



State Management Plan

For the following federal programs:

- 49 U.S.C. § 5304 – Statewide Planning
- 49 U.S.C. § 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities
- 49 U.S.C. § 5311 – Formula Grants for Rural Areas
- 49 U.S.C. § 5339 – Bus and Bus Facilities

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This document is available in alternate formats upon request.

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DEFINITIONS and ACRONYMS

The following definitions, acronyms, and abbreviations are used throughout this document:

Capital project means the acquisition, construction, reconstruction, and improvement of facilities, vehicles, and equipment of a transit system (see Trans 6.02(1) and Trans 8.02(1), Wis. Admin. Code).

Mobility management means building coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Mobility management promotes and facilitates access to transportation services, including the integration and coordination of services for individuals with disabilities, older adults, and low-income individuals. Roles performed by a mobility manager include the management of a transportation call center, travel training programs and rider referrals.

Operating project means transit system expenses relating to labor, fringe benefits, materials and supplies, utilities, insurance, purchased transportation services, license fees, and lease expenses (see Trans 4.04(1) and Trans 8.02(9), Wis. Admin. Code).

Subrecipient means an entity eligible to receive federal or state transit funds through the Wisconsin Department of Transportation.

Wis. Admin. Code means Wisconsin Administrative Code, which includes all permanent administrative rules in force in the State of Wisconsin.

Wis. Stats. means Wisconsin Statutes, which includes all the laws passed by both houses of the state legislature and signed by the governor that are in effect in the State of Wisconsin.

ADA	-	Americans with Disabilities Act of 1990
CFR	-	Code of Federal Regulation
CSR	-	Compliance site review
DBE	-	Disadvantaged business enterprise
DOA	-	Wisconsin Department of Administration
DFWA	-	Drug-Free Workplace Act
DTIM	-	Division of Transportation Investment Management
EAP	-	Employee Assistance Program

ECHO	-	Electronic Clearing House Operation
EEO	-	Equal employment opportunity
FAST Act	-	Fixing America’s Surface Transportation Act
FFATA	-	Federal Funding Accountability and Transparency Act
FHWA	-	Federal Highway Administration
FMCSA	-	Federal Motor Carrier Safety Administration
FSRS	-	FFATA Subaward Reporting System
FRA	-	Federal Railroad Administration
FTA	-	Federal Transit Administration
HSV	-	Human service vehicle
IBA	-	Intercity Bus Assistance Program
JARC	-	Job Access and Reverse Commute Program
MAP-21	-	Moving Ahead for Progress in the 21st Century
MPO	-	Metropolitan planning organization
NTD	-	National Transit Database
OBOEC	-	Office of Business Opportunity, Equity, and Compliance
OMB	-	Office of Management and Budget
PTASP	-	Public Transportation Agency Safety Plan
RTAP	-	Rural Transportation Assistance Program
SSO	-	State Safety Oversight
STIP	-	State Transportation Improvement Program
TAM	-	Transit Asset Management
TEAM	-	Transportation Employment and Mobility Program
TIP	-	Transportation Improvement Program
TPA	-	Third-party administrator
TrAMS	-	Transportation Award Management System
U.S.C.	-	United States Code
USDOT	-	United States Department of Transportation
WETAP	-	Wisconsin Employment and Transportation Program
WisDOT	-	Wisconsin Department of Transportation

FORWARD

The state management plan is a document that describes Wisconsin Department of Transportation (WisDOT) policies and procedures for administering the state-managed portions of Federal Transit Administration (FTA) grant programs: sections 5304, 5310, 5311, and 5339. All states are required to have an approved plan on file with the appropriate FTA regional office, and to update it regularly to incorporate new requirements or changes in program management.

WisDOT is issuing a revised state management plan that covers each of the federal programs, as follows:

- **49 U.S.C. § 5304 – Statewide Planning** provides funding for local and regional transit planning studies.
- **49 U.S.C. § 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities** provides funding to states to assist non-profits and others in meeting the transportation needs of seniors and individuals with disabilities. The 5310 program also incorporates the former “New Freedom” program (49 U.S.C. § 5317) and provides funding to address transportation challenges faced by individuals with disabilities seeking integration into the workforce and society.
- **49 U.S.C. § 5311 – Formula Grants for Rural Areas** provides funding to states to support transportation in rural areas with a population of less than 50,000. The 5311 program has also incorporated the former “Job Access and Reverse Commute” (JARC) program (49 U.S.C. § 5316) and addresses transportation challenges faced by welfare recipients and persons with low-income seeking to obtain and maintain employment.
- **49 U.S.C. § 5339 – Bus and Bus Facilities** provides capital funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities.

WisDOT’s policies and procedures are based on applicable state and federal legislation and administrative rules.

PLAN CONTENT

A. PROGRAM GOALS AND OBJECTIVES

The following FTA programs are administered by WisDOT:

- 49 U.S.C. § 5304 – Statewide Planning
- 49 U.S.C. § 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities
- 49 U.S.C. § 5311 – Formula Grants for Rural Areas
- 49 U.S.C. § 5339 – Bus and Bus Facilities

WisDOT administers these programs through its Public and Specialized Transit Section (“Transit Section”), which is part of the Bureau of Transit, Local Roads, Railroads, and Harbors, located with WisDOT’s Division of Transportation Investment Management (DTIM).

The mission of the Bureau of Transit, Local Roads, Railroads, and Harbors is to:

Provide statewide leadership to enable communities to make sound mobility decisions and investments by anticipating and exploring opportunities; by promoting and facilitating solutions; and by providing financial and technical support.

The Transit Section supports WisDOT’s overall vision of:

...an integrated multimodal transportation system that maximizes the safe and efficient movement of people and products throughout the state, enhancing economic productivity and the quality of Wisconsin’s communities while minimizing impacts to the natural environment.

WisDOT goals specifically related to transit include:

- Supporting public, specialized, and human services transit
- Supporting development of fixed guideway transit services
- Improving intercity bus service and connections
- Encouraging transportation demand management strategies
- Facilitating intermodal passenger connections

Each program also supports its specific goals:

SECTION 5304

The goal of this statewide planning program is to support transit planning studies by providing funding to local governments and operators of public transportation systems.

SECTION 5310

The goal of this program is to enhance the quality of life for Wisconsin's seniors and individuals with disabilities by improving mobility and removing barriers to transportation services and expanding the transportation mobility options available.

To that end, WisDOT provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of senior and individuals with disabilities in all areas – large urbanized, small urbanized and rural.

Wisconsin's four large urbanized areas – Milwaukee, Madison, Appleton, and Green Bay – manage the 5310 program for their respective geographic area. WisDOT manages the 5310 program for the small urban and rural areas of the state.

In addition to administering federal 5310 funding in a consistent and equitable manner, the state also supports the purchase of accessible vehicles with enabling legislation through [s. 85.22, Wis. Stats.](#), with program rules established under [Wis. Admin. Code Trans 2.](#)

SECTION 5311

The goals of this program are to enhance access of people in non-urbanized areas for purposes such as health care, shopping, education, recreation, public services, and employment by encouraging the maintenance, development, improvement and use of public transportation services. Analogous state support exists through [s. 85.20, Wis. Stats.](#), with program rules established under [Wis. Admin. Code Trans 6.](#)

Section 5311 funds, are also used to support projects previously receiving grants through the former Job Access and Reverse Commute (JARC) program. These projects provide grants to local governments and non-profit entities to work together, and in a collaborative process with local businesses, to assess the transportation needs for low-income workers and welfare recipients, and to develop options for addressing those needs.

In addition to administering federal 5311 funding in a consistent and equitable manner, the state also supports rural public transit with enabling legislation through sections 85.20 and 85.24, Wis. Stats.

SECTION 5339

The goal of the Bus and Bus Facilities Program is to provide capital funding to public transit systems to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

B. ROLES AND RESPONSIBILITIES

WisDOT supports all forms of transportation. The department is responsible for planning, building and maintaining Wisconsin's network of state highways and Interstate highway system. The department shares the costs of building and operating county and local transportation systems – from highways to public transit and other modes. WisDOT plans, promotes and financially supports statewide air, rail, and water transportation. The department works closely with other state, federal, and local agencies to meet changing and growing travel needs.

ADMINISTRATION OF FEDERAL AND STATE GRANT PROGRAMS

WisDOT is the state agency designated by the governor to receive funds and administer FTA programs. The Transit Section is responsible for most aspects of administering the federal programs: sections 5304, 5310, 5311, and 5339. WisDOT is also responsible for administering state grant programs, locally referred to by their corresponding statutory authority: [85.20](#); [85.205](#); [85.21](#); [85.215](#); [85.22](#); and [85.24](#). Programs associated with 5304, 5310, 5311, and 5339 are funded with a combination of state and federal funds.

For more information on WisDOT's public transit assistance programs:

<http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/default.aspx#public>

Many FTA requirements flow through WisDOT to subrecipients. WisDOT is responsible for ensuring that subrecipients are aware of and comply with federal and state requirements. Before expending any federal funds on projects, WisDOT annually certifies to FTA that it and others operating on its behalf have met all statutory and program requirements.

The Transit Section's responsibilities include:

- Demonstrating legal, financial and technical capacity to carry out all aspects of administering and managing transit grant programs
- Ensuring the use of transit grant program funds by WisDOT and its subrecipients conform to applicable federal and state statutes, codes, ordinances and safety standards
- Managing the subrecipient selection process, notifying eligible subrecipients of the availability of transit programs, developing project selection criteria, soliciting applications, reviewing and selecting projects for approval
- Managing grant agreements, developing and executing grant agreements with eligible subrecipients, amending grant agreements
- Ensuring compliance with FTA and federal requirements on the part of consultants, contractors and subcontractors working under approved third-party contracts or inter-agency agreements
- Ensuring that effective control and accountability of all grants and assets are properly maintained and used solely for authorized purposes
- Managing data, collecting financial reports, operating statistics and vehicle data, maintaining databases, monitoring and evaluating transit system performance
- Managing federal grants, program of projects, reporting, and grant closeouts
- Monitoring subrecipient compliance with applicable state and federal requirements
- Engaging in planning and research activities, transit plans and studies
- Providing technical assistance, training and workshops for subrecipients

STATE ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE

WisDOT Transit Section staff provide technical and management assistance to subrecipients. This may include development of statewide plans and studies, individual management performance reviews, the issuance of statewide policies and procedures that affect transit operations, the development and maintenance of the online transit grants management system, and the carrying out of the annual application and grants process.

WisDOT Transit Section staff are responsible for direct oversight and technical assistance to their subrecipients. Technical assistance is provided to subrecipients in a variety of ways including: on-site visits, organizing recurring conference calls, participating in transit development plans, conducting trainings and presentations at ad hoc workshops or annual meetings. Program managers and compliance managers respond to requests for assistance from individual subrecipients by phone and email.

Areas of technical assistance include, but are not limited to:

- Providing direction and input to plans for new or expanded transit service
- Reviewing and analyzing transit operations
- Providing assistance in understanding and carrying out requirements of federal and state regulations
- Reviewing and approving third party procurements
- Providing guidance and assistance to coordinate transit services
- Providing advice and support in the preparation of the annual applications for non-competitive grant programs.

Other divisions, bureaus, and offices within WisDOT and DOA support the Transit Section in its administration of FTA programs as follows:

Division of State Patrol, Bureau of Field Operations, Motor Carrier

Enforcement Section: Conducts annual safety inspections of 5310 human service vehicles.

Division of Business Management, Bureau of Business Services, Fiscal

Services Section: Handles processing of payments.

Executive Offices, Office of Management and Budget: Administers drawdowns of federal funds.

Division of Business Management, Bureau of Business Services, Purchasing

Section: Assists the Transit Section with procurements, including the statewide vehicle contract and consultant procurements.

Division of Business Management, Bureau of Financial Management, Audit Section: Performs financial audits of program subrecipients as requested by the Transit Section.

Executive Offices, Office of General Counsel: Provides legal counsel, as needed.

Division of Personal Management, Region I: Develops the Equal Employment Opportunity (EEO) plan on behalf of WisDOT, develops Affirmative Action policies, oversees labor compliance, and in coordination with the Transit Section. This Division is within the Department of Administration.

Division of Transportation Systems Development, Office of Business Opportunity and Equity Compliance, DBE and Civil Rights Sections: Investigates Serves as the department lead on Title VI and ADA complaints and develops department-wide Disadvantaged Business Enterprise (DBE) program goals.

Division of Transportation Investment Management, Bureau of Planning and Economic Development, Planning Section: Prepares the State Transportation Improvement Program (STIP) and manages funding programs for metropolitan and regional transportation planning activities and corridor planning studies.

PROVISION OF TRANSIT AND RELATED SERVICES

ROLE OF THE STATE

While WisDOT administers several state and federal grant programs related to transit, under state law the State of Wisconsin has a limited role in the actual provision of public or specialized transit service. Therefore, WisDOT administers programs and provides funding to eligible applicants where locals choose to provide service. With the exception of intercity bus, all services must have a local sponsor.

ROLE OF LOCAL GOVERNMENT, INCLUDING TRIBES

Local governments, including tribes, can apply to WisDOT for funding to operate public or specialized transit or contract with a private provider to provide service. Local governments must provide local funding to match state and federal funds for public or specialized transit projects.

ROLE OF PRIVATE PROVIDERS

Private providers operate public transit or specialized transportation services under contract to local governments. WisDOT may enter into agreements with intercity bus providers.

ROLE OF NON-PROFITS

In Wisconsin, non-profits are eligible to receive funding from state and federal programs to serve the transportation needs of target groups (e.g., seniors, individuals with disabilities, individuals with low income). Non-profits are not eligible to apply for state and federal funding for public transit (except for low income employment transportation related projects), but may provide public transit services under contract with local governments.

C. COORDINATION

OTHER AGENCIES AND UNITS OF GOVERNMENT

The Transit Section works collaboratively with other WisDOT business areas, other state agencies, local units of government, tribal governments, boards and councils, and other interested parties to ensure the effective delivery of transit in Wisconsin.

LONG-RANGE TRANSPORTATION PLAN

Officially adopted in October 2009, [Connections 2030](#) is the long-range transportation plan for the State of Wisconsin. WisDOT developed the plan in cooperation with the public, state and federal review agencies (see [Public Involvement](#)). The plan addresses all forms of transportation over a 20-year planning horizon: highways, local roads, air, water, rail, bicycle, pedestrian and transit. The overall goal of the planning process was to identify a series of policies to aid transportation decision-makers when evaluating programs and projects.

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM – STIP

WisDOT's [statewide transportation improvement program \(STIP\)](#) is a four-year program of highway and transit projects for the State of Wisconsin. Published every year, and amended as changes to projects occur, the plan is a compilation of all highways (state or local) and transit (capital or operating) projects in urban and rural areas. The STIP adopts the transportation improvement programs (TIP) prepared by the state's 14 metropolitan planning organizations (MPO) by reference. The STIP is approved by the Federal Highway Administration (FHWA) and FTA.

All annual STIP documents are subject to a 30-day public comment period (15 days for amendments). The public can submit comments about the STIP to WisDOT via email, phone, or mail. WisDOT emails STIP notifications to Wisconsin MPOs, RPCs, Tribes, transit operators, and county highway commissioners and legal notices are posted in the Wisconsin State Journal.

COORDINATED PUBLIC TRANSIT HUMAN SERVICES TRANSPORTATION PLAN

Federal law requires projects funded under Section 5310 to be included in a locally developed, coordinated public transit human services transportation plan. Coordinated plans must be updated every four to five years and consistent with the applicable metropolitan or statewide planning process. In Wisconsin, coordination plans are developed by each county with the assistance from each regional planning commission and applicable metropolitan planning organizations.

Counties are required to advertise publicly meetings for the development of their coordination plan, obtain comments from seniors, individuals with disabilities, stakeholders, transit providers, and members of the general public, develop goals for improving the transportation of seniors and individuals with disabilities in their community, and to assign responsible parties/organizations to accomplish each goal. WisDOT collects, reviews, and approves all county coordination plans to ensure all federal requirements are being met.

Coordination plan toolkit materials are available on WisDOT's [Transportation Coordination webpage](#). Use of the toolkit materials help ensure coordination plans meet all federal requirements.

UNIFIED PLANNING WORK PROGRAM – UPWP

Each Wisconsin MPO develops an annual unified planning work program (UPWP) for the urbanized area it serves. These plans typically reflect coordination with the Transit Section and other WisDOT business areas. A UPWP is a program of work identifying the planning priorities and activities to be carried out within a metropolitan area for which Federal assistance is sought. Typically, a UPWP will summarize the MPO's past year's accomplishments as well. [FTA Circular 8100 \(as amended\)](#) outlines UPWP guidance and requirements.

For updated final circulars from FTA:

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars>

Information on UPWP requirements is available on the WisDOT MPO webpage:

<https://wisconsin.gov/Pages/doing-bus/local-gov/planning-orgs/mpo.aspx>

WisDOT's Transit Section produces an annual Transit Planning Work Program (TPWP) that parallels the structure and purpose of the MPO plans, but which covers Section 5304-funded projects falling outside their scope. Such projects include Transit Section-sponsored planning projects and subrecipient planning projects focusing on transit service in rural areas.

D. ELIGIBLE SUBRECIPIENTS

FEDERAL GRANT PROGRAMS

SECTION 5304

Eligible subrecipients of the [Section 5304 Statewide Transit Planning Program](#) include MPOs, local government authorities, and operators of public transportation systems.

SECTION 5310

Eligible subrecipients of the [Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program](#) can include local units of government, private non-profit organizations, or operators of public transportation receiving a 5310 grant indirectly through a direct recipient (i.e., WisDOT).

Eligible subrecipients for traditional Section 5310 projects (e.g., vehicles, equipment for accessible vehicles and mobility management) are private non-profit organizations and, under certain conditions, local public bodies. A local public body is an eligible applicant if it either (a) demonstrates that no private non-profit organization is available and willing to provide transportation in the proposed service area, or (b) is designated as the local transportation coordinator for the proposed service area. To be recognized as the local transportation coordinator, the public body must be designated by a transportation coordinating committee (TCC) with membership and duties as specified in s. Trans. 2.10(1)(a), Wis. Admin. Code, and by all county boards covering the service area.

Eligible subrecipients for non-traditional Section 5310 projects (e.g., volunteer driver programs, voucher programs, and operating assistance) are private non-profit organizations, local public bodies, operators of public transportation receiving a 5310 grant indirectly through a direct recipient (i.e. WisDOT). No additional requirements for local public bodies or operators of public transportation are needed if they are applying for these non-traditional Section 5310 projects.

SECTION 5311

Eligible subrecipients of the [Section 5311 Formula Grants for Rural Areas Program](#) are defined in Wis. Admin. Code Trans 6.02(2) as "...local public bodies or federally recognized Indian tribal governing bodies, but [do] not include private transportation providers." Under Wis. Admin. Code Trans 6.02(6), local public bodies are defined as "...counties, cities, villages and towns or agencies thereof."

Private for-profit and non-profit entities participate in the public transit program through third-party operator contractual relationships or as second tier subrecipients for JARC services with eligible subrecipients.

At least 15% of WisDOT's annual 5311 formula apportionment must be dedicated to intercity bus service per federal regulations. If WisDOT does not anticipate meeting that requirement, it conducts a consultation process with intercity bus providers and submits a certification of met needs from the governor. The Transit Section enters into agreements with private providers for intercity bus service on a periodic basis.

SECTION 5339

Eligible subrecipients of [Section 5339 Bus and Bus Facilities](#) funds include fixed route bus service operators, local governments and public transit agencies, federally recognized Indian tribes that operate fixed route bus service (and are eligible to receive section 5307 and 5311 grants).

WisDOT distributes a portion of its annual 5339 allocation by formula, then prioritizes awards from the remaining funds for urban systems serving a population of between 50,000 and 200,000. Awards may also be made for rural transit projects.

Awards are based on evaluation criteria such as consistency with local transit priorities, age and deferred maintenance of vehicles or facilities, the number and success of past capital awards, and demonstrated commitment of local share.

E. PRIVATE SECTOR PARTICIPATION

FEDERAL GRANT PROGRAMS

SECTION 5304

Private businesses can be involved in transit planning studies when a subrecipient chooses to engage a third party via requests for proposals. Private bidders are chosen via a federally compliant procurement process.

SECTION 5310

FTA requires that applicants afford private, for-profit, transit and paratransit operators a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of proposed transportation services. Accordingly, each applicant for 5310 funds must comply with this policy and document such efforts in its application.

All applicants must publish a public notice in local newspapers serving the proposed service area, describing its project and soliciting interest from private parties to provide the service. The notice must provide 15 days for response, and the applicant must provide a publisher's affidavit with its application. Further, local units of government applying for vehicle purchases must send notification letters to all known transportation providers in their area and provide at least ten days for response. Public hearings that are held must take place in an accessible location.

As noted earlier, non-profit corporations are eligible applicants under 5310. All eligible applicants are invited to apply for 5310 funds, and awards are made based on fair evaluation of project merits. Potential applicants are informed of program solicitations through both email notifications to past and current awardees, and website postings.

Lists of private transportation providers are used to inform public agencies and non-profit organizations about the statewide coordination planning process. Notice of the development of transportation plans is sent to respective distribution lists and advertised in local newspapers.

SECTION 5311

Private operators – both for-profit and non-profit – participate in public transit in the following ways:

- Contracting with subrecipients using a FTA compliant procurement process as a third-party operator to provide public transit service, non-operation services or the purchase of capital goods
- Participating on local transit advisory committees, should they exist
- Participating on partnership efforts such as the development of statewide plans, local transit development plans and input and guidance to subrecipients.
- Entering into an agreement with WisDOT for the provision of intercity bus service.

Private sector providers of public transportation are afforded notification of WisDOT's JARC/WETAP project solicitation through:

- **Electronic mailing list** – An email notification of applications is sent to all past and current participants in the program, any organization that has requested information about the program in the past year, regional planning commissions, and metropolitan planning organizations
- **Website posting** – Notification of the availability of the JARC application is posted on the [WisDOT WETAP webpage](#)
- **Open competition** – All eligible applicants are invited to apply for funds
- **Selection process** – The selection process is fair and equitable based on project merits

SECTION 5339

Private sector providers are not eligible for 5339 awards, though subrecipients may purchase capital goods using 5339 funds from private entities through an FTA-compliant procurement process.

F. ELIGIBLE SERVICES AND SERVICE AREAS

FEDERAL GRANT PROGRAMS

SECTION 5304

Eligible projects under 5304 are studies that are used to support balanced and comprehensive transportation planning that considers the relationship among land use and all transportation modes. Service area can be any rural or small urban area of the state.

SECTION 5310

Eligible projects under 5310 are capital and operating expenditures that support transportation to meet the special needs of seniors and persons with disabilities. The service area managed by WisDOT includes rural or small urban areas of the state. Wisconsin's four large urbanized areas – Milwaukee, Madison, Appleton and Green Bay – manage the 5310 program for their respective geographic area.

SECTION 5311

Eligible projects under 5311 are capital and operating expenses for public transportation services that are scheduled for and operated in non-urbanized areas (population under 50,000). Intercity bus service projects are also eligible, which connect rural residents of Wisconsin with major economic hubs.

SECTION 5339

Eligible projects under 5339 are capital projects for public transit systems that serve a rural, small or large urban area in the state to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

G. ELIGIBLE ASSISTANCE CATEGORIES

FEDERAL GRANT PROGRAMS

SECTION 5304

Section 5304 funds support local and regional transit planning efforts by offering funding for relevant studies and plans.

SECTION 5310

Operating Assistance

The State of Wisconsin does not separate a subrecipient's administrative and operating costs of the transit system into two distinct categories. All subrecipient administrative costs are part of operating costs. The federal share

of operating deficits cannot exceed 50% unless WisDOT approves the use of capital cost of contracting agreements for systems with third-party providers.

Capital Assistance

The federal share of capital costs is no more than 80% of the net cost of the activity.

State Administration

WisDOT annually determines the amount needed for administrative purposes. The maximum amount permitted is 10% of the grant award value.

Capital vs. Operating Percentages

Fifty-five percent of both the rural and small urban funding allocations for Wisconsin's Section 5310 funds must be used for traditional projects. These projects typically include rolling stock capital purchases, equipment for accessible vehicles, and mobility management positions. Local public bodies must adhere to additional requirements if applying for these projects.

Up to 45% of both the rural and small urban funding allocations for Wisconsin's Section 5310 funds can be used for non-traditional (formally Section 5317 New Freedom Program) projects. These projects typically include operating assistance, volunteer driver programs, and voucher programs.

Typically, the state will allocate 55% for capital projects (vehicles and mobility management), 35% for operating, and 10% for administration.

SECTION 5311

Operating Assistance

The State of Wisconsin does not separate the subrecipient's administrative and operating costs of the transit system into two separate categories. All subrecipient administrative costs are part of operating costs. The federal share of operating deficits cannot exceed 50% unless WisDOT approves the use of capital cost of contracting agreements for systems with third-party providers.

Capital Assistance

The federal share of capital costs is no more than 80% of the net cost of the activity.

Intercity Bus Assistance

Section 5311(f) funds provide operating assistance to private mass transit companies to support priority rural intercity routes as identified in the state's

long- range plan, *Connections 2030*. In addition to federal rules, WisDOT administers the intercity bus program under state statutes found at s. 85.26, Wis. Stats. – Intercity Bus Assistance Program.

Rural Transit Assistance Program – RTAP

The Rural Transit Assistance Program (RTAP) allocates federal funds to further the development of skills and abilities for persons involved in providing transit service to the state's rural and small urban areas. No more than 2% of the funds appropriated for Section 5311 each year are available for RTAP.

State Administration

WisDOT annually determines the amount needed for administrative purposes. The maximum amount permitted is 10% of the grant award value from FTA.

SECTION 5339

Eligible activities for use of 5339 Bus and Bus Facilities funds are capital projects to replace, rehabilitate, and purchase buses and related equipment, and the construction of bus-related facilities. Discretionary 5339 grants may be awarded at 85 percent if supporting ADA accessibility and sufficient funds are available.

H. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

Local share for all programs must come from sources other than USDOT funds. Examples of local match sources that may be used for the local share include local appropriations, dedicated tax revenues, private donations, revenue from human service contracts, and net income generated from advertising and concessions, and other non-federal funds. **Farebox revenue may not be used as local share.**

FEDERAL GRANT PROGRAMS

SECTION 5304

The transit planning funds are available at up to 80% of eligible expenses. Local government authorities and operators of public transportation systems also may request Section 5304 funds to cover up to 75% of eligible training expenses.

SECTION 5310

The local share of eligible capital expenses is a minimum 20% of the total cost. The local share of eligible operating assistance projects is a minimum of 50% of

the net operating cost. WisDOT allows cash match for all project types, and in-kind match for capital mobility management projects and operating projects.

Examples of in-kind match include donated office/facility space, supplies and labor. All in-kind match must be represented as an expense in an applicant's budget and represent a cost that would normally be eligible under the projects. While in-kind match is included with incurred expenses in the net project cost, federal program funds cannot be used to reimburse subrecipients for in-kind contributions. Federal grant reimbursements, therefore, are maximized at actual net project cost (incurred expenses minus revenues). Formal documentation of in-kind match is reported in subrecipient quarterly reimbursement requests and cannot be double counted on other federally-assisted projects or programs. The formal documentation must support how the value of an in-kind contribution was derived. WisDOT verifies that in-kind match valuations are reasonable for the goods or services donated based on fair market value or other acceptable standards. Additional requirements exist for real property being donated as in-kind match.

SECTION 5311

Operating Assistance

Operating assistance recipient classifications and the statutorily required local share are described under [s. 85.20\(4m\), Wis. Stats.](#) Subrecipients who operate bus systems are required to contribute local share equal to at least 20% of their state aid. This provision does not apply to subrecipients that are served exclusively by public transit shared-ride taxi cab systems.

Subrecipients who are only eligible for Section 5311

After developing the total approved operating expense budget, revenues are subtracted to obtain the operating deficit. The federal share is determined by awarding up to 50% of the operating deficit. In cases where the transit service is provided by a private provider under contract, a capital costs of contracting reimbursement method can be utilized. This method allows WisDOT to reimburse 80% of 50% (40%) of total expenses if the contractor provides vehicles for the service and 80% of 40% (32%) of total expenses if the contractor leases the vehicles from the subrecipient and is responsible for maintaining the vehicles on behalf of the subrecipient. The local share required is the remaining amount.

Subrecipients who are eligible for both Section 5311 and state 85.20 funding

After developing the total approved operating expense budget, the revenues are subtracted to obtain the operating deficit. The federal share is determined by awarding up to 50% of the operating deficit. In cases where the transit service is provided by a private provider under contract, WisDOT may apply capital cost of contracting percentages to determine the federal amount. Under Wis. Stat. 85.20(4m), if the subrecipient is also eligible for state public transit funding, WisDOT must distribute state funds so that the sum of the state and federal aids for the projected operating expenses of each subrecipient is a uniform percentage. The local share required is the remaining amount.

Capital Assistance

Based on the availability of funding for capital awards through the 5311 program subrecipients fund 20% of the local share for vehicle or equipment projects.

JARC

JARC funds may be used to finance capital and operating expenses; however, the maximum federal share of eligible capital costs may not exceed 80% of the net capital costs of the program. The federal share of the eligible operating costs may not exceed 50% of the net operating costs of the activity.

WisDOT allows cash match for all project types, and in-kind match for capital mobility management projects and operating projects.

SECTION 5339

Subrecipients typically fund 20% of the local share for capital equipment projects funded through the 5339 program.

I. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

FEDERAL GRANT PROGRAMS

SECTION 5304

WisDOT accepts Section 5304 planning grant applications by email or through *BlackCat*, WisDOT's grants management system. WisDOT reviews applications

and may issue a planning grant award based on the ability of the proposed transit planning project to meet Section 5304 eligibility standards and the availability of federal funding. Typically, FTA funds are not immediately available, so WisDOT will issue pre-award spending authorization in conjunction with the award. This allows the grantee to incur reimbursable expenses while WisDOT awaits FTA funding.

SECTION 5310

WisDOT combines 5310 funds with state funds authorized under s. 85.22, Wis. Stats., into a consolidated program to fund capital and operating projects for Wisconsin's population of seniors and individuals with disabilities. WisDOT accepts applications on an annual cycle. During the open application cycle, application documents are posted on [WisDOT's 5310/85.22 program webpage](#) and on *BlackCat*.

Projects are selected for funding based on ranking of applications submitted by eligible applicants. Criteria for project ranking include demonstration of need and project benefits, promotion or development of a coordinated network, financial and technical capacity, and the project budget.

Once WisDOT ranks applications and selects awardees, it notifies awardees and subsequently enters into grant agreements with each awardee. Grant agreements for vehicle purchases impose several obligations on awardees including paying their local share to WisDOT; inspecting, insuring and maintaining all awarded vehicles; and using the vehicles consistent with the purpose(s) and program identified in their application.

Grant agreements for non-vehicle capital projects and operating projects impose obligations such as reporting requirements and procurement compliance.

Typically, FTA funds are not immediately available, so WisDOT will issue pre-award spending authorization in conjunction with the award. This allows the grantee to incur reimbursable expenses while WisDOT awaits FTA funding.

SECTION 5311

The procedure for soliciting applications for funding and determination of distribution of funds is established in Wis. Admin. Code Trans 6.

Federal funds are awarded to eligible subrecipients according to the following priority:

- (1) Operating assistance to public transit systems
- (2) Capital assistance to public transit systems

Requests for capital assistance are made available in ranked order of priority under [Wis. Admin. Code Trans 6.06\(1\)](#).

Through the annual application process, eligible subrecipients prepare and submit application materials to *BlackCat*.

Annual applications are then reviewed by WisDOT Transit Section staff for:

- Completeness and compliance with state and federal requirements
- Financial plan that demonstrates fiscal capacity and reasonableness
- Service plan that matches the fiscal capacity and is appropriate in scale and scope
- Capital request, if any, match fiscal capacity and is effective and efficient
- Third party contracts, if any, conform with state and federal requirements
- Coordination relationships with other organizations and agencies either exist or are in development

Once the annual application and corresponding budget are approved and the appropriate subgrant amount is determined, funds are awarded using a combination of formulas that account for federal, state, and local sources. Those applicants who are only eligible for 5311 federal funds are awarded at or below the amount of 50% of the operating deficit. The remaining amount is the local share.

Under Wis. Stat. 85.20(4m), if the subrecipient is also eligible for state public transit funding, WisDOT must distribute state funds so that the sum of the state and federal aids for the projected operating expenses of each subrecipient is a uniform percentage, including the requirement that the 5311 operating assistance is at or below 50% of the operating deficit (unless capital cost of contracting applies).

Eligible subrecipients are contractually obligated to provide the local share portion of the operating deficit. All applications from eligible applicants are treated equally and reviewed using the same procedures.

Tribal governments who choose to have 5311 funding administered through the state follow the same procedures as all other 5311 applicants. Currently, all tribal governments who receive 5311 funding do so as subrecipients of WisDOT. Those who might choose to become direct recipients to FTA would be provided equivalent technical assistance upon request.

JARC

WisDOT combines federal 5311, 5307, and [state 85.24 TEAM](#) funds into a consolidated program called the Wisconsin Employment and Transportation Program (WETAP) to fund capital and operating projects for low-income residents seeking employment. WisDOT accepts applications on an annual cycle. During the open application cycle, application documents are posted on [WisDOT's WETAP webpage](#) and *BlackCat*.

Projects are selected for funding based on ranking of applications submitted by eligible applicants. Criteria for project ranking include demonstration of need and project benefits, promotion or development of a coordinated network, financial and technical capacity, and the project budget.

Once WisDOT ranks applications and selects awardees, it notifies awardees and subsequently enters into grant agreements with each awardee. Grant agreements for mobility management capital projects and operating projects impose obligations such as reporting requirements and procurement compliance.

Typically, FTA funds are not immediately available, so WisDOT will issue pre-award spending authorization in conjunction with the award. This allows the grantee to incur reimbursable expenses while WisDOT awaits FTA funding.

SECTION 5339

Section 5339 formula funds are apportioned annually to WisDOT. WisDOT distributes a portion of the funds via formula based on Section 5307 allocations and awards the remainder for capital projects based on the demonstrated need in the latest annual applications (that are also used to award 5311/5307/85.20 operating assistance).

WisDOT notifies FTA of awards to urban systems so those systems may apply for the funds directly to FTA. If rural subrecipients are awarded 5339 formula funds, WisDOT administers the funds, including the application to FTA.

WisDOT applies for Section 5339(b) discretionary funds on behalf of rural and non-fixed route small urban transit systems when the funds are made available by FTA.

If WisDOT is awarded funds where the subrecipients are not specified, the funds will be allocated based on recent applications, the age and deferred maintenance of vehicles, equipment or facilities, demonstrated commitment of local share from previous grants, and subrecipients' receipts of other funding sources.

J. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

Once federal awards are made, the details of each award are included in a program of projects WisDOT submits to FTA as part of the TrAMS application process.

Further, the program of projects for each program are incorporated into [Wisconsin's State Transportation Improvement Program \(STIP\)](#). Because the STIP is finalized in December and WisDOT Transit Section staff do not typically finalize the program of projects for these programs until after January, the program of projects for each program is incorporated into the STIP by amendment with a 15-day comment period.

Any projects and awards that may take place within the boundaries of a MPO are incorporated into their respective Transportation Improvement Program (TIP), which are then incorporated into Wisconsin's STIP by reference.

K. TRANSFER OF FUNDS

WisDOT may transfer 5310, 5311, and 5339 funds or FHWA flexible funds as specified in the respective FTA circulars of these programs. Notice or request of the transfers is forwarded to FTA.

L. PROGRAM MEASURES

PROJECT MONITORING AND REPORTING REQUIREMENTS

Project monitoring is an ongoing process undertaken by WisDOT Transit Section staff. Subrecipients are required to report expenses, revenues and operating statistics via quarterly reports.

The project managers use the information contained in the quarterly reports to monitor subrecipients' fiscal and operational activities. Requests for reimbursement are approved by the program manager before processing for payment.

WisDOT will inform subrecipients of record retention requirements. In most cases, subrecipients are instructed to keep records for at least three years after the last payment on a project or the disposed of a federally funded vehicle.

FEDERAL GRANT PROGRAMS

SECTION 5304

WisDOT uses awardee applications (including project budgets therein) and required quarterly reports to monitor and evaluate performance. WisDOT program managers use these reports to monitor subrecipient fiscal and administrative management, project timelines, technical ability, and to satisfy federal reporting requirements. WisDOT staff request and review records and documentation for reimbursements to be made to awardees and their subcontractors, as applicable.

SECTION 5310

WisDOT uses awardee applications (including project budgets therein) and required quarterly reports to monitor and evaluate performance.

Vehicle usage reports quantify passenger type, number of one-way miles, area served, and expenses. Mobility management and operating reports cover expenses, revenues, outcomes (such as rides provided, or calls made) and progress toward goals set by subrecipients during the application process.

WisDOT program managers use vehicle and operating reports to monitor subrecipient fiscal and operational management, technical ability, and to satisfy federal reporting requirements. WisDOT staff request and review records and

documentation for payments made for operating, mobility management, and vehicles.

SECTION 5311

Section 5311 Capital Improvements – Four-year Transit Development Plan

With the submission of the annual request for funding, 5311 subrecipients update their respective four-year transit development plans, which include estimated requests for capital over four years.

JARC

WisDOT uses awardee applications (including project budgets therein) and required quarterly reports to monitor and evaluate performance.

Mobility management and operating reports cover expenses, revenues, outcomes (such as vanpool rides provided, or calls made) vehicle loans, carpool rides, and job accessed.

WisDOT program managers use these reports to monitor subrecipient fiscal and operational management, technical ability, and to satisfy federal reporting requirements. WisDOT staff request and review records and documentation for payments made for operating and mobility management projects.

Productivity, Cost Effectiveness, and Service Standards

Under [Wis. Admin. Code Trans 4.09](#), public transit systems must annually establish service performance goals and assess the effectiveness of the transit system in relation to those goals. The goals are submitted to WisDOT as a part of the application. At a minimum, goals shall be established for the following performance indicators:

- (a) The ratio of passengers, as expressed in unlinked trips to service area population
- (b) The ratio of operating expenses to passengers, as expressed in unlinked trips
- (c) The ratio of operating expenses to revenue hours
- (d) The ratio of revenues to operating expenses
- (e) The ratio of passengers, as expressed in unlinked trips, to revenue hours
- (f) The ratio of revenue hours to service area population

Subrecipients must also prepare and submit quarterly to WisDOT a report of system effectiveness in relation to the goals established as established. WisDOT assesses the cost efficiency and the performance of each transit system on an annual basis using the six performance indicators above (a-f).

For purposes of analysis, transit systems are divided into the following peer groups:

- Milwaukee
- Madison
- Medium bus systems
- Small bus systems
- Commuter bus systems
- Shared-ride taxi systems
- County-wide shared-ride taxi systems

For the Milwaukee, Madison, and medium bus tiers, peer groups of similarly sized transit systems with similar operating characteristics external to the state are developed to establish performance standards. Data used for these peer groups will be the most recent available from the national transit database. For small bus, commuter bus, and shared-ride taxi tiers, standards shall be established using data from only in-state systems in these tiers because no national database information is available for these types of systems.

Data is used from the preceding calendar year. Standards for each of the six performance measures are set for each grouping using a standard deviation. Systems that are within one standard deviation of the arithmetic mean shall be judged as in compliance with the standard for the measure. Systems whose performance is better than the one standard deviation shall also be judged as in compliance with the standard for the measure.

Systems that meet the standards for four of the six performance measures shall be deemed in compliance with the cost efficiency standards, and no further action will be taken.

If a transit system does not meet the cost efficiency standards, further analysis will be conducted including a time trend analysis and a review of the most recent management performance review.

SECTION 5339

WisDOT monitors the purchase, maintenance, and disposal of assets purchased by rural subrecipients with 5339 funds via compliance site reviews (CSR), application processes, and *ad hoc* asset management surveys.

M. PROGRAM MANAGEMENT**FINANCIAL MANAGEMENT****PUBLIC AND SPECIALIZED TRANSIT SECTION**

The Transit Section is responsible for managing grants, contracts and interagency agreements to ensure that expenditures comply with federal rules and regulations for all FTA grant programs. Financial management responsibilities include:

- Investigating and resolving accounting problems to ensure compliance with state and federal rules
- Managing the documentation entered into WisDOT's *PeopleSoft* accounting software and *BlackCat* relative to individual grants, contracts and interagency agreements
- Working with the WisDOT Audit Section to ensure completion of financial audits in accordance with [2 CFR Part 200, Subpart F](#)
- Submitting federal financial reports in FTA's Transportation Award Management System (TrAMS)
- Balancing and closing out FTA grants when projects are completed

OFFICE OF MANAGEMENT AND BUDGET

WisDOT's Office of Management and Budget manages the Electronic Clearing House Operation (ECHO) process between FTA and WisDOT so transactions are processed in a timely manner and accounts are balanced and well-documented. WisDOT requests payments to its federal grants awards using ECHO-Web, FTA's web application. The Office of Management and Budget also annually reviews financial reports submitted to TrAMS by WisDOT.

AUDIT SECTION

WisDOT's Audit Section performs financial audits on 5311 operating assistance grants to subrecipients in accordance with OMB SuperCircular 2 CFR 200, *Uniform*

Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

ACCOUNTING SYSTEMS

Subrecipients establish a set of accounts in which all transit related costs, revenues, and operating sources are recorded and clearly identified, easily traced, and substantially documented. Accounting practices and records must be in accordance with generally accepted accounting principles.

All WisDOT divisions use a common accounting system, *PeopleSoft*, for payments to vendors and subrecipients. WisDOT staff may access *PeopleSoft* queries or data warehouse reports to compile financial information.

FINANCIAL REVIEWS

Section 5311 subrecipients are contractually and administratively required under Wis. Admin. Code Trans 6.08 to maintain and submit, upon request, their books, records, documents, and accounting procedures and practices for audit and examination by WisDOT or their representative.

Once subrecipient agreements are audited and closed, and final payment in a 5311 grant has been made, WisDOT begins the grant closure with FTA.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT – FFATA

The Federal Funding Accountability and Transparency Act (FFATA) requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website:

<https://www.usaspending.gov/#/>

The act also requires direct recipients to report subaward information exceeding \$25,000 by the end of the month, after the month in which subawards are made to a grant. To adhere to FFATA requirements, WisDOT collects financial information from each subrecipient during the grant application process. WisDOT submits the list of subawards exceeding the \$25,000 reporting threshold to the Wisconsin Department of Administration (DOA). WisDOT's Office of Management and Budget (OMB) then publishes completed reports, making them available to DOA for transmission to the [FFATA Subaward Reporting System \(FSRS\)](#).

COMPLIANCE SITE REVIEW – CSR

As a recipient of FTA financial assistance, the Transit Section is required to comply with several federal rules and regulations. Many FTA requirements flow through the state to subrecipients. WisDOT is responsible for ensuring that these entities are aware of and comply with the requirements established by FTA.

WisDOT has an ongoing system to ensure that subrecipients adhere to federal requirements. To meet FTA expectations of subrecipient compliance oversight, WisDOT has developed a comprehensive program for [compliance site review \(CSR\)](#).

The CSR program is an opportunity for WisDOT to provide one-on-one technical assistance, specifically tailored to the needs of each transit system, with the goal of reaching compliance in all federal oversight areas. Onsite reviews are conducted to identify strengths, areas that need improvement and areas where subrecipients may need additional training. In addition, WisDOT collects data on all corrective action items identified during CSRs. This data informs the Transit Section of trends in noncompliance and allows the targeted use of technical resources, creating a more efficient and effective compliance oversight program.

MANAGEMENT PERFORMANCE REVIEWS

Under Wis. Admin. Code Trans 4.10, WisDOT is required to conduct management performance audits of 5311 subrecipient that are not shared-ride taxi systems at least every five years. On occasion, WisDOT will conduct a management performance review of a shared-ride taxi system, based on cost efficiency data.

N. INTERCITY BUS TRANSPORTATION

Section 5311(f) – Intercity Bus Program (ICB), requires each state to spend 15% of its annual Section 5311 apportionment to carry out a program to develop and support intercity bus transportation.

WisDOT administers 5311(f) program funds in accordance with [s. 85.26, Wis. Stats.](#), the Intercity Bus Assistance (IBA) program. According to IBA program guidelines, WisDOT enters into agreements with private providers of intercity bus service to support intercity bus routes of the provider or make grants to political subdivisions to support intercity bus service routes having an origin or destination in the political subdivision.

WisDOT enters into agreements for intercity bus service with the intent of funding projects that meet the following objectives:

- The service project is consistent with WisDOT planning objectives as identified in Connections 2030
- The service project facilitates meaningful intermodal connections
- The service project improves connectivity to or between major metropolitan areas that currently lack convenient or direct intercity bus service
- The provider demonstrates that they have the technical capacity, financial stability, marketing plan, and requisite experience to be recipients of state and federal funds

After projects are selected, agreements are issued on terms that are deemed to be in the best interests of the State of Wisconsin. The reporting of financial information and reimbursement for services is performed on a quarterly basis using the same project controls and procedures as the 5311 program.

WisDOT allows intercity bus providers to utilize the ICB In-Kind Match Provision under 5311(g)(3)(D), in lieu of cash match, subject to validation by the state as part of the proposal evaluation process. The Provision may only be applied in the case of an eligible ICB project that includes both a "Feeder Service" segment and an unsubsidized segment of intercity bus service to which the Feeder Service directly connects. Feeder Service must provide a meaningful connection between a rural area and a scheduled intercity bus network serving more distant points.

Utilizing the Provision, an in-kind match for the operating costs of the Feeder Service route funded under IBA program may be derived from the net cost of the connecting, unsubsidized segment of the intercity bus network. If this Provision is exercised, the proposer must provide verifiable information to WisDOT showing connecting location(s) served and schedules of both the Feeder Service and the unsubsidized connecting segment, as well as the financial documentation necessary to verify eligible costs and calculate the in-kind value of the unsubsidized segment used.

WisDOT will verify that costs are reasonable for the service provided and may request additional documentation as necessary for this validation. The intercity bus provider exercising the Provision must provide written acknowledgement that the unsubsidized segment used as in-kind match is part of a federal project and thus covered by the labor warranty and other federal requirements.

INTERCITY BUS CONSULTATION

If WisDOT does not expect to meet the FTA requirement that 15% of the annual 5311 apportionment will be used for intercity bus service, it will conduct outreach to intercity bus providers to ensure that all intercity bus needs are met.

Wisconsin's intercity bus providers are identified by first taking an inventory of over-the-road motor coach operators that provide scheduled service. Informational memoranda are then disseminated to identify intercity bus providers. Through this memo, providers are encouraged to offer feedback on the program and are provided guidance as to how mutual objectives can be met through state and federal investment in intercity bus service. The Transit Section discusses the intercity bus program with providers at the annual Wisconsin Public Transit Association (WIPTA) conference and other transit meetings, including the National Conference on Rural Public and Intercity Bus Transportation.

In addition to WisDOT's selection of providers for intercity bus service, local public bodies may apply to sponsor intercity bus service through the conventional annual 5311 application cycle.

O. RURAL TRANSPORTATION ASSISTANCE PROGRAM – RTAP

The [Rural Transportation Assistance Program \(RTAP\)](#) in Wisconsin allocates federal funds to further the development of skills and abilities for persons involved in providing transit service to the state's rural and small urban areas.

Training objectives include:

- A scholarship program that enables subrecipients to attend local, regional or national conferences and trainings related to rural transit or transit operations
- Topic-specific workshops to be organized several times a year and offered at no cost to subrecipients
- Hands-on driver training to be provided throughout the state throughout the year
- Webinars and other materials shall be developed as the training needs of transit providers dictates

Technical assistance takes place through reoccurring conferences or ad hoc workshops that WisDOT (or technical experts under contract to WisDOT) offers to eligible participants throughout the year. Research activities may be undertaken on a periodic basis responding to an expressed need of transit operators and results are distributed to grantees.

P. PROCUREMENT AND DISADVANTAGED BUSINESS ENTERPRISE – DBE

PROCUREMENT

When procuring equipment or services using FTA funds, WisDOT, subrecipients and contractors must follow procurement policies and procedures that conform to applicable federal, state and local law and other statutory and administrative requirements. As the designated recipient of federal grant funds, WisDOT is responsible for ensuring that subrecipients are aware of and comply with federal procurement requirements.

Before procurements are initiated, subrecipients should review the resources on the [WisDOT Transit Section procurement webpage](#) and work with WisDOT Transit Section staff to ensure appropriate procurement steps are followed.

WisDOT procurement materials include the WisDOT Procurement Manual, *FTA Best Practices Procurement Manual*, federal circular FTA C 4220.1F – Third Party Contracting Guidance, sample toolkits (by procurement type and anticipated dollar amount), and National RTAP's *ProcurementPRO* system.

WisDOT's Procurement Manual includes federal guidance relating to compliant and competitive procurements. The WisDOT Procurement Manual provides instructions regarding compliance with federal requirements and competitive procurement elements such as open competition, Buy America regulations, no geographic preferences, restrictions on lobbying, awarding to responsible contractors, clauses and certifications, five-year limitations on contracts, piggybacking, vehicle testing and monitoring among other things.

The total procurement cost determines the type of procurement process that must be followed. WisDOT has developed toolkits and appendices for each procurement type. It is imperative the toolkits and respective procurement steps are followed in

chronological order. **Subrecipients are required to have all stages of the procurement reviewed and approved by WisDOT.**

DISADVANTAGED BUSINESS ENTERPRISE – DBE

Disadvantaged Business Enterprise (DBE) provisions apply to USDOT-assisted contracts for airports, highways and transit. This includes the use of FTA planning, capital, and/or operating funds spent on contracts. The FTA requires organizations receiving these federal funds to make efforts to purchase from, or use, DBE firms. A DBE is a for-profit small business that is:

- At least 51% owned by one or more individuals who are socially or economically disadvantaged or, in the case of a corporation, in which 51% of the stock is owned by one or more such individuals
- Controlled (management and daily business operations) by one or more of the socially and economically disadvantaged individuals who own it

As a recipient of these FTA funds, WisDOT has a DBE program that addresses FTA-funded contracting activities conducted by WisDOT, as well as those of its grant subrecipients.

The objectives of the DBE program are, in part, to ensure nondiscrimination in the award and administration of USDOT-assisted contracts, create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts and help remove barriers to the participation of DBEs in USDOT-assisted contracts.

WisDOT's Office of Business Opportunity and Equity Compliance (OBOEC) takes the lead for the department on administering [WisDOT's DBE program](#), including the development of the department-wide WisDOT DBE program plan, and formulation and distribution of the DBE policy. The department plan outlines policies and procedures established to satisfy the DBE requirements. OBOEC also provides assistance to potential DBEs to become certified and maintains the Unified Certification Program (UCP) Directory.

The Transit Section regularly receives FTA funds that generate over \$250,000 in contracting opportunities in a federal fiscal year – this obligates the Transit Section to develop and submit transit-specific overall three-year agency goals to FTA. The Transit Section assists OBOEC in administration of the program for FTA-funded projects. The primary activities conducted by WisDOT Transit Section staff include assistance with transit goal-setting and contract monitoring and reporting.

WisDOT Transit Section staff work closely with subrecipients in addressing DBE requirements. In goal setting, three-year goals are established based on anticipated FTA funded contracting opportunities by both subrecipients and WisDOT transit. Contract-specific goals may also be established and requires a greater amount of subrecipient technical assistance from WisDOT transit. Work with subrecipients also includes the ongoing collection of data for contract monitoring and reporting on FTA funded contracts.

The WisDOT DBE Program Plan is submitted to and approved by FHWA. Any plan updates with significant changes are also submitted to FHWA. Key provisions of the plan include general and administrative requirements, goals, good faith efforts, certification standards and procedures and small business participation.

The Transit Section develops a transit-specific supplement to the department's overall DBE program plan, and maintains a [transit-specific webpage](#) for DBE information. All DBE submissions to FTA are completed in TrAMS by WisDOT Transit Section staff, including the DBE program plans and all required reporting.

Q. CIVIL RIGHTS

WisDOT ensures compliance with a variety of civil rights laws and executive orders that prohibit discrimination on the basis of race, color, national origin, disability, sex, age, religion, income status or limited English proficient (LEP) in programs and activities receiving federal financial assistance. Specific civil rights requirements are outlined in 49 U.S.C. § 5332 of the Federal Transit Act, as amended, Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity (EEO), Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990.

Subrecipients that sign grant agreements with WisDOT agree to comply with all applicable civil rights statutes and regulations, including Title VI, EEO, and ADA.

TITLE VI

Title VI is a federal statute and provides that no person in the United States, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

AMERICANS WITH DISABILITIES ACT – ADA

Under USDOT regulations concerning administration of the ADA, all subrecipients must comply with 49 CFR Parts 27, 37 and 38 implementing the ADA and amending the Section 504 rule. ADA provisions require public and private transportation providers to operate services in a way that does not discriminate against persons with disabilities. The regulations include general nondiscrimination provisions that apply to all types of agencies and services. This civil rights law sets forth specific requirements for public transportation services, vehicle and facility accessibility, and the provision of complementary paratransit service, as well as overall requirements for a complaint process.

WisDOT maintains a [transit-specific Title VI and ADA webpage](#), and every three years submits to FTA a transit-focused Title VI/ADA program report approved by the WisDOT secretary.

The elements of the Title VI and ADA program are determined by [FTA Circular 4702 \(as amended\)](#) and [FTA Circular 4710.1 \(as amended\)](#) and include:

- Title VI/ADA notice to the public
- Title VI/ADA complaint procedure and form
- List of transit-related investigations, complaints or lawsuits filed with WisDOT
- Public participation plan and outreach efforts
- Language assistance plan
- Description of WisDOT's criteria for project selection
- Discussion of WisDOT's funding request
- A description of subrecipient oversight
- Subrecipients of federal transit funds must prepare and submit a Title VI/ADA Plan to WisDOT

Subrecipients operating fixed-route and complementary paratransit services are required to develop and implement complementary paratransit plans. WisDOT monitors subrecipients for compliance with applicable ADA service provisions and training requirements. While ADA compliance responsibilities vary depending on the type of transportation service provided, all public and private transportation providers must:

- Allow service animals to accompany individuals with disabilities in vehicles and facilities
- Deploy the lift or ramp upon request, for standees as well as wheelchair-users

- Accommodate people who use a wide variety of mobility devices
- Not deny an individual transportation because a vehicle's securement system is unable to secure the mobility device
- Make public information and communications available in accessible formats
- Accommodate persons using respirators or portable oxygen
- Train operators in the use of accessibility equipment as well as sensitivity to people with disabilities

WisDOT's Transit Section oversees subrecipient compliance with Title VI and ADA requirements through grant applications and agreements, review of subrecipient Title VI/ADA Plans, investigations and monitoring of Title VI and ADA complaints, review of service standards for fixed route systems and equity analysis, and during Compliance Site Review (CSR) on-site visits.

EQUAL EMPLOYMENT OPPORTUNITY – EEO

The state must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws. [FTA Circular 4704 \(as amended\)](#) outlines EEO guidance and requirements.

[WisDOT's EEO program](#) is administered by the department's affirmative action program coordinator, who also maintains the EEO program plan.

An EEO program is required of all subrecipients that both employ 100 or more transit-related employees (including temporary, full, and part-time) and received capital or operating assistance in excess of \$1 million or planning assistance in excess of \$250,000 in the previous federal fiscal year.

Because WisDOT does not operate a mass transit system or meet the threshold of employing 100 or more transit-related employees, it is not required to submit an EEO program plan to FTA.

WisDOT must ensure that its subrecipients adhere to EEO requirements. Each agreement between WisDOT and subrecipients for the provision of FTA funding contains language that requires the subrecipient to comply with FTA regulations

related to EEO. In addition, private providers under contract with subrecipients are required to comply with these regulations.

During the application process and on-site visits as part of the CSR program, WisDOT reviews whether a subrecipient exceeds the threshold of 100 or more transit-related employees and the dollar threshold of funding requests. If, upon application review, the number of transit-related staff reached 100 or more and the dollar threshold for capital, operating or planning assistance was met, WisDOT would require the subrecipient to submit a formal EEO program to WisDOT for review and approval.

R. ASSET MANAGEMENT

WisDOT is responsible for monitoring the use of FTA-funded vehicles, real property, facilities, and equipment. Assets that are not maintained in a state of good repair present potential risks, including safety, service unavailability and high maintenance and repair costs. As such, WisDOT oversees all assets purchased and leased under WisDOT grant agreements. Asset oversight is provided through an asset inventory, maintenance reviews and inspections. WisDOT maintains an [asset and vehicle management webpage](#) that provides information and resources to assist subrecipients.

Any programs or activities that receive federal transit funding must comply with asset management requirements. Any agency receiving federal dollars either directly from FTA, indirectly through WisDOT or both, must:

- Maintain a complete and accurate inventory list
- Track all federal assets from purchase to disposal
- Develop and implement a written maintenance plan

WisDOT ensures that all transit assets used by subrecipients purchased with federal funds are for used for the program or project for which it was acquired. Examples of efforts used by WisDOT to maintain continuing control of subrecipient FTA-funded assets include:

- Equipment inventories
- Lease restrictions
- Insurance requirements
- Operation and ridership reports
- Retention of liens on titles
- Disposition requirements
- Site visits

ASSET INVENTORY

WisDOT requires subrecipients to maintain records in *BlackCat* for vehicles, facilities, and other substantial assets purchased with FTA funds.

DISPOSITION OF ASSETS

WisDOT is responsible for approving the disposal of subrecipient federally funded transit assets. WisDOT's website provides guidance and instructions to subrecipient on asset and vehicle disposal requirements.

MAINTENANCE

Subrecipients are required to develop maintenance plans covering their federally-funded vehicles and facilities, and to provide WisDOT with a copy of their plan(s). Subrecipients must maintain all federally-funded property in good operating order and maintain ADA accessibility features. WisDOT's website provides guidance and resources for the development of maintenance plans. Subrecipients are monitored for adherence to the plans through WisDOT's continuing control methods, as noted above.

TRANSIT ASSET MANAGEMENT – TAM

Transit Asset Management (TAM) is the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation.

In accordance with 49 CFR Parts 625 and 630, WisDOT is the TAM plan sponsor for all 5311 and 5310 subrecipients. Accordingly, 5311 and 5310 subrecipients must opt-in to the WisDOT group TAM plan or may opt-in to another agency's group TAM plan if they choose. The TAM plan includes an inventory of capital assets, a condition assessment of inventoried assets, a decision support tool and a prioritization of investments.

WisDOT works with its subrecipients to adhere to FTA submission plan and reporting requirements. All subrecipients included in the WisDOT TAM plan are required to submit an updated asset inventory of to WisDOT on an annual basis, as well as a four-year capital replacement schedule. WisDOT annually submits updated TAM targets into the National Transit Database (NTD), and notifies subrecipients of updates to the federal requirements as listed on the [FTA TAM webpage](#).

S. NATIONAL TRANSIT DATABASE – NTD

The NTD is FTA’s national database for statistics on the transit industry. Recipients and subrecipients of Section 5311 grants are required by 49 U.S.C. § 5335 to submit data to the NTD as a condition of the award.

Per MAP-21, FTA combined requirements from both the NTD statute (49 U.S.C. § 5335) and the TAM statute (49 U.S.C. § 5326) in a single set of NTD reporting requirements.

To meet the FTA reporting requirements, subrecipients are required to submit quarterly reports to *BlackCat*. The quarterly reports include information on revenues, expenses, service hours, service miles and ridership and captures most of the elements required for the NTD report. Additional data (e.g. accident, vehicle and facility data) is also collected during the public transit application period or through asset inventories in *BlackCat*.

Per 49 CFR Part 630, WisDOT reports the annual data on behalf of its subrecipients to the NTD website. The report is due to FTA on October 31 each year, and is based on Wisconsin’s state fiscal year (July 1-June 30). WisDOT will inform its subrecipients of changes to the NTD requirements as posted to the NTD website.

T. CHARTER RULE

Under 49 CFR Part 604, subrecipients are prohibited from using federally-funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the services.

Subrecipients are allowed to operate community-based charter services excepted under the regulation. WisDOT assists subrecipients with FTA charter service requirements and reporting, as requested.

The annual federal Certifications and Assurances, signed by all subrecipients, contains the charter service certification. WisDOT Transit Section staff verify compliance with charter regulations, both while reviewing annual grant applications and during on-site visits. WisDOT maintains a [charter service webpage](#) for additional information.

SCHOOL TRANSPORTATION

As indicated in 49 CFR Part 605 – School Bus Operations, and FTA’s *Final Policy Statement on FTA’s School Bus Operations Regulations* (73 FR 53384, September 16, 2008), subrecipients are prohibited from providing school bus service in competition with private school bus operators unless the service qualifies and is approved by FTA under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service.

Subrecipients should contact WisDOT for guidance on federal requirements related to school bus operations. Subrecipients interested in providing school bus operations must receive an exemption approved by FTA and only use locally-funded equipment and facilities. WisDOT oversees compliance with the prohibition of school tripper service during review of subrecipient application materials, website and/or promotional materials and the CSR program.

U. TRANSPORTATION SAFETY

Required by MAP-21, FTA promulgated 49 CFR Part 670 – Public Transportation Safety Program to establish substantive and procedural rules for the administration of a Public Transportation Safety Program (“national safety program”). The rule gives FTA authority to monitor and oversee transit safety and enforce transit safety laws. The rule also anchors FTA’s foundational safety policy in a safety management system (SMS) framework, which promotes a proactive, risk-based approach to the development and implementation of safety programs (including the national safety program).

WisDOT currently has two different program areas affected by Part 670 and the national safety program: bus safety, which has been voluntary and based primarily in as-needed technical assistance; and rail transit safety (referred to federally as “state safety oversight”, or SSO), which has had federal requirements since 1996.

BUS SAFETY / PUBLIC TRANSPORTATION AGENCY SAFETY PLAN – PTASP

Through MAP-21 and [49 CFR Part 673 – Public Transportation Agency Safety Plan \(PTASP\)](#), FTA requires recipients of federal funding through Section 5307 to develop and certify an agency safety plan (ASP) by no later than July 20, 2020. Under Part 673, FTA exempted recipients who receive *only* Section 5310 or 5311 funds from PTASP requirements.

To comply with state requirements under Part 673, the WisDOT Transit Section has partnered with local transit providers and other interested stakeholders to develop an ASP template for affected agencies to review, adapt, and adopt before the compliance deadline. WisDOT does not have a role in overseeing compliance with completed ASPs, but Transit Section staff continue to deliver as-needed technical assistance to bus transit providers as indicated throughout this document.

RAIL TRANSIT SAFETY / STATE SAFETY OVERSIGHT – SSO

Existing rail transit safety oversight requirements were enhanced through MAP-21 and [49 CFR Part 674 – State Safety Oversight](#), replacing previous federal safety oversight law with a new regulatory scheme. Every state with at least one rail fixed guideway public transportation system (“rail transit system”) must have a designated state safety oversight (SSO) agency; per [s. 85.066, Wis. Stats.](#) and [Wis. Admin. Code Trans 10](#), WisDOT fulfills this federal requirement through its [rail transit safety oversight program](#), which and oversees all qualifying rail transit systems in the state:

- (1) **The Kenosha Streetcar** – in operation since 2000; operated by Kenosha Area Transit (KAT)
- (2) **The Milwaukee Streetcar (“The Hop”)** – in operation since November 2018; operated by Transdev, contracted by the City of Milwaukee Department of Public Works (DPW)

The WisDOT Transit Section maintains an SSO program field office at the Milwaukee Intermodal Station, which allows the SSO program manager ready access to both rail transit systems currently operating in the state.

WisDOT’s SSO program is responsible to oversee, enforce, investigate, and audit all safety aspects of all rail fixed guideway transportation systems in the state, in accordance with a written program standard, by doing all of the following:

- (a) Reviewing and approving the agency safety plan of each rail transit agency for all rail fixed guideway transportation systems under the department’s oversight.
- (b) Overseeing and enforcing rail transit agency compliance in execution of its agency safety plan by ordering corrective action plans or by any other means, as necessary or appropriate.
- (c) Auditing a rail transit agency’s compliance with its agency safety plan at least once every three years.

- (d) Conducting, or causing to be conducted, inspections, audits, or investigations, of safety-related events and deviations in compliance by a rail transit agency from its agency safety plan.
- (e) Adopting and enforcing minimum standards for the safety of rail fixed guideway transportation systems under the department's oversight.

WisDOT also determines whether personnel responsible for safety oversight – department employees in the SSO program and employees or contractors working for a rail transit agency – are qualified to perform their functions in compliance with [49 CFR Part 672 – Public Transportation Safety Certification Training Program](#).

V. OTHER PROVISIONS

EMPLOYEE PROTECTION PROVISIONS – SECTION 5333(b)

When projects funded under Section 5311 are used to acquire, improve, or operate a transit system, federal law requires arrangements to protect the rights of affected transit employees contained in 49 U.S.C. § 5333(b), formerly Section 13(c) of the Federal Transit Act.

SECTION 5311 AND JARC

Annually, subrecipients agree to be bound by the terms and conditions of the Special Section 5333(b) warranty. The document is signed and submitted with the annual subrecipient grant agreement.

SECTION 5310

49 U.S.C. § 5333(b) does not apply to 5310 projects.

DRUG-FREE WORKPLACE ACT AND DRUG AND ALCOHOL TESTING

DRUG-FREE WORKPLACE ACT – DFWA

The Drug-Free Workplace Act (DFWA) of 1998 (as amended) requires WisDOT to maintain a drug-free workplace for all employees and have an anti-drug policy and awareness program. Current WisDOT work rules prohibit the illegal use and/or possession of any alcoholic beverages and non-prescribed narcotics in the workplace. WisDOT's Employee Assistance Program (EAP) assists employees and their immediate families with drug and alcohol related issues.

DRUG AND ALCOHOL TESTING

Subrecipients that receive Section 5311 funds are required to adhere to USDOT and FTA drug abuse and alcohol testing requirements for its safety-sensitive employees. Subrecipient efforts must comply with both 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations (as amended), and 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs (as amended).

Specifically, those requirements include:

- Developing and implementing a compliant drug and alcohol policy
- Participating in a drug and alcohol testing program
- Providing training to safety sensitive employees and supervisors
- Ensuring employee forms, records and files are properly used, maintained and secured
- Submitting annual drug and alcohol reports

Subrecipients that receive Section 5310 funding also must comply with Federal Motor Carrier Safety Administration (FMCSA) rules for employees who hold a commercial driver's license.

WisDOT has established a drug and alcohol testing consortium that is open to subrecipients and their contractors, subcontractors and lessees. The consortium is administered by a third-party administrator (TPA) selected by WisDOT through a competitive procurement process. The TPA is responsible for providing all drug and alcohol testing services for the participating subrecipients in conformance with 49 CFR Part 655, which includes specimen collection and drug testing, breath alcohol testing, random database selection, recordkeeping, reporting and certification.

WisDOT and the TPA provide technical assistance and oversight to Section 5311 subrecipients and their transit providers/contractors in meeting the drug and alcohol testing requirements. Oversight mechanisms include document and desk reviews, reporting and participation in the WisDOT CSR program.

WisDOT oversight of the TPA is ensured through ongoing correspondence on topics such as drug and alcohol regulation changes, the resolution of any areas of concern with subrecipients and other issues related to compliance. Additionally, the TPA submits an annual compliance report to certify compliance based on elements within USDOT and FTA drug and alcohol regulations.

ENVIRONMENTAL PROTECTION

Most projects and activities funded through 5310 and 5311 do not involve significant environmental impacts. Typically, projects are considered categorical exclusions because they are types of projects that have been “categorically” (i.e., previously) excluded in regulations from the requirements to conduct environmental reviews prepare environmental documentation.

FTA adheres to the two FHWA categorical exclusions groups outlined in 23 CFR 771.117:

- (1) **Categorically excluded under 23 CFR 771.117(c)** – Activities and projects which have very limited or no environmental effects at all (e.g., planning studies, preliminary design work, program administration, grants for training, operating assistance and the purchase of transit vehicles).
- (2) **Categorically excluded under 23 CFR 771.117(d)** – Activities and projects involving construction and/or have a greater potential for off-site environmental impacts (e.g., construction of transit facilities, parking, etc.). These projects may be designated “categorically excluded” after review of documentation. In order to receive a documented categorical exclusion, a subrecipient must complete a checklist, including an environmental justice analysis. WisDOT will first review the completed checklist before sending it to FTA, who as final authority to grant the categorical exclusion.

Even if a project is determined to be a categorical exclusion, there may be other relevant state and federal environmental protection requirements, which must be met for the project depending on the type and location of the project.

For projects with environmental impacts that are determined not to be categorically excluded, FTA requires the preparation of an environmental assessment for public comment and FTA review. In the unlikely event that significant environmental impacts are identified with a project, an environmental impact statement is required.