the charter service, as follows.

- Government officials (49 CFR Part 604.6)
- Qualified Human Service Organizations (49 CFR Part 604.7)
- Leasing (49 CFR Part 604.8)
- No response from a registered charter provider (49 CFR Part 604.9)

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 30 days of the end of each calendar quarter ([Charter Bus Service Quarterly Reports | FTA \(dot.gov\)](#)). Charter service hours include time spent transporting passengers, time spent waiting for passengers, and “deadhead” hours.

### 6.3.3 WYDOT Oversight of Charter Bus Service

Subrecipients must indicate on their applications if they are planning on providing charter bus service. Subsequently, a Local Government Specialist reviews compliance with Charter Rule during the SIR and Site Review Process (Chapter 4) and at the Charter Bus Service quarterly reporting intervals. If WYDOT receives complaints of alleged unfair competition with respect to charter business, WYDOT investigates the allegation. The subrecipient is contacted to verify if charter service is taking place and that the proper process has been followed.

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## 6.4 Lobbying

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### 6.4.1 Federal Funds

Recipients and subrecipients are prohibited from using appropriated federal funds to lobby for federal funds or contract. If WYDOT or a subrecipient receives federal funds in excess of \$100,000, it must certify through the annual Certifications and Assurances submittal that no federal funds have been used for lobbying.

A subrecipient attests to this when it submits FTA’s annual Certifications and Assurances. Language regarding the lobbying certification is also included in a subaward agreement.

WYDOT also requires firms that are awarded WYDOT contracts in excess of \$100,000 to submit lobbying certifications with their proposals or bids.

### 6.4.2 Lobbying Disclosures

If WYDOT or a subrecipient receives federal funds in excess of \$100,000, and uses funds, other than federal funds for lobbying in connection with federal contracts, the subrecipient must submit complete



and submit the OMB Standard Form LLL (Rev.7-97) Disclosure of Lobbying Activities as often as once per calendar quarter, depending on whether their lobbying activities change materially. If there are material changes during any given quarter, the subrecipient must file an updated form. The required lobbying form is available to download at <https://www.gsa.gov/forms-library/disclosure-lobbying-activities>.

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### 6.5 Litigation, Breaches, and Defaults

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In order to prevent fraud, waste and abuse in the awarding of federal transactions, subrecipients and third-party contractors or vendors are required to inform WYDOT they are neither Suspended nor Debarred from participation in federal contracts. WYDOT verifies subrecipient or contractor status for all contracts by reviewing the listings found at [www.sam.gov](http://www.sam.gov) and conducting responsibility determinations as described in Section 3.6.2.

WYDOT is required to promptly notify the FTA Chief Counsel or FTA Regional Counsel (Region 8) of any current or prospective legal matters that may affect the federal government. The types of legal matters that require notification include, but are not limited to, a major dispute, breach, default, litigation, or naming of the federal government as a party to litigation or a legal disagreement in any forum for any reason.

At the same time, WYDOT notifies Wyoming Attorney General's Office as WYDOT's legal counsel, who handles the legal matter.

Subrecipient subaward agreements for federal funding contain a Debarment and Suspension clause.

The Debarment and Suspension clause must be present in third-party procurement documents and agreements. A subrecipient must verify a contractor or vendor is not included on the "Excluded Parties List System" at [www.sam.gov](http://www.sam.gov) by capturing a "screen shot" of the status. The screenshot must be submitted to WYDOT as part of the third-party procurement process (described in Chapter 4).

The FTA Master Agreement, Section 39, has details about FTA requirements regarding disputes, breaches, defaults, or other litigation. The latest version of the Master Agreement is found at <https://www.transit.dot.gov/grantee-resources/sample-fta-agreements/fta-master-agreement-version-28-february-9-2021>. WYDOT provides subrecipients updates regarding any litigation, breaches, or defaults occurring during its State Management Review with the FTA every three (3) years.

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### 6.6 WYDOT Technical Assistance to Subrecipients

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WYDOT provides technical assistance to applicants and subrecipients across all program areas reviewed by FTA, as well as the programs described below. The staff seek to assist subrecipients with targeted technical services in traditionally underserved areas.

#### 6.6.1 Drug & Alcohol Testing Program

All recipients and subrecipients of FTA or state program funding are required to have and implement a Drug & Alcohol Testing Program for safety-sensitive employees that meets the requirements of 49 CFR Parts 40 and 655. Part 40 describes required procedures for conducting workplace drug and alcohol



testing for the federally regulated transportation industry (<https://www.transportation.gov/odapc/part40>). Part 655 addresses Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations (<https://transit-safety.fta.dot.gov/drugandalcohol/regulations/regulations/49cfr655/49cfr655.pdf>. (<https://transit-safety.fta.dot.gov/drugandalcohol/regulations/Regulations/default.aspx> )

FTA's regulation requires each subrecipient to establish and implement a substance abuse prevention program consisting primarily of a testing program, but with elements requiring training, educating, and evaluating safety-sensitive employees. The regulation requires that a detailed policy statement be distributed to all safety-sensitive employees and employee organizations. In addition, 49 CFR part 655 Subpart D establishes prohibited alcohol concentration levels and behavior, and employers are directed to take specific action on the basis of the level of alcohol concentration.

### **6.6.1.1 Subrecipient Monitoring**

Subrecipients must have a Drug and Alcohol Policy and comply with FTA's Drug and Alcohol regulations that require drug and alcohol testing for direct employees or contractors who perform safety-sensitive functions. The FTA has a Policy Builder tool that walks an subrecipient through the steps of creating an organization-specific anti-drug and alcohol misuse policy statement that meets FTA regulations ([Drug & Alcohol Program | FTA \(dot.gov\)](#)).

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

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

WYDOT has contracted with a drug and alcohol program consultant to work directly with subrecipients to comply with the regulations. The consultant will be responsible for subrecipient training, compliance monitoring, and technical assistance. The consultant will monitor the subrecipient testing programs throughout the year and assist with the annual reporting to FTA.

The consultant will review the subrecipient drug and alcohol testing program at a minimum every three (3) years. Through review of the policy and records, the consultant confirms that the program meets federal requirements, that there is a compliant process for conducting random tests, that reports are adequate, secure and complete, that post-accident and pre-employment testing are conducted appropriately, and that collection sites meet federal requirements.



WYDOT provides training to new recipients of grant funds as needed, and to all subrecipients as part of the required Local Transit Agency (LTA) Certification Training and at a refresher training at the state transit association conference. The refresher training centers around determining reasonable suspicion for supervisors, training employees on drug and alcohol programs, and best practices for drug and alcohol programs.

### 6.6.2 Rural Transportation Assistance Program

As required by FTA Circular 9040.1G, WYDOT is responsible for providing technical assistance, support, and training to its rural providers through the Rural Transportation Assistance Program (RTAP). WYDOT is planning to publish a Request for Proposals (RFP) every five (5) years to identify a company or organization to assist WYDOT with this program.

The goal of the RTAP program is to:

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

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

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

To assist in ensuring that these efforts meet the needs of its rural transit providers, the RTAP Committee, made up of rural transit providers and MPO representatives meets a minimum of two times per year to provide guidance on training topics, discuss issues of importance to rural providers, and maintain input on policy decisions relevant to the FTA Section 5311 program.





## WYDOT State Management Plan

The statewide organization of community transit providers meets and discusses issues from around the state. Based on identified needs, the association's annual meeting is specifically structured to address those training needs. If additional training (i.e., driver training) is needed throughout the year, that may also be scheduled on an ongoing basis.

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.