

Ulster County Transit Systems Integration Plan

Task 2.3: System Integration Policy Guide (Draft)



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Prepared by TransPro Consulting
February 2017



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Overview

This guidebook provides Ulster County with a step-by-step program to ensure compliance with state and federal policies and program areas during the transit system integration process. The guidebook is divided into two main sections: one section for federal policies and program areas and one section for state policies and program areas.

The following elements are provided for each federal and state policy listed in this document: the name of the source document that details the relevant policy, a link to the source document, and a listing of steps to follow to ensure compliance with the policy.

This document is a companion piece to the Ulster County Transit Systems Integration Plan Task 2 Report. This guidebook focuses on the procedural elements of each federal and state policy. Narrative descriptions of these policies can be found in the Task 2 Report.

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Federal Policy and Program Areas

This section provides information and procedures for the following federal policy and program areas:

- Disposition of Vehicle Assets
- Disposition of Non-Vehicle Assets
- Americans with Disabilities Act
- Title VI
- Fare Structure
- Service Deployment
- FTA Triennial Review
- National Transit Database (NTD) Reporting

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Disposition of Vehicle Assets

Information Source

- Policy Document: FTA Circular 5010.1D
- Link to Policy Document
 - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/grant-management-requirements>
- Key section: Chapter IV, Section 3, Subsection 1, Pages IV 24-IV 29
- Key paragraphs:
 - Paragraph (2): Disposition Before End of Useful Life
 - Paragraph (4): Fair Market Value Over \$5,000
 - Paragraph (5): Fair Market Value of Less than \$5,000 Value
 - Paragraph (7): Transfer of Rolling Stock – Grantee-to-Grantee
 - Appendix E: Rolling Stock Status Report

Key Procedural Steps

There are four scenarios to consider for disposing of CitiBus vehicles:

- Disposing of vehicles before the end of their useful life
- Disposing of vehicles after the end of the vehicle's useful life when the vehicles have a fair market value of over \$5,000
- Disposing of vehicles after the end of the vehicle's useful life when the vehicles have a fair market value of less than \$5,000
- Transferring ownership of CitiBus vehicles to UCAT

The key steps to follow for each scenario are outlined below.

Disposition Before the End of Useful Life

- See Paragraph (2) on Page IV-25 of FTA Circular 5010.1D for detailed explanation
- Prior FTA approval required
- Reimbursement of Federal share is required, unless otherwise directed by the FTA
- Notify FTA of intent to dispose of vehicles and request approval for doing so
- Provide FTA with details regarding vehicles of which CitiBus intends to dispose (See Appendix E of FTA Circular 5010.1D)
- Follow guidance of FTA regarding reimbursement of Federal share to the FTA
- Determination of the remaining Federal share is based on a straight line depreciation of the asset, as described in Paragraph (2) on Page IV-25 of FTA Circular 5010.1D

Disposition After End of Useful Life, Fair Market Value of Over \$5,000

- See Paragraph (4) on Page IV-25 of FTA Circular 5010.1D for detailed explanation
- Vehicle may retained or sold as desired by the agency
- Reimbursement of Federal share is required, unless otherwise directed by the FTA
- Notify FTA of intent to dispose of vehicles
- Follow guidance of FTA regarding reimbursement of Federal share to the FTA
- Unless the FTA indicates otherwise, the remaining Federal share will be calculated via the methodology described in Paragraph (4) on Page IV-25 of FTA Circular 5010.1D

Disposition After End of Useful Life, Fair Market Value of Less Than \$5,000

- See Paragraph (5) on Page IV-25 of FTA Circular 5010.1D for detailed explanation
- Retain, sell, or otherwise dispose of vehicle as appropriate
- Reimbursement to the FTA is not required
- Retain records of vehicle disposal

Transferring Ownership of CitiBus Vehicles to UCAT

- See Paragraph (7) on Page IV-27 of FTA Circular 5010.1D for detailed explanation
- Both CitiBus and UCAT should notify the FTA Region 2 Office of their intent to transfer vehicles between the two agencies
- Both CitiBus and UCAT should submit the following information to the FTA Region 2 Office
 - A written request for approval to transfer or receive vehicles
 - See Paragraph (7)(a) on Page IV-27 of FTA Circular 5010.1D for required request content
 - A Board resolution for transfer or receipt of vehicles
 - See Paragraph (7)(b) on Page IV-27 of FTA Circular 5010.1D for required Board resolution content
 - A Rolling Stock Status Report
 - See Paragraph (7)(c) on Page IV-27 of FTA Circular 5010.1D for required Rolling Stock Status Report content
 - See Appendix E of FTA Circular 5010.1D for a Rolling Stock Status Report description and Sample report

Disposition of Non-Vehicle Assets

Information Source

- Policy Document: FTA Circular 5010.1D
- Link to Policy Document
 - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/grant-management-requirements>
- Key section: Chapter IV, Section 3, Subsection I, Pages IV 24-IV 29
- Key paragraphs:
 - Paragraph (2): Disposition Before End of Useful Life
 - Paragraph (4): Fair Market Value Over \$5,000
 - Paragraph (5): Fair Market Value of Less than \$5,000 Value
 - Paragraph (8): Transfer of Assets No Longer Needed

Key Procedural Steps

There are four scenarios to consider for disposing of federally funded CitiBus equipment:

- Disposing of equipment before the end of its useful life
- Disposing of equipment after the end of its useful life when the equipment has a fair market value of over \$5,000
- Disposing of equipment after the end of its useful life when the equipment has a fair market value of less than \$5,000
- Transferring ownership of CitiBus equipment to a public agency

The key steps to follow for each scenario are outlined below.

Disposition Before the End of Useful Life

- See Paragraph (2) on Page IV-25 of FTA Circular 5010.1D for detailed explanation
- Prior FTA approval required
- Reimbursement of Federal share is required, unless otherwise directed by the FTA
- Notify FTA of intent to dispose of equipment and request approval for doing so
- Provide details regarding equipment of which CitiBus intends to dispose
- Follow guidance of FTA regarding reimbursement of Federal share to the FTA
- Determination of the remaining Federal share is based on a straight line depreciation of the asset, as described in Paragraph (2) on Page IV-25 of FTA Circular 5010.1D

Disposition After End of Useful Life, Fair Market Value of Over \$5,000

- See Paragraph (4) on Page IV-25 of FTA Circular 5010.1D for detailed explanation
- Equipment may be retained or sold as desired by the agency
- Reimbursement of Federal share is required, unless otherwise directed by the FTA
- Notify FTA of intent to dispose of equipment
- Follow guidance of FTA regarding reimbursement of Federal share to the FTA
- Unless the FTA indicates otherwise, the remaining Federal share will be calculated via the methodology described in Paragraph (4) on Page IV-25 of FTA Circular 5010.1D

Disposition After End of Useful Life, Fair Market Value of Less Than \$5,000

- See Paragraph (5) on Page IV-25 of FTA Circular 5010.1D for detailed explanation
- Retain, sell, or otherwise dispose of equipment as appropriate
- Reimbursement to the FTA is not required
- Retain records of equipment disposal

Transferring Ownership of CitiBus Equipment to a Public Agency

- FTA approval is required
- See Paragraph (8) on Page IV-28 of FTA Circular 5010.1D for criteria FTA will use in considering approval of transfer of ownership
- Notify FTA of desire to transfer ownership of equipment and request approval of such transfer
- Provide FTA with information as requested during the transfer review process. Information requested by the FTA will likely pertain to the criteria indicated in subparagraphs (a)-(d) of Paragraph (8) on Page IV-28 of FTA Circular 5010.1D.

Americans with Disabilities Act

Information Source

- Policy Document: FTA Circular 4710.1
- Link to Policy Document
 - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/americans-disabilities-act-guidance-pdf>
- Key Section: Chapter 8 – Complementary Paratransit Service
- Key Subsections:
 - Subsection 8.2 – Requirement for Complementary Paratransit Service
 - Subsection 8.4.2 – Service Area – Fixed Route Bus

Key Procedural Steps

- Determine if UCAT's route layout will change in response to CitiBus ceasing operations
- If UCAT's route layout does not change, then no additional action is required to remain compliant with ADA service area requirements
- If UCAT's route layout does change, then UCAT should do the following:
 - Identify the $\frac{3}{4}$ mile corridor surrounding every new or changed UCAT fixed route
 - Adjust the UCAT paratransit service area as necessary to ensure that UCAT provides paratransit service throughout the entire $\frac{3}{4}$ mile service corridor identified in the step above

Title VI

Information Source

- Policy Document: FTA Circular 4702.1B
- Link to Policy Document
 - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>
- Key Section: Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers

Key Procedural Steps

- Determine if UCAT's service standards and policies will change in response to CitiBus ceasing operations
- If UCAT's service standards and policies do not change, then no additional action is required to remain compliant with Title VI requirements
- If UCAT's service standards do change, then UCAT should update its Title VI program to reflect the new service standards

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Fare Structure

Information Source

- Policy Document: Title 49 of United States Code
- Link to Policy Document
 - <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title49/pdf/USCODE-2010-title49-subtitleIII-chap53-sec5307.pdf>
- Key Section: Section 5307, Subsection (d) – Grant Recipient Requirements
- Key Subsection: Paragraph (d)(1)(I) on Page 187

Key Procedural Steps

- Determine if UCAT's fares will increase in response to CitiBus ceasing operations
- If UCAT's fares do not increase, then no action is required
- If UCAT's fares do increase, then UCAT should notify and solicit feedback from the public in accordance with the agency's public participation policy before enacting the fare increase

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Service Deployment

Information Source

- Policy Document: Title 49 of United States Code
- Link to Policy Document
 - <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title49/pdf/USCODE-2010-title49-subtitleIII-chap53-sec5307.pdf>
- Key Section: Section 5307, Subsection (d) – Grant Recipient Requirements
- Key Subsection: Paragraph (d)(1)(I) on Page 187

Key Procedural Steps

- Determine if UCAT will undergo a major reduction in service in response to CitiBus ceasing operations
- If UCAT does not undergo a major service reduction, then no action is required
- If UCAT does undergo a major service reduction, then UCAT should notify and solicit feedback from the public in accordance with the agency's public participation policy before enacting the fare increase

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FTA Triennial Review

Information Source

- Policy Document: Triennial Reviews section of the FTA website
- Link to Policy Document
 - <https://www.transit.dot.gov/funding/grantee-resources/triennial-reviews/triennial-reviews>

Key Procedural Steps

- No action is required in direct response to CitiBus ceasing operations with regards to the FTA Triennial Review process

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National Transit Database Reporting

Information Source

- Policy Document: National Transit Database section of the FTA website
- Link to Policy Document
 - <https://www.transit.dot.gov/ntd>

Key Procedural Steps

- No action is required in direct response to CitiBus ceasing operations with regards to NTD reporting

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Labor Policy

Information Source

- Policy Document: Office of Labor-Management Standards section of the United States Department of Labor website
 - Link to Policy Document
 - <https://www.dol.gov/olms/regs/compliance/compltransit.htm>
- Policy Document: Section 5333(b) of U.S. Code 49 (also known as Section 13(c) of the Federal Transit Act)
 - Link to Policy Document
 - <https://www.dol.gov/olms/regs/compliance/statute-sect5333b.htm>
- Policy Document: Sample 13(c) Protective Arrangement
 - Link to Policy Document
 - https://www.dol.gov/olms/regs/compliance/transit/6_UPA-01-03-11.htm
- Policy Document: Transit Cooperative Research Program Legal Research Digest: “Transit Labor Protection – A Guide to Section 13(c) Federal Transit Act”
 - Link to Policy Document
 - http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_lrd_04.pdf

Key Procedural Steps

- Determine the risk of a Section 13(c) violation and complaint under the expected course of action
 - Identify CitiBus and UCAT federal funding sources/grants
 - Obtain and read the protective arrangement documents associated with each federal funding source/grant to understand the Section 13(c) parameters specific to each federal funding source/grant
 - Identify specific projects and/or operations funded by sources identified in the above steps
 - Determine the degree to which the federally funded projects and/or operations identified in the steps above might impact the workforce in context of the ceasing of CitiBus operations
- Develop strategies to mitigate any significant Section 13(c) risk identified in the steps above
 - Strategies may include prevention of any significant risk in advance of ceasing of CitiBus operations and/or management of any consequences that may materialize after ceasing of operations should the risk come to fruition

State Policy and Program Areas

This section provides information and procedures for the following federal policy and program areas:

- Disposition of Vehicle Assets
- Disposition of Non-Vehicle Assets
- State Operating Assistance (STOA)
- Section 18-b Local Match Payments
- Accelerated Transit Capital (ATC)
- Vehicle Inspections
- System Safety Program Plan
- Bus Stop Signs and Shelters

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Disposition of Vehicle Assets

Information Source

- Policy Document: NYSDOT Transportation Asset Management Guide
- Link to Policy Document
 - https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/TransportationAssetMgmtGuide_5-9-16.pdf
- Key Section: Appendix B - NYS Vehicle/Equipment Disposition Policy
- Key Subsections
 - IV – Disposition of Vehicles or Equipment That Have Met the Useful Life Standards (Pages 18-19)
 - V - Disposition of Vehicles and other Equipment Not Meeting the Useful Life Standards (Pages 19-20)
 - VII – Notification Process for Disposition of Vehicle or Capital Equipment (Pages 20-22)

Overview

NYSDOT requirements for disposition of vehicle assets conform to FTA requirements for disposition of vehicle assets. Because NYSDOT administers the Federal 5310 and 5311 funding programs, NYSDOT has created a policy for disposing of vehicles purchased with 5310 and 5311 funds. The NYSDOT policy contains the same elements and criteria as the FTA policy, with several additional procedural steps specific to NYSDOT.

Key Procedural Steps

Disposition of Vehicles Purchased with Federal Funds Other Than 5310 or 5311 Funds

- Follow the procedures outlined under Disposition of Vehicle Assets in the Federal Policy and Program Areas section of this document.

Disposition of Vehicles Purchased with 5310 or 5311 Funds

- Follow the procedures detailed in Appendix B (NYS Vehicle/Equipment Disposition Policy) of the NYSDOT Transportation Asset Management Guide.
- Notes
 - The steps outlined in Appendix B mirror the steps required by the FTA. The difference is that the point of contact and administration for asset disposal is NYSDOT as opposed to the FTA.
 - The NYSDOT policy for disposing of equipment purchased with 5310 or 5311 contains a specific notification process that differs from that defined by the FTA. The NYSDOT notification process is described in Subsection

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Disposition of Non-Vehicle Assets

Information Source

- Policy Document: NYSDOT Transportation Asset Management Guide
- Link to Policy Document
 - https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/TransportationAssetMgmtGuide_5-9-16.pdf
- Key Section: Appendix B - NYS Vehicle/Equipment Disposition Policy
- Key Subsections
 - IV – Disposition of Vehicles or Equipment That Have Met the Useful Life Standards (Pages 18-19)
 - V - Disposition of Vehicles and other Equipment Not Meeting the Useful Life Standards (Pages 19-20)
 - VII – Notification Process for Disposition of Vehicle or Capital Equipment (Pages 20-22)

Overview

NYSDOT requirements for disposition of non-vehicle assets conform to FTA requirements for disposition of non-vehicle assets. Because NYSDOT administers the Federal 5310 and 5311 funding programs, NYSDOT has created a policy for disposing of equipment purchased with 5310 and 5311 funds. The NYSDOT policy contains the same elements and criteria as the FTA policy, with several additional procedural steps specific to NYSDOT.

Key Procedural Steps

Disposition of Non-Vehicle Equipment Purchased with Federal Funds Other Than 5310 or 5311 Funds

- Follow the procedures outlined under Disposition of Non-Vehicle Assets in the Federal Policy and Program Areas section of this document.

Disposition of Non-Vehicle Equipment Purchased with 5310 or 5311 Funds

- Follow the procedures detailed in Appendix B (NYS Vehicle/Equipment Disposition Policy) of the NYSDOT Transportation Asset Management Guide.
- Notes
 - The steps outlined in Appendix B mirror the steps required by the FTA. The difference is that the point of contact and administration for asset disposal is NYSDOT as opposed to the FTA.
 - The NYSDOT policy for disposing of equipment purchased with 5310 or 5311 contains a specific notification process that differs from that defined by the FTA. The NYSDOT notification process is described in Subsection

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State Operating Assistance (STOA)

Information Source

- Policy Document: State Operating Assistance section of the NYSDOT website
- Link to Policy Document
 - <https://www.dot.ny.gov/divisions/policy-and-strategy/public-transportation/funding-sources/STOA>

Key Procedural Steps

No action is required in direct response to CitiBus ceasing operations with regards to STOA. UCAT will continue to report data to NYSDOT via the current procedure. NYSDOT will continue to use the pre-established formula for allocating STOA UCAT.

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Section 18-b Local Match Payments

Information Source

- Policy Document: New York State Transportation Law Section 18-b, Part 975
- Link to Policy Document
 - <https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/stoarr.pdf>
- Key Section: 975.13 – Matching Payments (Page 19)

Key Procedural Steps

- From the perspective of New York State, no action is required on the part of UCAT in direct response to CitiBus ceasing operations with regards to how UCAT provides 18-b local match payments to the State. UCAT will continue to follow current policies and procedures for providing 18-b matching payments to the New York State.
- While the procedure for providing 18-b matching payments to New York State will not change, the amount of those payments will increase if UCAT increases service in response to CitiBus ceasing operations. Ulster County will need to determine how to generate the funds necessary to provide this increase in the required local matching payment.

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Accelerated Transit Capital

Information Source

- Information regarding Accelerated Transit Capital (ATC) was obtained via a conversation with NYSDOT personnel.

Key Procedural Steps

CitiBus's responsibilities regarding ATC funds depend on whether or not CitiBus has any remaining ATC funds at the time it ceases operations.

If CitiBus does not have any ATC funds remaining at the time it ceases operations then no action will be required.

If CitiBus does have ATC funds remaining at the time it ceases operations, then NYSDOT indicates that CitiBus should consult with NYSDOT on how to manage those remaining funds.

With NYSDOT approval, CitiBus may use any remaining ATC funds for eligible purposes between now and the time it ceases operations.

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Vehicle Inspections

Information Source

- Policy Document: Bus Inspection Program section of the NYSDOT website
- Link to Policy Document
 - <https://www.dot.ny.gov/divisions/operating/osss/bus/inspection>

Key Procedural Steps

- CitiBus will no longer be responsible for vehicle inspections upon ceasing operations and disposing of its vehicles.
- No change in vehicle inspection procedures will be required by UCAT in direct response to CitiBus ceasing operations. UCAT will continue to execute its vehicle inspection program via the current procedure. If UCAT assumes ownership of any CitiBus vehicles, then those vehicles will be subject to the same inspection procedures as current UCAT vehicles.

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System Safety Program Plan (SSPP)

Information Source

- Policy Document: New York State Public Transportation Safety Board System Safety Program Plan Guidelines for Small to Medium Size Bus Systems
- Link to Policy Document
 - <https://www.dot.ny.gov/divisions/operating/osss/ptsb/bus/program-guidelines>
 - <https://www.dot.ny.gov/divisions/operating/osss/ptsb-repository/2010%20SSPP%20Small-Medium%20Guide.pdf>
- Key Sections:
 - Section 6 – Plant Equipment and Facilities (Pages 7-8)
 - Section 17 – Safety Tests and Inspections (Pages 22-25)

Key Procedural Steps

- If UCAT does not acquire or assume use of any CitiBus facilities or equipment then no action is required.
- If UCAT acquires or assumes use of any CitiBus facilities or equipment then UCAT will need to update its SSPP to include the new facilities and/or equipment.
 - The information UCAT will need to provide and the activities in which UCAT will need to engage to update the SSPP to reflect the new facilities and/or equipment are detailed in Sections 6 and 17 of the New York State Public Transportation Safety Board System Safety Program Plan Guidelines for Small to Medium Size Bus Systems.
- If UCAT takes over existing CitiBus bus stops or adds additional bus stops then UCAT will need to update its SSPP to encompass these new bus stops and will need to ensure the new bus stops conform to the standards contained in their updated SSPP.
 - The information UCAT will need to provide and the activities in which UCAT will need to engage to update the SSPP to reflect the new bus stops are detailed in Sections 6 and 17 of the New York State Public Transportation Safety Board System Safety Program Plan Guidelines for Small to Medium Size Bus Systems.

Bus Stop Signs and Shelters on Private Property

Information Source

- Information regarding bus stop signs and shelters was obtained via a conversation with NYSDOT personnel.

Key Procedural Steps

- If UCAT does not assume use of any existing CitiBus bus stops that are located on private property as a result of CitiBus ceasing operations then no action is required.
- If UCAT wishes to use CitiBus bus stops that are located on private property then it should do the following:
 - Identify CitiBus bus stops to be used by UCAT that are on private property.
 - Determine if there are written agreements between CitiBus (or the City of Kingston) and the owners of the property where those bus stops are located governing CitiBus's use of that property.
 - If there are written agreements for CitiBus bus stops located on private property that UCAT wishes to use, then UCAT (or Ulster County) should obtain written permission from the property owners to allow UCAT to use those bus stops.

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