

MVP for Transportation Pre-MPO Policy Board Meeting

Representatives:

Wolfgang Junge - ADOT&PF
John Moosey, City of Palmer
Glenda Ledford, Mayor – City of Wasilla
Kaylan Wade Chickaloon Native Village
Bob Charles – Knik Tribe
Edna DeVries, Mayor - MSB
Mike Brown - MSB
Rob Yundt, Assembly Member - MSB
Jennifer Busch – Valley Transit
Wes Hoskins – Mat-Su Trails & Parks Foundation



Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Meeting ID: 210 631 949 028

Passcode: GTf2ZY

Or call in (audio only)

+1 605-937-6140

Phone Conference ID: 408 560 611#

Agenda

Tuesday, March 21, 2023

2:00-3:30pm

1. Call to Order
2. Introduction of Pre-MPO Policy Board Members and other Attendees
3. Approval of the March 21, 2023, Agenda – **(Action Item)**
4. Approval of the February 21, 2022, Minutes – **(Action Item)**
5. Committee/Working Group Reports (Including the Staff Report)
 - a. Staff Report
 - MPA Draft Boundary – Developers meeting recap
6. Voices of the Visitors (Non-Action Items)
7. Old Business
8. New Business
 - a. Draft resolutions of support for MVP for Transportation
 - Non-Profit Organization paperwork signatories
9. Other Issues
10. Informational Items
 - a. Recent and upcoming website updates: MPA maps and comment tracker
 - b. Timeline for the MPA boundary development
 - c. Letter re: implications for FTA funding programs based on 2020 Census changes
11. Policy Board Comments
12. Adjournment

Next Scheduled Pre-MPO Policy Board Meeting – **April 18th**, to be held via Microsoft TEAMS Meeting

MVP for Transportation Pre-MPO Policy Board Meeting

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Jennifer Busch – Valley Transit
Wes Hoskins – Mat-Su Trails & Parks Foundation



Minutes

**Tuesday, February 21, 2023
2:00-3:30 pm**

1. Call to Order

Meeting quorum at 2:01 pm

2. Introduction of Pre-MPO Policy Board Members and other Attendees

Members in Attendance:

Mike Brown, MSB
Edna DeVries, MSB Mayor
Bob Charles, Knik Tribe
Jennifer Busch, Valley Transit
John Moosey, City of Palmer
Rob Yundt, MSB Assembly
Kaylan Wade, Chickaloon Native Village

Members Absent:

Wolfgang Junge, DOT&PF
Wes Hoskins, Mat-Su Trails and Parks Foundation
Glenda Ledford, City of Wasilla Mayor

Visitors in Attendance:

Donna Gardino, Gardino Consulting Services
Kim Sollien, MSB
Elise Blocker, RESPEC
Maija DiSalvo, MSB
Erich Schaal, City of Wasilla
Megan Flory, RESPEC
Gerrit Verbeek, MSB
Todd Vanhove, DOT&PF
Corey DiRutigliano, FAST Planning
Jackson Fox, FAST Planning
Olivia Lunsford, FAST Planning
Patrick Cotter, RESPEC
Adam Bradway, DOT&PF
Tom Adams, MSB
Brad Sworts, MSB

MVP for Transportation Pre-MPO Policy Board Meeting

3. **Approval of the February 21, 2023, Agenda – (Action Item)**

*Motion to approve the February 21, 2023, agenda (**Moosey**), seconded. No edits. Passed unanimously.*

4. **Approval of the January 25, 2023, Minutes – (Action Item)**

*Motion to approve the January 25, 2023, minutes (**Wade**), seconded. No edits. Passed unanimously.*

5. **Committee/Working Group Reports (Including the Staff Report)**

a. **Staff Report**

An MPO development progress update for MVP was provided at a statewide MPO meeting last week and it went well. A CAPSIS request was made on behalf of MVP, and Adam Moser with DOT&PF appeared confident that funds will be provided.

6. **Voices of the Visitors (Non-Action Items)**

None

7. **Old Business**

a. **Draft Operating Agreement**

Donna Gardino presented the Draft Operating Agreement to date. DOT&PF has agreed to monthly reporting and will serve as the contract manager for larger procurements for MVP. Adam Moser with DOT&PF will submit the operating agreement to the Director of Program Development for review and then to the Attorney General's office.

b. **Draft Bylaws**

There have been no additional comments on the Bylaws. The Bylaws will also be sent to Attorney General's office for review.

Transit representation on the Policy Board

- Donna Gardino presented the Transit Representation Summary.

Questions and discussion:

Jennifer Busch: Where did the information come from that only one-third of MPOs have a transit seat? USDOT report shows the number of transit seats on MPOs is growing.

Donna Gardino: MPO makeups are changing often. The most recent published information was used and is cited on the first page and is the second to last sub-bullet. The citation states that transit does not vote in 36% of large metro regions. The National MPO Association states that 3.6% of seats of both large and small MPOs represent transit authority. Very few small MPOs have a transit seat on their policy boards.

Rob Yundt: The MSB is underrepresented having only two of the seven seats. Propose adding two seats, one for the MSB and the other for transit.

*Motion to add two more seats to the Policy Board, one for the Matanuska-Susitna Borough and one for a public transit provider. (**Yundt**), seconded.*

MVP for Transportation Pre-MPO Policy Board Meeting

Donna Gardino: Point of clarification, a process will have to be decided on how representative members will be selected.

John Moosey: Need more time to consider adding the number of members and would like to move the decision to the next meeting. With the addition of more seats, the City of Palmer's representation would be reduced.

Voting results: 3 Ayes, 4 Nays. Motion failed.

8. New Business

a. MVP Urbanized Boundary Discussion

Gerrit Verbeek presented on the Metropolitan Planning Area (MPA) Boundary development process.

No questions.

b. MPO development and non-profit formation presentation by Jackson Fox

Jackson Fox presented on the non-profit corporation formation process.

No questions.

9. Other Issues

None

10. Informational Items

None

11. Pre-MPO Policy Board Comments

None

12. Adjournment

Motion to adjourn (DeVries), seconded. The meeting adjourned at 3:31 pm

Next Scheduled Pre-MPO Policy Board Meeting – **Tuesday, March 21, 2023, from 2:00pm-3:30pm**, to be held via Microsoft TEAMS

RESOLUTION NO:

A RESOLUTION IN SUPPORT OF THE DESIGNATION OF MATSU VALLEY PLANNING FOR TRANSPORTATION (MVP FOR TRANSPORTATION) AS THE METROPOLITAN PLANNING ORGANIZATION (MPO) OF THE MAT-SU AREA, FORMATION OF MVP AS AN INDEPENDENT ORGANIZATION AND PROVIDE FOR MEMBERSHIP IN THE MPO AND AS A MEMBER OF THE POLICY BOARD

WHEREAS, 49 U.S.C. § 5303 as amended by the Infrastructure and Investment Jobs Act, which section is identical to 23 U.S.C. § 134 of the Federal Aid Highway Act, requires the designation of a metropolitan planning organization (“MPO”) for each urbanized area within the country of at least 50,000 population; and

WHEREAS, USC § 104(f), 23 USC § 134 and 49 USC § 5303 – 5306 are the Federal Transportation Planning Statutes that provide funding and require designation of a metropolitan planning organization for urbanized areas of at least 50,000 population to carry out a transportation planning process and receive federal funding;

WHEREAS, those Statutes require the State and the local governments to coordinate the planning and construction of all urban transportation facilities with a continuing, cooperative, and comprehensive transportation planning process; and

WHEREAS, an MPO, is generally comprised of representative from local government, transportation stakeholders and governmental transportation authorities with the purpose of ensuring regional cooperation in transportation planning and providing a conduit for the federal funding of transportation projects and programs; and

WHEREAS, designation or selection of officials or representatives to serve on the MPO Board is not set by federal law or regulation and the State of Alaska is silent on who is to serve on small MPO (less than 200,000 persons) Boards; and

WHEREAS, the Wasilla/Knik-Fairview/North Lakes, AK area was designated in the list of 2020 urban areas by the Department of Commerce Census Bureau in a Federal Register notice dated December 29, 2022; and

WHEREAS, under 23 U.S.C. § 134, via an agreement with the Governor of the State of Alaska and units of general purpose local government that together represent at least 75 percent of the affected population, an MPO shall be designated within **one-year** of the release of the Federal Register Notice announcing the qualifying urban areas; and

WHEREAS, this agreement must contain a map of the new Metropolitan Planning Area (MPA) which delineates the area of responsibility of the MPO and is defined by the U.S. Census, and that area that is anticipated to be considered urban in the next 20 years; and

WHEREAS, in July 2020, a consultant team was retained by the Matanuska-Susitna Borough (“MSB”) to coordinate the planning for a new MPO funded by federal transportation Planning funds; and

WHEREAS, in October 2020, a Steering Committee was established, made up of transportation stakeholders of the region, whose mission is to guide the MPO formation process as it relates to presenting recommendations to the Pre-MPO Policy Board regarding organizational and operational structure and <insert name> is represented on this committee; and

WHEREAS, in September 2021, a Pre-MPO Policy Board was established, made up of local government officials, the State of Alaska Department of Transportation and Public Facilities, and multi-modal advocates to oversee the development of all federally required documents necessary to be designated by the Governor as the MPO of the Mat-Su urbanized area and <insert name> is represented on this board; and

WHEREAS, the planning effort for the establishment of the new MPO has progressed in earnest since July 2020, conducting monthly public meetings, developing a website, annual work plans, Public Participation Plan, Public Participation Plan for Pre-MPO designation efforts, MPO Boundary Development Strategy and subsequent Metropolitan Planning Area boundary development, Metropolitan Transportation Plan Scope of Work, membership dues structure, organizational Bylaws and Operating Agreement; and

WHEREAS, the Pre-MPO Policy Board, in October 2021, approved the name of the new MPO to be Matsu Valley Planning for Transportation (MVP for Transportation); and

WHEREAS, the Pre-MPO Policy Board, in March 2022, unanimously voted to adopt the formation of an independent, 501(c)(3) organization for MVP for Transportation; and

WHEREAS, MVP for Transportation is submitting the Pre-MPO Policy Board approved Operating Agreement, Bylaws and Metropolitan Planning Area Boundary to the Governor for designation as the new MPO for the Wasilla/Kink-Fairview/North Lakes, AK urbanized area and needs to establish its office, hire staff, establish a bank account, file Articles of Incorporation with the State of Alaska Department of Commerce, Community and Economic Development Division of Corporations, obtain Business and Professional Licensing to become a non-profit corporation, negotiate intergovernmental agreements to establish participation by member agencies and associated dues, so that transportation planning work can begin on behalf of the MPO.

NOW, THEREFORE, BE IT RESOLVED that the <insert name> supports the designation of MVP for Transportation by the Governor as the MPO of the Mat-Su metropolitan planning area.

BE IT FURTHER RESOLVED that the <insert name> supports the formation, organization, and operation of the MPO as an independent organization.

BE IT FURTHER RESOLVED that the <insert name> allows the <insert position> to serve as a member of the Policy Board of MVP for Transportation.

PASSED and **APPROVED** this <insert date>.

RESOLUTION NO:

A RESOLUTION IN SUPPORT OF THE DESIGNATION OF MATSU VALLEY PLANNING FOR TRANSPORTATION (MVP FOR TRANSPORTATION) AS THE METROPOLITAN PLANNING ORGANIZATION (MPO) OF THE MAT-SU AREA, FORMATION OF MVP AS AN INDEPENDENT ORGANIZATION AND PROVIDE FOR MEMBERSHIP IN THE MPO AND AS A MEMBER OF THE BOARD OF DIRECTORS

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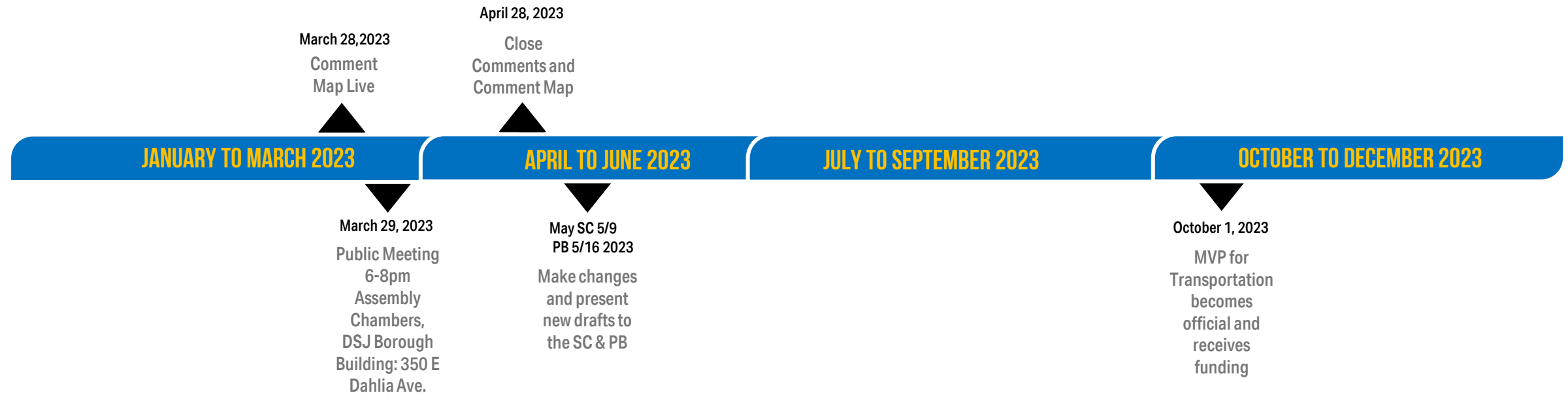
BE IT FURTHER RESOLVED that the <insert name> allows the <insert position> to serve as a member of the Policy Board of MVP for Transportation.

Introduced by:
Introduced: April xx, 2023

BE IT FURTHER RESOLVED that the <insert name> allows the <insert position> to serve as a member of the Board of Directors of MVP for Transportation and authorizes the <insert position> to execute all related organizational and administrative documents on behalf of MVP for Transportation.

PASSED and **APPROVED** this <insert date>.

2023 BOUNDARY DEVELOPMENT SCHEDULE



SUMMARY OF PUBLIC NOTICES

Frontiersman Ads

STEERING COMMITTEE:

11 ADS BETWEEN 3/4/22 – 3/5/23

POLICY BOARD:

12 ADS BETWEEN 3/5/22 – 3/12/23

UPWP DRAFT:

3 ADS BETWEEN 9/23/22 – 10/7/22

BOUNDARY DISCUSSION PUBLIC MEETING:

4 ADS BETWEEN 2/24/23 – 3/24/23

Facebook Posts

MSB PLANNING PAGE:

8 POSTS

2/8/22 – PRE-MPO PROJECT MANAGER JOB POSTING (8.3K REACH) – ALSO SHARED TO MAIN MSB PAGE

3/16/22 – PRE-MPO POLICY BOARD MEETING 117 REACH

4/19/22 – PRE-MPO POLICY BOARD MEETING 86 REACH

5/18/22 – PRE-MPO POLICY BOARD MEETING 224 REACH

9/22/22 – UPWP DRAFT FOR PUBLIC COMMENT 153 REACH

9/30/22 – UPWP DRAFT FOR PUBLIC COMMENT 94 REACH

2/24/23 – MAIN MSB PAGE URBAN AREA DESIGNATION 54 COMMENTS/68 SHARES

2/27/23 – MPO BOUNDARY DISCUSSION EVENT – 9.3K REACH

Websites

MPO STARTUP WEBSITE :

LIVE BETWEEN 2020 – 7/1/2022

MVP MPO WEBSITE :

LIVE FROM 6/1/2022 - PRESENT

MSB MPO PROJECT WEBSITE :

LIVE EARLY 2022- PRESENT



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION 10
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3192
Seattle, WA 98174-1002
206-220-7954
206-220-7518 (fax)

March 10, 2023

Honorable Mike Dunleavy
Office of the Governor
P.O. Box 110001
Juneau, AK 99811-0001

RE: 2020 Decennial Census Changes

Dear Governor Dunleavy,

This letter is to inform you of upcoming changes to the Federal Transit Administration's (FTA's) allocation of Urbanized Area Formula Grants (Section 5307), Formula Grants for Rural Areas (Section 5311), and other FTA formula-based programs for which funding is authorized in U.S.C. Title 49, Chapter 53, as amended by the Bipartisan Infrastructure Law, enacted on November 15, 2021. These changes result from the Census Bureau's recent publication of new urban area boundaries based on 2020 Census data and will affect how funding is awarded to grantees beginning in Federal Fiscal Year (FY) 2024, which begins on October 1, 2023. Funds apportioned prior to FY 2024 will not be affected and may continue to be used under the terms for which they were originally apportioned.

Based on the 2020 Census, an existing non-urban/rural area in Alaska – Wasilla-Knik-Fairview-North Lakes, AK – is now designated as a small Urbanized Area (UZA). Below is a summary of how these changes will affect FTA funding eligibility for the transit provider(s) in that area.

- Transit providers will be eligible to receive funds under the Section 5307 Urbanized Area Formula Program and potentially other formula funds made available for use in small UZAs. Funding for all small UZAs in the State will be apportioned to the Governor as a lump sum, who is responsible for allocating these funds to the various small UZAs in the State. States notify FTA Regional Offices of small UZA allocations via annual Split Letter document. Amounts specific to each small UZA in the State are published by FTA for informational purposes only and are non-binding.
- Transit providers in UZAs should fully participate in the planning activities of a newly designated or expanded MPO. The MPO, transit providers, and the State will

be required to coordinate the programming of Federal transit funding.

- Eligible public entities may elect to become or remain direct recipients of FTA funds. Direct recipients are subject to oversight by FTA, which includes additional reporting requirements and compliance reviews (e.g., triennial reviews). However, with the State or designated recipient's approval, eligible transit providers may also become or remain subrecipients. To receive Section 5310 funds, any recipients other than the Designated Recipient must be subrecipients of the Designated Recipient.
- Private non-profit organizations that provide public transit services in a UZA may only receive Section 5307 funds as a subrecipient if they are carrying out Job Access and Reverse Commute projects as defined in [49 U.S.C. 5302\(10\)](#). Private non-profit organizations are eligible subrecipients of Section 5339(a) funds (for public transportation projects) and for Section 5310 funds (for certain public transportation projects or for certain alternatives to public transportation) made available for use in UZAs.

In addition to new urban area designations, there will be boundary changes to existing small and large UZAs that could impact FTA funding eligibility for certain transit providers. FTA will work directly with the State DOT and MPOs to communicate directly with these providers. A summary of additional changes to select program requirements that apply to a transition from Section 5307 to Section 5311 funds, and vice versa, is provided on the [FTA Census Resources and Information webpage](#). An attachment to this letter summarizes notable changes to select FTA program requirements resulting from the 2020 Census for small and large UZAs as well as rural areas.

In addition to the above-referenced changes in funding allocation and planning structures, the change in population between the 2010 Census and 2020 Census will also affect the amount of Federal transit funding that rural areas and UZAs will receive under both rural and urbanized area formula programs, respectively. A summary of FTA formula factors by program is provided on the [FTA Census Resources and Information webpage](#). For more detailed information on how funding made available under each FTA formula grant program is apportioned, visit FTA's 'Formula Flowcharts' webpage.

If you have any questions, please contact Scot Rastelli, Director of Planning and Program Development, FTA Region 10 at (206) 220-7965 or scot.rastelli@dot.gov.

Sincerely,

**SUSAN KAY
FLETCHER** Digitally signed by
SUSAN KAY FLETCHER
Date: 2023.03.10
10:54:45 -08'00'

Susan Fletcher
Acting Regional Administrator, Region 10
Federal Transit Administration

cc: Ryan Anderson, Commissioner, ADOT&PF
James Marks, Director, ADOT&PF
Eric Taylor, Manager, Transit Program, ADOT&PF
Sandra Garcia-Aline, Division Administrator, FHWA Alaska
Kim Sollien, Matanuska-Susitna Borough
Jennifer Busch, Executive Director, Valley Transit

Enclosure

NOTABLE CHANGES TO SELECT FTA PROGRAM REQUIREMENTS RESULTING FROM THE 2020 CENSUS

SCENARIO 1: Recipient is now in a large urban area (UZA) (200,000+ in population) receiving Section 5307 funds

1. **Fares Charged to Seniors and Persons with Disabilities During Nonpeak Hours:** Per [49 U.S.C. 5307\(c\)\(1\)\(D\)](#), Section 5307 recipients must certify that the fares charged to seniors, individuals with disabilities, or individuals presenting a Medicare card during nonpeak hours, for transportation using or involving a facility or equipment of a project financed under this section, are not more than 50 percent of the peak-hour fare, regardless of whether the service is provided by the recipient or by another entity under contract, lease, or other arrangement. This requirement applies only to fixed-route services and is not applicable to demand-responsive services, services that operate only during peak hours, or services that operate only during off-peak hours. More information on this requirement is available in [FTA Circular 9030.1E](#) (Urbanized Area Formula Program: Program Guidance and Application Instructions).
2. **Public Comment on Fare and Service Changes:** Per [49 U.S.C. 5307\(c\)\(1\)\(I\)](#), Section 5307 recipients must certify that they have a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation service. Additional information on this requirement is available in FTA Circulars [9030.1E](#) (Urbanized Area Formula Program: Program Guidance and Application Instructions) and [4702.1B](#) (Title VI Requirements and Guidelines for Federal Transit Administration Recipients).
3. **Minimum Expenditure on Public Transportation Security Projects:** Per [49 U.S.C. 5307\(c\)\(1\)\(J\)](#) and [FTA Circular 9030.1E](#), each State or designated recipient of Section 5307 funds must certify that, of the amount apportioned to a UZA in a fiscal year, the recipients within the UZA will collectively expend at least one (1) percent of that amount on “public transportation security projects,” or the State or designated recipient(s) must certify that such expenditures for security projects are unnecessary.
4. **Limitations on Use of Funds for Operating Assistance:** Recipients in small UZAs may use Section 5307 funds for operating assistance with no limitation on the amount of their apportionment that can be used for that purpose. However, per [49 U.S.C. 5307\(a\)\(2\)](#), recipients in large UZAs may not use Section 5307 funds for operating assistance unless they operate 100 or fewer buses in fixed-route service or in demand-response service, excluding ADA complementary paratransit service, during peak service hours.

Systems that operate 100 or fewer buses in fixed-route service or in demand-response service during peak service hours may use a variable percentage of their UZA’s 5307 apportionment for operating assistance as follows:

- a. **Minimum of 76 buses and a maximum of 100 buses:** No more than 50 percent of the share of the urbanized area’s Section 5307 apportionment that is attributable to the applicable operator within the urbanized area as measured by vehicle revenue hours; and

This document does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Grantees and subgrantees should refer to FTA’s statutes and regulations for applicable requirements.

NOTABLE CHANGES TO SELECT FTA PROGRAM REQUIREMENTS RESULTING FROM THE 2020 CENSUS

- b. **75 or fewer buses:** No more than 75 percent of the share of the urbanized area's Section 5307 apportionment is attributable to the applicable operator within the urbanized area as measured by vehicle revenue hours.

Section 5307 funds may not be used for rail fixed-guideway operating assistance but may be used for all other modes.

5. **Minimum Expenditure on Safety-Related Projects:** Per [49 U.S.C. 5329\(d\)\(4\)\(B\)](#), recipients of Section 5307 funds that serve large UZAs must use not less than 0.75 percent of their Section 5307 funds for safety-related projects, unless the recipient is exempt from Public Transportation Agency Safety Plan (PTASP) requirements. Unlike the requirement that designated recipients for UZAs set aside at least one (1) percent of their Section 5307 funds for security-related projects unless they certify that funds are not needed for that purpose, there are no exemptions from this requirement via certification. The 0.75 percent minimum expenditure requirement for safety-related projects applies to each recipient and grant application within a UZA and cannot be satisfied as a total expenditure for the UZA as a whole.
6. **Public Transportation Agency Safety Plans (PTASP):** Per 49 U.S.C. 5329(d), recipients of Section 5307 funds must have an Agency Safety Plan (ASP) under the PTASP regulation at 49 CFR part 673 and recipients that serve a large UZA must certify that they have an ASP approved by the agency's joint labor-management Safety Committee. For more information, visit the PTASP Technical Assistance Center at <https://www.transit.dot.gov/PTASP-TAC>
7. **Service Equity Analyses for Major Service Changes:** In accordance with [FTA Circular 4702.1B](#) (Title VI Requirements and Guidelines for Federal Transit Administration Recipients), recipients of Federal financial assistance that operate 50 or more fixed-route vehicles in peak service and are located in a UZA of 200,000 or more in population must conduct, prior to implementation, service equity analyses for all major service changes in order to determine whether those changes have a discriminatory impact. More information on these requirements is available in [FTA Circular 4702.1B](#).
8. **Drug & Alcohol Testing:** A drug and alcohol testing program is required of both Section 5307 and Section 5311 recipients and subrecipients. Maintenance contractors are exempt from a required drug and alcohol testing program for Section 5311 and small UZA Section 5307 recipients and subrecipients, but not for large UZA Section 5307 recipients. More information on FTA's drug and alcohol testing program requirements and their applicability to various safety-sensitive functions is available at: <https://www.transit.dot.gov/drug-alcohol-program>.
9. **Transit Asset Management:** If the recipient operates more than 100 vehicles, it is a Tier I provider and must complete a full transit asset management plan (TAM Plan). More info can be found at www.transit.dot.gov/tam
10. **National Transit Database Reporting:** If the recipient does not already have an urban reporting ID, it must obtain one and begin completing a stand-alone urbanized area NTD report. More info can be found at: www.transit.dot.gov/ntd

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NOTABLE CHANGES TO SELECT FTA PROGRAM REQUIREMENTS RESULTING FROM THE 2020 CENSUS

SCENARIO 2: Recipient is now in a small UZA (50,000-199,999 in population) receiving Section 5307 funds

1. **Fares Charged to Seniors and Persons with Disabilities During Nonpeak Hours:** Per [49 U.S.C. 5307\(c\)\(1\)\(D\)](#), Section 5307 recipients must certify that the fares charged to seniors, individuals with disabilities, or individuals presenting a Medicare card during nonpeak hours, for transportation using or involving a facility or equipment of a project financed under this section, are not more than 50 percent of the peak-hour fare, regardless of whether the service is provided by the recipient or by another entity under contract, lease, or other arrangement. This requirement applies only to fixed-route services and is not applicable to demand-responsive services, services that operate only during peak hours, or services that operate only during off-peak hours. More information on this requirement is available in [FTA Circular 9030.1E](#) (Urbanized Area Formula Program: Program Guidance and Application Instructions).
2. **Public Comment on Fare and Service Changes:** Per [49 U.S.C. 5307\(c\)\(1\)\(I\)](#), Section 5307 recipients must certify that they have a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation service. Additional information on this requirement is available in FTA Circulars [9030.1E](#) (Urbanized Area Formula Program: Program Guidance and Application Instructions) and [4702.1B](#) (Title VI Requirements and Guidelines for Federal Transit Administration Recipients).
3. **Minimum Expenditure on Public Transportation Security Projects:** Per [49 U.S.C. 5307\(c\)\(1\)\(J\)](#) and [FTA Circular 9030.1E](#), each State or designated recipient of Section 5307 funds must certify that, of the amount apportioned to a UZA in a fiscal year, the recipients within the UZA will collectively expend at least one (1) percent of that amount on “public transportation security projects,” or the State or designated recipient(s) must certify that such expenditures for security projects are unnecessary.
4. **Use of Funds for Operating Assistance:** Unlike recipients in large UZAs, recipients in small UZAs may use Section 5307 funds for operating assistance with no limitation.
5. **Minimum Expenditure on Safety-Related Projects:** Unlike recipients in large UZAs, recipients in small UZAs are not required to expend a minimum of 0.75 percent of their Section 5307 funds on safety-related projects.
6. **Service Equity Analyses for Major Service Changes:** Unlike large UZA recipients of Federal financial assistance that operate fifty or more fixed-route vehicles in peak service, small UZA recipients of Federal financial assistance are not required to conduct service equity analyses for all major service changes to determine whether those changes have a discriminatory impact. However, the requirement that all providers of fixed-route public transportation adopt systemwide service policies to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin remains applicable. More information on these requirements is available in [FTA Circular 4702.1B](#).
7. **Drug & Alcohol Testing:** A drug and alcohol testing program is required of all small and large UZA Section 5307 recipients and subrecipients. However, unlike large UZA Section 5307 recipients and subrecipients, maintenance contractors are exempt from a required drug and alcohol testing program for small UZA Section 5307 recipients and subrecipients. More information on FTA’s drug and alcohol testing program requirements and their applicability to various safety-

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NOTABLE CHANGES TO SELECT FTA PROGRAM REQUIREMENTS RESULTING FROM THE 2020 CENSUS

sensitive functions is available at: <https://www.transit.dot.gov/drug-alcohol-program>.

8. **Public Transportation Agency Safety Plans (PTASP):** Per [49 U.S.C. 5329\(d\)](#), recipients of Section 5307 funds that must have an Agency Safety Plan (ASP) under the PTASP regulation at 49 CFR part 673 and do not serve a large UZA must certify that they have an ASP developed in cooperation with frontline employee representatives. Additionally, the Bipartisan Infrastructure Law requires agencies to address strategies to minimize exposure to infectious diseases, consistent with guidelines of the Centers for Disease Control and Prevention or a State health authority. FTA guidance provides that each transit agency should consider identifying mitigations or strategies related to exposure to infectious diseases through the safety risk management process described in the agency's ASP. For more information, visit the PTASP Technical Assistance Center at <https://www.transit.dot.gov/PTASP-TAC>
9. **Transit Asset Management:** If the recipient operates more than 100 vehicles, it is a Tier I provider and must complete a full transit asset management plan (TAM Plan). More info can be found at www.transit.dot.gov/tam
10. **National Transit Database Reporting:** If the recipient does not already have an urban reporting ID, it must obtain one and begin completing a stand-alone urbanized area NTD report. More info can be found at: www.transit.dot.gov/ntd

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SCENARIO 3: Recipient is now receiving Section 5311 funds

1. **Use of Funds for Operating Assistance:** Section 5311 recipients and subrecipients may use funds for operating assistance with no limitation on the amount that can be used for that purpose.
2. **Fares Charged to Seniors and Persons with Disabilities During Nonpeak Hours:** Section 5311 recipients and subrecipients are not required to offer reduced fares on fixed-route service to seniors, individuals with disabilities, or individuals presenting a Medicare card during nonpeak hours.
3. **Public Comment on Fare and Service Changes:** Section 5311 recipients and subrecipients are not required to have a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation service. Providing ample notice of changes is a good practice.
4. **Ensuring Nondiscrimination when Adopting Service and Fare Changes:** Rural recipients of Federal financial assistance that operate fixed route service are required to review their policies and practices to ensure their service and fare changes do not result in a discriminatory impact. Although a Title VI equity analysis is not required, rural recipients shall use their public participation plans and language access plans to promote inclusive public participation and provide meaningful access to limited English proficient (LEP) individuals. More information on these requirements is available in [FTA Circular 4702.1B](#).
5. **Drug & Alcohol Testing:** A drug and alcohol testing program is required of all Section 5311 recipients and subrecipients. More information on FTA's drug and alcohol testing program requirements and their applicability to various safety-sensitive functions is available at: <https://www.transit.dot.gov/drug-alcohol-program>.
6. **Transit Asset Management:** If the recipient operates more than 100 vehicles, it is now eligible to complete a reduced transit asset management plan (TAM Plan) as a Tier II provider. More info can be found at <http://www.transit.dot.gov/tam>
7. **National Transit Database Reporting:** The recipient may elect to become part of the statewide rural NTD report. More info can be found at: www.transit.dot.gov/ntd

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