



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Agenda - Final Fox Cities Transit Commission

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Tuesday, February 26, 2019

2:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting  
[19-0169](#) Approval of minutes from previous meeting  
**Attachments:** [MeetingMinutes08-Jan-2019-04-27-30.pdf](#)
4. **Public Hearings/Apearances**  
[19-0171](#) Public Participation on Agenda Items
5. **Action Items**  
[19-0172](#) Approval of Payments  
**Attachments:** [January 2019 Payments.pdf](#)  
[19-0174](#) Accept STP-Urban Project Funds I.D. #4984-02-00 for \$300,225 to Purchase One Bus  
**Attachments:** [STP URBAN Agreement 01-19.pdf](#)  
[19-0175](#) Authorization to award a three-year contract with two one-year options to Running Inc. for the provision of Paratransit (ADA and Ancillary) Services  
**Attachments:** [FCTC Running contract memo.pdf](#)  
[19-0176](#) Approve Addendum to Fox Valley Technical College Student Pass Contract  
**Attachments:** [2019 FVTC Addendum.pdf](#)  
[2015 FVTC Contract.pdf](#)  
[19-0250](#) Approve changes to Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Management and Coordination Plan  
**Attachments:** [5310 Plan Update Approval memo to FCTC.pdf](#)  
[VT-ECWRP MOU.pdf](#)  
[Appleton MPO 5310 Management Coordination Plan Revised 2-19-19.pdf](#)

**6. Information Items**

[19-0177](#) Ridership and Revenue

**Attachments:** [December 2018 Ridership graphs.pdf](#)

[19-0251](#) Financial Report

**Attachments:** [2019 FCTC January Income Statement.pdf](#)

[2019 FCTC January Income Statement PT.pdf](#)

[19-0182](#) Key Performance Indicators

**Attachments:** [2018 Q4 KPI.pdf](#)

[19-0183](#) Request for Future Agenda Items

**7. Next Meeting Date & Time**

- March 12, 2019, 2:00 PM

- March 26, 2019, 2:00 PM

**8. Adjournment**

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Minutes - Final Fox Cities Transit Commission

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Tuesday, January 8, 2019

2:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

2. Roll call of membership

**Present:** 9 - Detienne, Nau, Dearborn, Wurdinger, Brown, Wilson, Dexter, VandeHey and Lobner

**Excused:** 4 - Kasimor, Vice Chair Buckingham, Martin and Stephenson

3. Approval of minutes from previous meeting

[19-0040](#)

Approval of minutes from previous meeting

**Attachments:** [MeetingMinutes 12-11-18.pdf](#)

Commissioner Wurdinger moved, seconded by Commissioner Nau, that the Minutes be approved. Voice Vote. Motion Carried.

4. Public Hearings/Appearances

[19-0041](#)

Public Participation on Agenda Items

There was no public participation on agenda items

5. Action Items

[19-0043](#)

Authorization to Purchase Buses and Approve Subsequent Budget Amendment

**Attachments:** [Bus Purchase Memo.pdf](#)  
[Letter to FCTC 12.14.2018.pdf](#)  
[Capital Assistance Grant DOA.pdf](#)

Commissioner Wurdinger moved, seconded by Commissioner Dexter, that the Report Action Item be recommended for approval. Voice Vote. Motion Carried.

[18-1821](#)

Approve the Intermunicipal Agreement with the City of Neenah and the Village of Fox Crossing for the Northern Winnebago Dial A Ride Service for 2019 Contingent on City of Neenah and the Village of Fox Crossing Approval

**Attachments:** [NW Dial-A-Ride - 2019 revised.pdf](#)

Commissioner Detienne moved, seconded by Commissioner VandeHey, that the Report Action Item be recommended for approval. Voice Vote. Motion Carried.

## 6. Information Items

[19-0042](#)

Approval of Payments

**Attachments:** [December 2018 payments.pdf](#)

*This action item was moved to information items.*

Commissioner Detienne moved, seconded by Chairman Lobner, that the Report Action Item be approved. Voice Vote. Motion Carried.

[19-0044](#)

Financial Report

**Attachments:** [2018 FCTC Monthly Income Statement.pdf](#)  
[2018 FCTC Monthly Income Statement \(PT\).pdf](#)

**This Presentation was presented**

[19-0045](#)

Ridership and Revenue

**Attachments:** [November 2018 Ridership graphs.pdf](#)

**This Presentation was presented**

[19-0046](#)

Wi-Fi discussion

**This Presentation was discussed**

[19-0047](#)

Valley Transit Bus App (Beta Test)

**This Presentation was presented**

[19-0048](#)

Greenville Bus Route

**Attachments:** [Map for service to Greenville.pdf](#)

**This Presentation was discussed**

[19-0049](#)

Request for Future Agenda Items

7. Next Meeting Date & Time
  - January 22, 2019, 2:00 PM - Cancelled
  - February 12, 2019, 2:00 PM
8. Adjournment

**A motion was made by Commissioner Nau, seconded by Commissioner Dearborn, that this meeting was adjourned.. The motion carried unanimously.**



02/07/2019 07:48  
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City of Appleton  
INVOICE LIST BY GL ACCOUNT



YEAR/PERIOD: 2019/1	TO 2019/1								
ACCOUNT/VENDOR	DOCUMENT	PO	YEAR/PR	TYP	S	CHECK RUN	CHECK	DESCRIPTION	
000221 CADRE OF PREMIER STA 3585		0	2019	1	INV P	827.52	pcard	Temp Com Tech	
000221 CADRE OF PREMIER STA 4658		0	2019	1	INV P	976.22	pcard	Temp Com Tech - two	
						1,803.74			
						ACCOUNT TOTAL		1,803.74	
58071000 641200						Advertising			
000979 NL PRESS STAR/MULTI 4659		0	2019	1	INV P	490.00	pcard	2019 Outagamie ADRC	
001517 WISCONSIN MEDIA 4645		0	2019	1	INV P	739.15	pcard	Public Notices - Mu	
						ACCOUNT TOTAL		1,229.15	
58071000 641301						Electric			
001575 WE ENERGIES 54		0	2019	1	INV P	5,528.93	013019	1309 ELEC 7216-827-232 T	
						ACCOUNT TOTAL		5,528.93	
58071000 641302						Gas			
001575 WE ENERGIES 54		0	2019	1	INV P	3,073.99	013019	1309 GAS 7216-827-232 Tr	
						ACCOUNT TOTAL		3,073.99	
58071000 641307						Telephone			
000132 AT&T 3707		0	2019	1	INV P	314.39	011619	971 920-730-0780 935 6	
						ACCOUNT TOTAL		314.39	
						ORG 58071000 TOTAL		16,787.48	
58072000						VT 5307 Vehicle Maintenance			
58072000 630901						Shop Supplies			
000035 AIRGAS USA, LLC 4660		0	2019	1	INV P	51.12	pcard	Shop supplies	
000615 HARTLAND LUBRICANTS 4651		0	2019	1	INV P	1,246.00	pcard	Supplies	
001194 SAFETY-KLEEN 4652		0	2019	1	INV P	109.00	pcard	Supplies	
001333 TARTAN SUPPLY CO., I 4912		0	2019	1	INV P	566.75	pcard	January Custodial S	
001570 1ST AYD CORPORATION 4646		0	2019	1	INV P	111.00	pcard	Supplies	
001655 AUTOMOTIVE SUPPLY CO 3576		0	2019	1	INV P	218.72	pcard	PAW*AUTOMOTIVE SUPP	
001655 AUTOMOTIVE SUPPLY CO 3577		0	2019	1	INV P	100.80	pcard	PAW*AUTOMOTIVE SUPP	
001655 AUTOMOTIVE SUPPLY CO 4122		0	2019	1	INV P	219.56	pcard	Supply	
001655 AUTOMOTIVE SUPPLY CO 4123		0	2019	1	INV P	27.20	pcard	Supply	
001655 AUTOMOTIVE SUPPLY CO 4605		0	2019	1	INV P	42.39	pcard	Supply	
001655 AUTOMOTIVE SUPPLY CO 4606		0	2019	1	INV P	43.96	pcard	Supply	
001655 AUTOMOTIVE SUPPLY CO 4607		0	2019	1	INV P	50.64	pcard	Supply	
001655 AUTOMOTIVE SUPPLY CO 4608		0	2019	1	INV P	46.24	pcard	Supply	
001655 AUTOMOTIVE SUPPLY CO 4609		0	2019	1	INV P	15.00	pcard	Supply	

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City of Appleton  
INVOICE LIST BY GL ACCOUNT



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YEAR/PERIOD: 2019/1 TO 2019/1	ACCOUNT/VENDOR	DOCUMENT	PO	YEAR/PR	TYP S	CHECK RUN CHECK	DESCRIPTION
						764.51	
	002108 APS FOX VALLEY, INC	4203	0	2019 1	INV P	136.62 pcard	Supplies
					ACCOUNT TOTAL	2,985.00	
58072000 630902	001655 AUTOMOTIVE SUPPLY CO	3577	0	2019 1	INV P	1,890.00 pcard	PAW*AUTOMOTIVE SUPP
					ACCOUNT TOTAL	1,890.00	
58072000 632601	000089 NEW FLYER OF AMERICA	4657	0	2019 1	INV P	4,664.47 pcard	Parts - Multiple in
	000569 GILLIG LLC	3747	0	2019 1	INV P	665.71 011619	1011 part rcvd 1/4/19
	000641 HOGLUND BUS AND TRUC	4644	0	2019 1	INV P	348.86 pcard	Parts
	001595 JX TRUCK CENTER	4125	0	2019 1	INV P	541.08 pcard	Parts
	001595 JX TRUCK CENTER	4126	0	2019 1	INV P	3,337.98 pcard	Parts
	001595 JX TRUCK CENTER	4610	0	2019 1	INV P	91.50 pcard	Parts
	001595 JX TRUCK CENTER	4611	0	2019 1	INV P	55.80 pcard	Parts
	001595 JX TRUCK CENTER	4612	0	2019 1	INV P	-654.66 pcard	Parts
	001595 JX TRUCK CENTER	4613	0	2019 1	INV P	-109.11 pcard	Parts
						3,262.59	
	001655 AUTOMOTIVE SUPPLY CO	4119	0	2019 1	INV P	-31.72 pcard	Parts
	001655 AUTOMOTIVE SUPPLY CO	4120	0	2019 1	INV P	63.45 pcard	Parts
	001655 AUTOMOTIVE SUPPLY CO	4121	0	2019 1	INV P	29.98 pcard	Parts
	001655 AUTOMOTIVE SUPPLY CO	4124	0	2019 1	INV P	39.65 pcard	Parts
						101.36	
					ACCOUNT TOTAL	9,042.99	
58072000 641700	001597 NOLTE'S TOWING	3582	0	2019 1	INV P	190.87 pcard	Bus 409
	001597 NOLTE'S TOWING	3583	0	2019 1	INV P	177.53 pcard	Bus 412
						368.40	
					ACCOUNT TOTAL	368.40	
58072000 641800	000561 GENFARE, DIVISION OF	3586	0	2019 1	INV P	24.27 pcard	GFI GENFARE
	000561 GENFARE, DIVISION OF	3587	0	2019 1	INV P	1,898.48 pcard	GFI GENFARE
	000561 GENFARE, DIVISION OF	3588	0	2019 1	INV P	13,250.00 pcard	GFI GENFARE
	000561 GENFARE, DIVISION OF	3589	0	2019 1	INV P	153.41 pcard	GFI GENFARE
	000561 GENFARE, DIVISION OF	3590	0	2019 1	INV P	2,083.15 pcard	GFI GENFARE
	000561 GENFARE, DIVISION OF	4661	0	2019 1	INV P	2,056.73 pcard	Farebox parts



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YEAR/PERIOD: 2019/1 TO 2019/1	ACCOUNT/VENDOR	DOCUMENT	PO	YEAR/PR	TYP S	CHECK RUN CHECK	DESCRIPTION
	000561 GENFARE, DIVISION OF	4662	0	2019 1	INV P	1,421.83 pcard	Farebox Parts
						20,887.87	
	000660 HYDROCLEAN EQUIPMENT	4648	0	2019 1	INV P	92.00 pcard	Preventive maintena
					ACCOUNT TOTAL	20,979.87	
58072000 642400	001288 STAR TRAN SOFTWARE,	3744	0	2019 1	INV P	1,000.00 011619	Software Support 1047 2019
					ACCOUNT TOTAL	1,000.00	
58072000 643000	001588 THEDACARE, INC.	4653	0	2019 1	INV P	91.79 pcard	Health Services DOT Screens
					ACCOUNT TOTAL	91.79	
58072000 645100	001396 UNIFIRST CORPORATION	4184	0	2019 1	INV P	125.15 pcard	Laundry Services Uniforms & Laundry
					ACCOUNT TOTAL	125.15	
					ORG 58072000 TOTAL	36,483.20	
58073000	VT 5307 Building Maintenance						
58073000 640700	000023 ADVANCED DISPOSAL SO	4811	0	2019 1	INV P	199.00 pcard	Solid Waste/Recycling Pickup Trash disposal
					ACCOUNT TOTAL	199.00	
58073000 645100	Laundry Services						
000274 CINTAS CORPORATION	3591	0	2019 1	INV P	97.72 pcard	Mats	
000274 CINTAS CORPORATION	3592	0	2019 1	INV P	39.59 pcard	Mats	
000274 CINTAS CORPORATION	3593	0	2019 1	INV P	97.72 pcard	Mats	
000274 CINTAS CORPORATION	3594	0	2019 1	INV P	97.72 pcard	Mats	
						332.75	
					ACCOUNT TOTAL	332.75	
					ORG 58073000 TOTAL	531.75	
58074000	VT 5307 Operations						
58074000 632101	001396 UNIFIRST CORPORATION	4184	0	2019 1	INV P	18.48 pcard	Uniforms Uniforms & Laundry
					ACCOUNT TOTAL	18.48	
58074000 632200	Gas Purchases						
001608 GARROW OIL CORPORATI	4332	0	2019 1	INV P	11,524.74 012319	1156 fuel	
001608 GARROW OIL CORPORATI	4713	190108	2019 1	INV P	13,961.45 013019	1267 #2 Ultra Low Sulfur	

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City of Appleton  
INVOICE LIST BY GL ACCOUNT



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YEAR/PERIOD: 2019/1 TO 2019/1	ACCOUNT/VENDOR	DOCUMENT	PO	YEAR/PR	TYP S	CHECK RUN CHECK	DESCRIPTION
						25,486.19	
				ACCOUNT TOTAL		25,486.19	
58074000 632603				Lubricants			
000615 HARTLAND LUBRICANTS	4649		0	2019 1 INV P		3,127.00 pcard	Oil
000615 HARTLAND LUBRICANTS	4650		0	2019 1 INV P		1,920.05 pcard	ATF
						5,047.05	
				ACCOUNT TOTAL		5,047.05	
58074000 632800				Signs			
001942 APPLETON SIGN COMPAN	3745		0	2019 1 INV P		14,980.65 011619	966 festival foods grap
001942 APPLETON SIGN COMPAN	3746		0	2019 1 INV P		910.00 011619	966 oshkosh convention
						15,890.65	
				ACCOUNT TOTAL		15,890.65	
58074000 643000				Health Services			
001588 THEDACARE, INC.	4653		0	2019 1 INV P		311.48 pcard	DOT Screens
001588 THEDACARE, INC.	4654		0	2019 1 INV P		77.87 pcard	DOT Physical
001588 THEDACARE, INC.	4655		0	2019 1 INV P		163.16 pcard	DOT Screen
001588 THEDACARE, INC.	4656		0	2019 1 INV P		61.19 pcard	DOT Screen
						613.70	
				ACCOUNT TOTAL		613.70	
				ORG 58074000 TOTAL		47,056.07	
=====							
	FUND 580 Valley Transit			TOTAL:		227,812.50	
=====							

\*\* END OF REPORT - Generated by Debra Ebben \*\*



**STATE/MUNICIPAL AGREEMENT  
FOR A STATE- LET URBANIZED  
AREA STP-URBAN PROGRAM  
PROJECT**

**Program Name: STP-URBAN**

**Population Group: OVER 200,000**

**Sub-program #: 206**

Date: JANUARY 30, 2019

I.D.: 4984-02-00

Road Name: NON ROUTE, C APPLETON,  
VALLEY TRANSIT

Limits: C APPLETON, ONE HEAVY DUTY BUS

County: OUTAGAMIE

Roadway Length: 0.0 MILES

Functional Classification: NON ROUTE

Project Sponsor: CITY OF APPLETON/VALLEY  
TRANSIT

The signatory, City of Appleton, Valley Transit, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: **There are 28 heavy duty buses in Valley Transit's fleet. The fleet average age is now over 13 years with many vehicles over 550,000 miles. The planned useful life of a bus is 12 years or 500,000 miles. Reliance on an older fleet is costly, reduces service reliability, reduces safety and diverts precious operating funds away from service and stable customer fares. Valley Transit have only been able to replace 3 of the 28 buses in the previous 5 years.**

Proposed Improvement - Nature of work: **Valley Transit seeks one heavy duty bus for fleet replacement.**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements: **None**

The Municipality agrees to the following 2018-2022 Urbanized Area project funding conditions:

Project costs are funded with up to 60% federal/state/earmark funding up to a funding limit of \$300,225. The Municipality agrees to provide the remaining 40% and any funds in excess of the \$300,225 federal/state funding limit. Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year 2022. **In accordance with the State's sunset policy for STP-Urban projects, the subject 2018-2022 STP-Urban improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2019, or by June 30, 2024.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal participation, and actual costs will be used in the final division of cost for billing and reimbursement. In no event shall federal or State funding exceed the estimate of \$300,225 in the Summary of Costs Table, unless such increase is approved in writing by the State through the State's Change Management Policy prior to the Municipality incurring the increased costs.

SUMMARY OF COSTS					
PHASE	Total Est. Cost	Federal Funds	%	Municipal Funds	%
<b>ID 4984-02-00</b>					
VALLEY TRANSIT BUS	\$500,000	\$300,225	60%*	\$199,775	40% + BAL
<b>Total Est. Cost Distribution</b>	<b>\$500,000</b>	<b>\$300,225</b>	<b>N/A</b>	<b>\$199,775</b>	<b>N/A</b>

\* ID# 4984-02-00 federal funding is limited to \$300,225.

This request is subject to the terms and conditions that follow (pages 3 – 7) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signatures certify the content has not been altered by the municipality.

Signed for and in behalf of: **City of Appleton/Valley Transit** (please sign in blue ink.)

Name Title Date

Signed for and in behalf of the State:

Name Title Date

## **GENERAL TERMS AND CONDITIONS:**

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
  - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
  - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that “no person in the United States shall, on the ground 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.” The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
  - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
  - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
  - e. Competitive bidding requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06.
  - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
  - g. Federal statutes that govern the Surface Transportation Program (STP), including but not limited to 23 U.S.C. 133.
  - h. General requirements for administering federal and state aid set forth in Wis. Stat. 84.03.

## **STATE RESPONSIBILITIES AND REQUIREMENTS:**

4. Funding of each project phase is subject to inclusion in Wisconsin’s approved 2018-2022 Urbanized Area STP-Urban program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
  - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
  - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
  - c. Storm sewer mains necessary for the surface water drainage.
  - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
  - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).

- f. Signing and pavement marking.
  - g. Real estate for the improvement.
  - h. New installations or alteration of street lighting and traffic signals or devices.
  - i. Landscaping.
  - j. Preliminary engineering and design.
  - k. Management consultant and state review services.
  - l. Other eligible items: **Purchase one heavy duty bus.**
5. The work will be administered by the State and may include items not eligible for federal participation.
6. As the work progresses, the State will bill the Municipality for work completed which is not chargeable to federal funds. Upon completion of the project, a final audit will be made to determine the final division of costs subject to project funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

**MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:**

7. Work necessary to complete the 2018-2022 Urbanized Area STP-Urban improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
- a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
  - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
  - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
  - d. Conditioning, if required and maintenance of detour routes.
  - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
  - f. All work related to underground storage tanks and contaminated soils.
  - g. Street and bridge width in excess of standards, in accordance with the current *WisDOT Facilities Development Manual*.
  - h. Other 100% Municipality funded items:
8. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
9. Work to be performed by the Municipality without federal funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
10. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.

11. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat.51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.
12. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal financing commitments or are ineligible for federal financing. To guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
13. **In accordance with the State's sunset policy for Urbanized Area STP-Urban projects, the subject 2018-2022 Urbanized Area STP-Urban improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2019, or by June 30, 2024.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.
14. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
15. The Municipality will at its own cost and expense:
  - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance through statutory requirements in a manner satisfactory to the State, and will make ample provision for such maintenance each year.
  - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during construction.
  - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
  - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
  - e. Provide complete plans, specifications, and estimates to State upon request.
  - f. Provide relocation orders and real estate plats to State upon request.
  - g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
  - h. Provide maintenance and energy for lighting.
  - i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.
16. It is further agreed by the Municipality that:
  - a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.

- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred with by the Federal Highway Administration.
- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal aid highway regulations, posters, billboards, roadside stands, or other private installations prohibited by Federal or State highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.
- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted oversize and overweight loads. The contractor is responsible for any damage caused to haul roads if they do not obey size and weight laws, use properly equipped and maintained vehicles, and do not prevent spilling of materials onto the haul road (*WisDOT Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under Municipal Responsibilities and Requirements.

#### **LEGAL RELATIONSHIPS:**

- 17. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
- 18. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.



19. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of either this State/Municipal Agreement or any of its attachments may be changed, waived or terminated orally.
20. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
21. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

#### **PROJECT FUNDING CONDITIONS**

22. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.
23. Maintenance of Records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the Department. The Department reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

24. The Municipality agrees to the following 2018-2022 Urbanized Area STP-Urban project funding conditions:

- a. ID 4984-02-00: Purchase one heavy duty bus is funded with 60% federal/earmark funding, when the Municipality agrees to provide the remaining 40%.

[End of Document]



February 7, 2019

To: Fox Cities Transit Commission

From: Ron McDonald, General Manager

**Subject: Award Recommendation for Paratransit Service Provider (ADA & Ancillary)**

**Background:**

In addition to fixed-route bus service, Valley Transit also offers the following paratransit programs: Valley Transit II as required by the Americans with Disabilities Act (ADA); Senior Transportation Service; The Connector; and Outagamie County Human Services Transportation (OCHST). These services are all provided by contract and the current contractor is Running Inc. The current agreement expires on June 30, 2019.

In preparation for this procurement, Valley Transit staff began developing a request for proposal (RFP) to select a contractor to provide services starting July 1, 2019. Staff reviewed RFP documents used by other transit systems that recently purchased similar services. Staff considered lessons learned, competencies required by the next contractor and focused on areas of compliance with the ADA.

In addition to selecting a new provider, Valley Transit has also begun a process to replace its paratransit scheduling and dispatch software. The next paratransit service provider would need to understand the upcoming transition to a new software product and successfully use this product to ensure a more efficient and effective service. All of these factors were incorporated into the RFP document for consideration and review during the evaluation process.

The paratransit service RFP listed the contract length at three years commencing on July 1, 2019 with options to extend for two additional one-year periods.

The RFP document was sent directly to known paratransit vendors; posted on the State of Wisconsin's Vendornet system; and advertised online with the *Post-Crescent* and *Passenger Transport* (transit publication). Proposals were due on December 7, 2018.

Three proposals were received: Running Inc (Viroqua, WI); LIR Transportation LLC (Appleton, WI); and Ride Right LLC (St Louis, MO). All proposals were considered 'responsive' by meeting the mandatory requirements listed in the RFP.

**Analysis:**

An evaluation team was assembled to review the proposals. The team included Valley Transit staff and an Outagamie County human services rep. Each proposal was evaluated based on experience, professional competence, technical approach, capacity & price. The team discussed perceived benefits of all proposals based on the stated criteria and agreed that two of the three vendors (Running & Ride Right) were in a competitive range and able to move forward in the evaluation process. After considering the written proposals and pricing, the evaluation team unanimously concluded that Running Inc (Viroqua, WI) had proposed the best service for Valley Transit.

Running Inc was considered responsible based on previous contract performance and references. In summary, the evaluation committee agreed that Running Inc proposed adequate staffing to provide the service at all service hours required; a compliant maintenance program; a good understanding of customer service and safety; proper staff training; and sufficient vehicles (thirty-four total) to operate the service. Running’s proposal included replacement of older vehicles in its fleet with twelve new vehicles (model year 2019). The evaluation committee also believed that Running Inc had the best understanding of Valley Transit’s plans to implement a new dispatch and scheduling system.

Furthermore, Running Inc.’s proposal was considered the best value with the lowest cost proposed. Running Inc.’s cost proposal included no rate adjustments in contract years 2-5. See table below showing per ride rates in contract year-one.

Service	LIR Transportation	Ride Right	Running
Valley Transit II	\$22.75	\$29.91	\$17.85
Senior Transportation Service	\$21.55	\$29.91	\$17.85
The Connector (ESA/ESH)	\$23.40/\$27.30	\$29.91	\$25.75
OCHST	\$21.55	\$29.91	\$17.00

**Fiscal Impact:**

Valley Transit 2019 operating budget includes \$2,678,609 for paratransit service. The proposed contract with Running Inc. is within the current paratransit budget.

**Recommendation: Authorize Valley Transit to enter into a 3-year contract with two 1-year optional extensions with Running Inc. to provide paratransit services.**

**ADDENDUM TO CONTRACT  
CITY OF APPLETON/VALLEY TRANSIT  
AND  
FOX VALLEY TECHNICAL COLLEGE**

**THIS ADDENDUM TO CONTRACT (“Addendum”)** shall serve as an understanding and agreement between the City of Appleton Valley Transit (hereinafter “Valley Transit”), with a mailing address 801 South Whitman Avenue, Appleton, WI 54914, and the Fox Valley Technical College (hereinafter “FVTC”), with a mailing address of 1825 North Bluemound Drive, Appleton, WI 54912, to extend the existing contract entered into by and between the parties on December 22, 2014 (“**Contract**”), and subsequent addendum(s) entered into by and between the parties for an additional year. Valley Transit and FVTC may be singularly referred to herein as a party or jointly as the parties.

**WITNESSETH**, that in exchange for the mutual consideration stated below, the parties agree as follows:

1. This shall memorialize an extension of the Contract for one calendar year beginning January 1, 2019, and ending December 31, 2019, allowable pursuant to Paragraph 20 of the Contract.
2. All other terms of the Contract shall remain in full force and effect for the duration of the extension term.
3. Revision or modification to this Addendum must be agreed to by the parties and signed by the authorized representative of each party.
4. This Addendum may be reopened if State and/or Federal funding regulations restrict the type of service that can be funded in any service component of the Valley Transit budget.

**IN WITNESS WHEREOF**, the parties have caused the foregoing instrument to be executed in three (3) original counterparts.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

(Signatures on Next Page)

**FOX VALLEY TECHNICAL COLLEGE**

Witness: \_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Witness: \_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY OF APPLETON, VALLEY TRANSIT**

Witness: \_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Ronald McDonald, General Manager

Witness: \_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

Witness: \_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Kami Lynch, City Clerk

Provision has been made to pay the liability  
that will accrue under this contract.

Approved as to Form:

\_\_\_\_\_  
Anthony D. Saucerman, Director of Finance

\_\_\_\_\_  
James P. Walsh, City Attorney

**CONTRACT BETWEEN  
CITY OF APPLETON / VALLEY TRANSIT  
AND  
FOX VALLEY TECHNICAL COLLEGE**

This Agreement is by and between the City of Appleton/Valley Transit (hereinafter referred to as the "City") and the Fox Valley Technical College (hereinafter referred to as "FVTC").

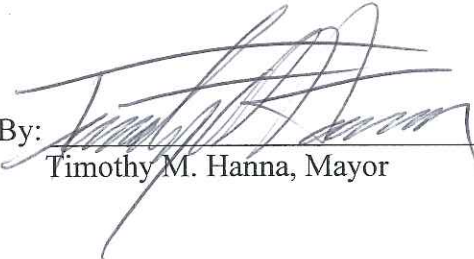
The FVTC wishes to encourage the use of City bus service by FVTC students. In exchange for the mutual consideration stated below, the parties agree as follows:


1. During the term of this Agreement, the City agrees to honor the FVTC Identification Card as a bus pass to allow Program and Adult Basic Education students enrolled at FVTC to utilize the City bus services.
2. The FVTC agrees to establish appropriate procedures to assure that one and only one FVTC Identification Card is distributed to each student enrolled at FVTC. If validation becomes a management issue, the City and FVTC will mutually agree to an alternative to the FVTC Identification Card.
3. The FVTC Identification Card will be valid for transportation on all City bus routes when shown by the students, at no additional charge as provided in this contract.
4. This agreement applies strictly to Valley Transit's fixed route bus service. FVTC students meeting the ADA paratransit eligibility criteria will have comparable access to Valley Transit II. A fare that is double the rate of the approved regular bus cash fare will be charged to students using Valley Transit II. The Connector services and the other Valley Transit paratransit services are not part of this agreement.
5. The FVTC Identification Card is not transferable and not for resale and shall be forfeited and confiscated if misused or presented for transportation by any person other than the person to whom issued.
6. For City bus services provided for herein, in 2015, the FVTC shall pay to the City \$46,000 in January 2015 or in two payments, \$23,000 in January 2015 and \$23,000 in August, 2015. In subsequent years, the FVTC shall pay to the City \$2.50 per semester for each enrolled student residing within Valley Transit's service area which shall be calculated and invoiced as follows: FVTC will provide the City with enrollment numbers by January 31<sup>st</sup> of each service year and the City will invoice FVTC in February for that year's spring/summer semester; and, FVTC will provide the City with enrollment numbers by September 30<sup>th</sup> of each service year and the City will invoice FVTC in October for that year's fall/winter semester.


7. The City shall provide its established and regularly publicized bus service including one AM tripper to FVTC.
8. Additional bus service may be added if both the City and FVTC mutually agree based upon ridership need. The City shall invoice FVTC for additional service/routes at the prevailing tripper rate which will be shared with FVTC yearly in January.
9. The FVTC Identification Card shall be valid for transportation on all days during all scheduled hours on all Valley Transit buses.
10. The City will keep ridership records of FVTC Identification Card usage. The City will provide quarterly ridership reports to the FVTC. FVTC and the City will work cooperatively to obtain and share any other information deemed necessary by either or both parties.
11. In providing and furnishing any of the aforementioned bus services, the City shall act as an independent contractor, and FVTC shall not have, and shall not exercise any control over the City's operation.
12. Individual student privileges may be revoked due to violations of the Valley Transit Code of Conduct. Valley Transit will make FVTC aware of the issues before actually revoking the privilege.
13. It is understood that the administration, management, marketing and promotion of the bus service program are the mutual responsibility of the City and FVTC. The City will work with FVTC to develop a marketing plan and to market the bus service program.
14. The City shall defend and hold harmless FVTC and its agents, servants, and employees against all loss, damages, legal expenses and other expenses which FVTC may sustain or become liable for on account of injury to or death of persons, or on account of damage to, loss or destruction of property resulting from the negligent operation of city buses.
15. The City and the FVTC agree to cooperatively establish administrative policies and procedures that will effectively safeguard the interest of both parties.
16. The City shall not be in default of any provision of the Agreement for failure to perform where such failure is due solely to strikes, walkouts, civil insurrections or disorders, orders of civil authorities, shortages of motor fuel or equipment, acts of God, or for any other cause or caused beyond the control of the City.
17. Should the City or FVTC be unable to fulfill the requirements of this agreement because of expected lack of funds, then either the City or FVTC may provide written notice of such expected lack of funds upon thirty (30) days prior written notice and this agreement shall be terminated.

18. FVTC or the City may cancel the contract for breach of any terms or condition of this contract or failure to perform as specified in this contract. FVTC or the City shall provide ten (10) calendar days written notice of contract breach and unless within ten (10) calendar days such neglect has ceased and arrangements made to correct, the contract may be cancelled by giving sixty (60) days notice in writing by registered or certified mail of its intention to cancel the contract.
19. All accounts shall be settled on a prorated basis in the event of termination of this Agreement prior to its full term.
20. The term of this Agreement at the amounts stated in Item 6 shall be for the 2015 calendar year from January 5 through December 31, 2015 with an option by mutual agreement of FVTC and the City to renew each of the subsequent four (4) years.
21. City warrants that it has the authority to enter into this Agreement and that any approval required of and by the City of Appleton have been obtained are valid for the full term of this Agreement.


The City of Appleton hereby duly executes the Agreement the 22 day of December, 2014.

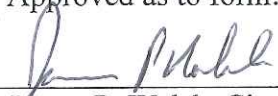
By:   
Timothy M. Hanna, Mayor

By:   
Dawn A. Collins, City Clerk

By:   
Deborah S. Wetter,  
General Manager Valley Transit

Provision has been made to pay the liability that will accrue under this contract.

  
Anthony D. Saucerman, Finance Director

Approved as to form:  
  
James P. Walsh, City Attorney



The Fox Valley Technical College (FVTC) hereby duly executes this Agreement the  
17<sup>th</sup> day of September, 2014.

Witness: [Signature]  
Printed Name: Vicky Vanhout

Witness: [Signature]  
Printed Name: Vicky Vanhout

By: [Signature]  
Dr. Susan A. May  
President, Fox Valley Technical College

By: [Signature]  
Patti Jorgensen  
Vice President of Student and Community  
Development, Fox Valley Technical College



February 19, 2019

To: Fox Cities Transit Commission

From: Ron McDonald  
General Manager

Subject: Approve Revised 5310 Program Management Agreement with East Central Wisconsin Regional Planning Commission

Section 5310 is a federal assistance program designed to fund projects that serve the transportation needs of elderly persons and persons with disabilities. Both non-profits and public agencies are eligible to receive 5310 funds. The Appleton Urbanized Area receives an apportionment annually and in Federal Fiscal Year 2018, this amount was \$175,027.

Since 2014, Valley Transit has partnered with East Central Wisconsin Regional Planning Commission (ECWRPC) to administer Section 5310 federal funds available for projects in the Appleton Urbanized Area. A Memorandum of Understanding (MOU) defines the roles and responsibilities of each agency in the partnership. The administrative procedures are outlined in the *Section 5310 Program Management and Coordination Plan for the Appleton Urbanized Area*. The program management plan was recently updated. The updated plan and MOU are attached. Both ECWRPC and Valley Transit agreed to the plan revisions summarized below.

1. All references to the Town of Menasha were changed appropriately to "Fox Crossing."
2. The application cycle was changed from annual (every year) to biennial (every other year). This change was made to reduce administrative burden on each partnering agency and to provide more funding stability to awarded applicants.
3. A new provision was added under the project selection section stating that "New projects will be considered for award if funds are available after prior year/existing projects, which meet or exceed stated goals, are funded." This provision was added to ensure proven projects continue to receive the funding required to be successful.
4. A new requirement was added to the Asset Management section of the plan to notify awarded applicants that asset data is collected, documented and continually reviewed in a Transit Asset Management Plan. This was added to comply with a new federal requirement.

The MOU and program management plan have been revised to reflect the changes above.

**Recommendation: Approve Updated 2019 5310 Program Management and Coordination Plan for the Appleton Urbanized Area; and Approve Revised Understanding Agreement Between East Central Wisconsin Planning Commission (Appleton MPO) and Valley Transit.**

**UNDERSTANDING AGREEMENT BETWEEN  
EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION  
(APPLETON MPO) AND VALLEY TRANSIT  
INTERURBAN TRANSIT PARTNERSHIP**

This agreement entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the East Central Wisconsin Regional Planning Commission, hereinafter referred to as the Appleton MPO, and Valley Transit, hereinafter referred to as VT.

WITNESSETH:

The federal government, under the authority of Title 23 CFR, section 450.310, requires an agreement between metropolitan planning organizations and operators of public-owned transit services which specifies cooperative procedures for carrying out transportation planning. The East Central Wisconsin Regional Planning Commission is the designated metropolitan planning organization (MPO) responsible for fulfilling the requirements of 23 U.S.C. 134, 135 and 409 U.S.C 5303 and 5304 and as such is the recipient of planning funds in the Appleton Transportation Management Area (TMA). This agreement is for the purpose of setting forth the duties and responsibilities between the parties with respect to cooperative efforts in planning, programming and expenditure of state funds and Federal Transit Administration funds for the purpose of planning, programming, engineering, design and evaluation of public transportation projects.

Now, therefore, the parties hereto mutually agree that:

1. Cooperation between the Appleton MPO and VT is essential with respect to the provision of public transportation to the residents in the area.
2. The Appleton MPO has established overall transportation policies, oversees the planning process for the metropolitan area, and provides for cooperative intermodal decision-making.
3. The role of Appleton MPO relates to planning, review and comment as provided for in the appropriate federal and state legislation.
4. This agreement does not prohibit VT from conducting independent planning and feasibility studies, as it deems necessary.
5. VT shall be represented on the Appleton MPO Technical Advisory Committee and Policy Board.

6. The term of this agreement shall be from the date of execution and extending until such time as it is officially terminated in accordance with the terms of this agreement.
7. Either party may terminate this agreement with not less than ninety (90) days written notice to the other party.
8. No changes may be made to this agreement which are not mutually agreed upon in writing between the parties.
9. Both parties hereby agree to comply with all applicable federal, state and local regulations and laws.
10. Both parties hereby agree to the updated 2019 5310 Program Management and Coordination Plan for the Appleton Urbanized Area.
11. Attachment A defines, but does not limit, the responsibilities of VT and the Appleton MPO.

Appleton MPO

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Valley Transit

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# City of Appleton

A Wisconsin Municipal Corporation

**Agreement:** Memorandum of Understanding between East Central Wisconsin Regional Planning Commission (Appleton MPO) and City of Appleton, Valley Transit

## City of Appleton

**By:**

\_\_\_\_\_  
Timothy M. Hanna, Mayor

**Attest:**

\_\_\_\_\_  
Kami Lynch, City Clerk

**Approved as to form:**

\_\_\_\_\_  
James P. Walsh, City Attorney

**Countersigned pursuant to §62.09(10),  
Wis. Stats.:**

\_\_\_\_\_  
Anthony D. Saucerman, Finance Director

## ATTACHMENT A

### ROLES AND RESPONSIBILITIES

**Appleton TMA 5310 Program Roles and Responsibilities**

Task	Responsible Party
Developing and maintaining the 5310 Program Management and Coordination Plan for the Appleton Urbanized Area.	ECWRPC
Developing and managing Outagamie, Calumet and Winnebago County's Coordinated Public Transit-Human Services Transportation Plan.	ECWRPC
Include 5310 in annual budget	Valley Transit
Notifying eligible sub recipients of the program and program's requirements.	ECWRPC
Providing technical assistance to eligible sub recipients.	ECWRPC/Valley Transit
Providing demographic data to help sub recipients comply with Title VI requirements.	ECWRPC
Utilizing ECWRPC's application form and evaluation criteria to ensure consistency among sub recipients who have to apply to multiple agencies for the same project.	ECWRPC/Valley Transit
Determining applicant eligibility.	ECWRPC/Valley Transit
Conducting the competitive selection process.	ECWRPC/Valley Transit
Forwarding an annual program of projects (POP) and grant application to FTA through TEAM.	Valley Transit
Ensuring that all sub recipients comply with Federal requirements.	ECWRPC/Valley Transit
Creating a selection subcommittee of ECWRPC, Valley Transit staff and a transit advocate or community representative to review project applications and rank them according to established criteria.	ECWRPC/Valley Transit
Ensuring sub recipient meets procedures documented in the program management and coordination plan.	ECWRPC/Valley Transit
Present project funding recommendations to Fox Cities Transit Commission for approval.	ECWRPC/Valley Transit
Collecting all approved projects for inclusion in the Transportation Improvement Program (TIP).	ECWRPC
Certifying that allocations of grants to sub recipients are distributed on a fair and equitable basis.	ECWRPC/Valley Transit
Certifying that all projects are derived from a locally developed, coordinated public transit-human services transportation plan developed through a process that consists of representatives of public, private, and non-profit transportation and human services providers with participation by the public.	ECWRPC
Protest Procedures.	Valley Transit/ECWRPC
Developing, executing, managing, and amending grant agreements with sub recipients.	Valley Transit

Applying for federal funds and managing the program's federal grants. This includes developing the program of projects, grant reporting, and grant closeouts.	Valley Transit
Working with sub recipients to procure capital items.	Valley Transit
Processing payments, drawing down federal funds, and completing financial audits.	Valley Transit
Collecting and maintaining financial reports, operating statistics, and vehicle data from sub recipients.	Valley Transit
Ensuring Program measures and reporting are properly tracked, collected and submitted as required.	Valley Transit
Monitoring sub recipient compliance with federal requirements.	Valley Transit
Conducting on-site inspections of sub recipient projects.	Valley Transit
Amending Valley Transit's Title VI Plan, Equal Employment Opportunity (EEO) Plan, and Disadvantaged Business Enterprise (DBE) Goals to include the Section 5310 Enhanced Mobility Program.	Valley Transit
Reviewing sub recipients' Title VI, EEO, and DBE programs.	Valley Transit/ECWRPC
Investigating and addressing Title VI, EEO, and DBE complaints.	Valley Transit/ECWRPC
Monitoring sub recipients' adherence to maintenance plans and safety standards.	Valley Transit

# Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Management and Coordination Plan Appleton Metropolitan Planning Organization 2019



East Central Wisconsin  
Regional Planning Commission  
**ECWRPC**

Calumet • Menominee • Outagamie • Shawano • Waupaca • Waushara • Winnebago





# **5310 Program Management and Coordination Plan for the Appleton Urbanized Area**

**2019**

## **EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION**

Martin Farrell, Chair  
Jeff Nooyen, Vice-Chair  
Eric Fowle, Secretary-Treasurer

### **COMMISSION MEMBERS**

#### **CALUMET COUNTY**

Alice Connors  
Hope Karth  
Merlin Gentz  
Rick Jaeckels

#### **FOND DU LAC COUNTY**

Allen Buechel  
Martin Farrell  
Brenda Schneider  
Karyn Merkel  
(Joseph Moore, Alt.)  
Charles Hornung

#### **MENOMINEE COUNTY**

Ruth Winter  
Elizabeth Moses  
(Jeremy Johnson, Alt.)  
James Lowey

#### **OUTAGAMIE COUNTY**

Thomas Nelson  
Daniel Rettler  
Timothy Hanna  
Jeff Nooyen  
Michael Thomas  
Kevin Sturn

#### **SHAWANO COUNTY**

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Chuck Dallas

#### **WAUPACA COUNTY**

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#### **WAUSHARA COUNTY**

Donna Kalata  
Larry Timm  
Neal Strehlow

#### **WINNEBAGO COUNTY**

Mark Harris  
Shiloh Ramos  
(David Albrecht, Alt.)  
Ernie Bellin  
Steve Cummings  
Ken Robl  
Robert Schmeichel

#### **EX-OFFICIO MEMBERS**

Jill Michaelson, WisDOT  
Ronald McDonald, Valley Transit





## **ABSTRACT**

**TITLE:** SECTION 5310 PROGRAM MANAGEMENT AND  
COORDINATION PLAN FOR THE APPLETON URBANIZED  
AREA - 2014

**AUTHOR:** Nick Musson, Associate Transportation Planner

**SUBJECT:** Appleton Transportation Management Area Section 5310  
Enhanced Mobility of Seniors and Individuals with Disabilities  
Program Management and Coordination Plan

**ADOPTED:** 2019

**PLANNING AGENCY:** East Central Wisconsin Regional Planning Commission

**SOURCE OF COPIES:** East Central Wisconsin Regional Planning Commission  
400 Ahnaip Street, Suite 100  
Menasha, WI 54952  
(920) 751-4770  
[www.ecwrpc.org](http://www.ecwrpc.org)



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## INTRODUCTION

### HISTORY

The Section 5310 program was established in 1975 as a discretionary capital assistance program. In cases where public transit was inadequate or inappropriate, the program awarded grants to private non-profit organizations to serve the transportation needs of elderly persons and persons with disabilities. The Federal Transit Administration (FTA) (then the Urban Mass Transportation Administration [UMTA]) apportioned the funds among the states by formula for distribution to local agencies, a practice made a statutory requirement by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). In the early years of the program, many of the sub recipient non-profit agencies used the vehicles primarily for transportation of their own clients. Funding for the Section 16(b) (2) program, as it was then known, ranged between \$20–35 million annually until the passage of ISTEA, when it increased to the \$50–60 million range. ISTEA also introduced the eligibility of public agencies under limited circumstances to facilitate and encourage the coordination of human service transportation. Increasingly, FTA guidance encouraged and required coordination of the program with other federal human service transportation programs. In lieu of purchasing vehicles, acquisition of service in order to promote use of private sector providers and coordination with other human service agencies and public transit providers was made an eligible expense under ISTEA. Other provisions of ISTEA introduced the ability to transfer flexible funds to the program from certain highway programs and the flexibility to transfer funds from the Section 5310 program to the rural and urban formula programs.

The Transportation Equity Act for the 21st Century (TEA–21) enacted in 1998 reauthorized the Section 5310 program. TEA–21 increased the funding levels for the Section 5310 program but made no significant program changes. In 2005, Congress enacted SAFETEA–LU. SAFETEA–LU introduced the requirement that projects funded with 5310 funds be derived from a locally developed, coordinated public transit-human services transportation plan; removed the flexibility that funds can be transferred to Section 5311 for Section 5311 program purposes during the fiscal year apportioned, if funds were not needed for Section 5310 program purposes; introduced a seven state pilot program that allows selected states to use up to one-third of the funds apportioned to them for operating assistance; and allowed transfers to Section 5307 or 5311, but only to fund projects selected for Section 5310 program purposes.

Title 49 U.S.C. 5310 authorizes the formula assistance program for the special needs of elderly individuals and individuals with disabilities. FTA refers to this formula program as “the Section 5310 program.” FTA, on behalf of the Secretary of Transportation, apportions the funds appropriated annually to the states based on an administrative formula that considers the number of elderly individuals and individuals with disabilities in each state. These funds are subject to annual appropriations.

Title 49 U.S.C. 5310(a)(1) authorizes funding for public transportation capital projects planned, designed and carried out to meet the special needs of elderly individuals and individuals with disabilities.

Title 49 U.S.C. 5310(a) (2) provides that a state may allocate the funds apportioned to it to:

- a. a private non-profit organization, if public transportation service provided by state and local governmental authorities under Section 5310(a)(1) is unavailable, insufficient, or inappropriate; or
- b. a governmental authority that:
  1. is approved by the state to coordinate services for elderly individuals and individuals with disabilities; or
  2. certifies that there are not any non-profit organizations readily available in the area to provide the special services.

The code assigned to the Section 5310 program in the Catalogue of Federal Domestic Assistance is 20.513.<sup>1</sup>

SAFETEA–LU was scheduled to sunset on September 30, 2009, but Congress renewed its funding formulas ten times after its expiration date, until July 6, 2012, when President Obama signed the Moving Ahead for Progress in the 21st Century (MAP-21). MAP-21 continues the 5310 program, but made the following changes:

- The New Freedom program and Elderly and Disabled program are now consolidated.
- Operating assistance is now available under the 5310 Program.

**Note:** *The New Freedom program provided tools to overcome barriers that Americans with disabilities faced in seeking integration into the workforce and full participation in society. Past projects include the following:*

- *mobility management;*
- *operating assistance;*
- *volunteer driver/voucher program; and*
- *capital assistance – vehicles and software.*

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<sup>1</sup> Federal Transit Administration - Section 5310 Program Overview - [http://www.fta.dot.gov/13094\\_8348.html](http://www.fta.dot.gov/13094_8348.html) - 10-12-13

## **ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES - SECTION 5310 PROGRAM OVERVIEW**

This program is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services. Statutory Reference - 49 U.S.C. Section 5310 / MAP-21 Section 20009

### **PURPOSE OF THE SECTION 5310 ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM MANAGEMENT AND COORDINATION PLAN**

The purpose of the *Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Management and Coordination Plan* is to detail the procedures for administering the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program for the Appleton Transportation Management Area (TMA). The procedures are based on the FTA and Wisconsin Department of Transportation's (WisDOT) 2008 State Management Plan for the Section 5310 program elderly and disabled capital assistance.

### **ELIGIBLE RECIPIENTS**

- For areas under 200,000 in population the state is the direct recipient.
- For areas over 200,000 in population the TMA is the direct recipient.
- Sub-recipients include the following:
  - states or local government authorities;
  - private non-profit organizations; and
  - operators of public transportation that receive the grant indirectly through a recipient.

### **ELIGIBLE ACTIVITIES**

- At least 55% of program funds must be used on capital projects that are:
  - Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.
- The remaining 45% may be used for operating or capital expenses associated with:
  - Public transportation projects that exceed the requirements of the ADA.
  - Public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit.
  - Alternatives to public transportation that assist seniors and individuals with disabilities.

## FUNDING PROJECTS

- Funds are apportioned for urbanized and rural areas based on the number of seniors and individuals with disabilities.
- Federal share for capital projects (including acquisition of public transportation services) is 80%.
- Federal share for operating assistance is 50%.
- Adopts New Freedom funding allocations:
  - 60% to designated recipients in urbanized areas with a population over 200,000.
  - 20% to states for small urbanized areas.
  - 20% to states for rural areas.

## ONGOING PROVISIONS

- Local share may be derived from other federal (non-DOT) transportation sources or the Federal Lands Highways program under 23 U.S.C. 204 (as in former Section 5310 program).
- Permits designated recipients and states to carry out competitive process to select sub recipients.
- Recipients must certify that projects selected are included in a locally developed, coordinated public transit-human services transportation plan. The plan must undergo a development and approval process that includes seniors and people with disabilities, transportation providers, among others, and is coordinated to the maximum extent possible with transportation services assisted by other federal departments and agencies.
- Permits acquisition of public transportation services as a capital expense.
- Up to 10% of program funds can be used to administer the program, to plan, and to provide technical assistance<sup>2</sup>.

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<sup>2</sup> Federal Transit Administration – Fact Sheet - [http://www.fta.dot.gov/documents/MAP-21\\_Fact\\_Sheet\\_-\\_Enhanced\\_Mobility\\_of\\_Seniors\\_and\\_Individuals\\_with\\_Disabilities.pdf](http://www.fta.dot.gov/documents/MAP-21_Fact_Sheet_-_Enhanced_Mobility_of_Seniors_and_Individuals_with_Disabilities.pdf) - 10-12-13

## APPLETON TMA MANAGEMENT PLAN SECTION 5310 PROGRAM

The Appleton TMA encompasses the cities of Appleton, Neenah, Menasha, Kaukauna; the villages of Fox Crossing, Kimberly, Combined Locks and Sherwood; the towns of Buchanan, Grand Chute, Greenville, Harrison, Kaukauna, Neenah, Vandebroek; and Calumet, Outagamie and Winnebago Counties. The Appleton TMA's population according to the 2010 U.S. Census is around 216,000 thus qualifying them to be a direct recipient of the 5310 Program - Enhanced Mobility of Seniors and Individuals with Disabilities. As a direct recipient of 5310 program funding, it is required by the FTA for the Appleton TMA to develop a program management and coordination plan which details the programs goals, roles and responsibilities, eligible sub-recipients, local share and local funding, project selection criteria, method of distributing funds and the annual program of projects (development and approval process).

### PROGRAM GOAL

The goal of the 5310 program and the Appleton TMA is to enhance mobility for seniors and persons with disabilities through financial assistance and to provide tools to overcome barriers that Americans with disabilities face in seeking integration into the workforce and full participation in society and to work together to administer a seamless and efficient program that is clear and transparent.

### DESIGNATED RECIPIENT

East Central Wisconsin Regional Planning Commission (ECWRPC) is the designated governing body for the TMA and Valley Transit is the public transportation provider for the Fox Cities. On April 26, 2013, ECWRPC, through a resolution, supported Valley Transit as the administrator for the Section 5310 Elderly and Persons with Disabilities Transportation Assistance program for the Appleton Urbanized Area (**Appendix A**, Resolution No. 12-13). On December 9, 2013, Governor Walker officially appointed Valley Transit as the designated recipient of the Section 5310 Elderly and Persons with Disabilities Transportation Assistance program (**Appendix B**). ECWRPC through a Memorandum of Understanding (MOU) agreed to assist Valley Transit through the administration of the 5310 Program - Enhanced Mobility of Seniors and Individuals with Disabilities. The MOU is located in **Appendix C**.

The designated recipient is responsible for selection of projects, and may, but is not required to, include a competitive selection process. If the designated recipient decides to hold a competitive selection, they may conduct the competitive selection themselves or establish alternative arrangements to administer and conduct the competitive selection.

Ten percent of the recipient's total fiscal year apportionment will be used to fund program administration costs including administration, planning, and technical assistance for projects funded under this program. The designated recipient has pre-award authority to incur administrative costs for Section 5310. Program administration costs are funded at 100 percent federal share.

The Section 5310 program provides that of the amounts apportioned to the designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the



special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Valley Transit at their discretion with the certification that there are no other eligible recipients can use the 55 percent capital available.

The remaining funds after the 10 percent administration cost and the minimum 55 percent capital are available for transportation operation projects that:

- a. exceed the ADA minimum requirements;
- b. improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service, or
- c. provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

Such projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although they may be used by the general public. It is not sufficient that seniors and individuals with disabilities are included (or assumed to be included) among the people who will benefit from the project.

Valley Transit as the designated recipient can use operating funds toward services for elderly and disabled individuals.

## **FUNDING CYCLE**

The Appleton TMA receives funding for the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program annually, but solicits applications on a biennial basis. Every odd year the Appleton TMA will solicit projects for the following two program years. Project recipients are selected based on project rankings.

**Disclaimer:** projects select for the second year of the biennial solicitation will be selected based on the previous year funding levels and are subject to change when final funding numbers are received.

## ROLES AND RESPONSIBILITIES

The following tables (**Table 1** and **Table 2**) detail the roles and responsibilities for the Appleton TMA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program.

**Table 1: Appleton TMA 5310 Program Roles and Responsibilities**

<b>Task</b>	<b>Responsible Party</b>
Developing and maintaining the 5310 program management and coordination plan for the Appleton Urbanized Area.	ECWRPC
Developing and managing Outagamie, Calumet and Winnebago County's coordinated public transit-human services transportation plan.	ECWRPC
Include 5310 in annual budget.	Valley Transit
Notifying eligible sub recipients of the program and the program's requirements.	ECWRPC
Providing technical assistance to eligible sub recipients.	ECWRPC/Valley Transit
Providing demographic data to help sub recipients comply with Title VI requirements.	ECWRPC
Utilizing ECWRPC's application form and evaluation criteria to ensure consistency among sub recipients who have to apply to multiple agencies for the same project.	ECWRPC/Valley Transit
Determining applicant eligibility.	ECWRPC/Valley Transit
Conducting the competitive selection process.	ECWRPC/Valley Transit
Forwarding an annual program of projects (POP) and grant application to the FTA through TRAMS.	Valley Transit
Ensuring that all sub-recipients comply with federal requirements.	ECWRPC/Valley Transit
Creating a selection subcommittee of ECWRPC, Valley Transit staff and a transit advocate or community representative to review project applications and rank them according to established criteria.	ECWRPC/Valley Transit
Ensuring sub-recipient meets procedures documented in the program management and coordination plan.	ECWRPC/Valley Transit
Present project funding recommendations to Fox Cities Transit Commission for approval.	ECWRPC/Valley Transit
Collecting all approved projects for inclusion in the Transportation Improvement Program (TIP).	ECWRPC
Certifying that allocations of grants to sub-recipients are distributed on a fair and equitable basis.	ECWRPC/Valley Transit
Certifying that all projects are derived from a locally developed, coordinated public transit-human services transportation plan developed through a process that consists of representatives of public, private, and non-profit transportation and human services providers with participation by the public.	ECWRPC
Protest Procedures.	Valley Transit/ECWRPC
Developing, executing, managing, and amending grant agreements with sub recipients.	Valley Transit

**Table 1: Appleton TMA 5310 Program Roles and Responsibilities**

<b>Task</b>	<b>Responsible Party</b>
Applying for federal funds and managing the program's federal grants. This includes developing the program of projects, grant reporting, and grant closeouts.	Valley Transit
Working with sub recipients to procure capital items.	Valley Transit
Processing payments, drawing down federal funds, and completing financial audits.	Valley Transit
Collecting and maintaining financial reports, operating statistics, and vehicle data from sub recipients.	Valley Transit
Ensuring program measures and reporting are properly tracked, collected and submitted as required.	Valley Transit
Monitoring sub recipient compliance with federal requirements.	Valley Transit
Conducting on-site inspections of sub recipient projects.	Valley Transit
Amending Valley Transit's Title VI plan, Equal Employment Opportunity (EEO) plan, and Disadvantaged Business Enterprise (DBE) goals to include the Section 5310 Enhanced Mobility program.	Valley Transit
Reviewing sub recipients' Title VI, EEO, and DBE programs.	Valley Transit/ECWRPC
Investigating and addressing Title VI, EEO, and DBE complaints.	Valley Transit/ECWRPC
Monitoring sub recipients' adherence to maintenance plans and safety standards.	Valley Transit

**Table 2: Eligible Sub recipient Roles and Responsibilities**

Paying the local share of the project costs.
Working with Valley Transit to procure capital items.
Inspecting, insuring, and maintaining all vehicles funded through the program.
Completing and submitting acceptance certifications to Valley Transit upon vehicle delivery.
Using the funds obtained through the program for the purpose(s) identified in the project application.
Submitting financial reports, operating statistics, and vehicle data to Valley Transit.
Submitting to on-site inspections as requested by Valley Transit.
Complying with all applicable state and federal requirements.

## **PROJECT SELECTION AND METHOD OF DISTRIBUTING FUNDS**

Projects selected to receive funds under the Appleton TMA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program are based on the project evaluation criteria. The criteria are different depending if the applicant is applying for a vehicle versus a New Freedom type project.

New projects will be considered for award if funds are available after prior year/existing projects, which meet or exceed stated goals, are funded.

The criteria for the project evaluation are listed below.

## **Vehicle Purchase**

### ***Demonstration of Need and Service Benefits***

- Clearly describes the service using 5310 vehicles and how it meets the eligibility requirements.
- For current recipients with services using 5310 vehicles, outlines how their current service using 5310 vehicles meets or exceeds their organization's expectations and /or goals.
- For new recipients with services using 5310 vehicles, outlines goals and expectations for their proposed service using the requested 5310 vehicles.

### ***Promotes the Development of a Coordinated Network***

- Describes how the service using 5310 vehicles contribute to the capacity of the community/region to develop and implement coordinated services.
- Shows what steps will be taken to ensure a coordinated effort with other local agencies/providers serving the disabled population.
- For current recipients with services using 5310 vehicles, describes how the service using 5310 vehicles currently contributes towards coordinated services.
- For new recipients with services using 5310 vehicles, describes how the service using requested 5310 vehicles will coordinate services.

### ***Financial and Technical Capacity***

- Describes organization's capacity to manage the project and funds.
- Outlines organization's history of successfully managed state and/or federal transportation funds.
- Describes how current project outcomes demonstrate an effective use of federal funds.

### ***Budget***

- Itemized budget clearly and correctly designates expenses.
- Additional funding sources are clearly identified.

## **New Freedom Type Projects**

### ***Demonstration of Need and Project Benefits***

- Clearly describes the project and how it meets the eligibility requirements.
- Clearly describes the demographics in the project area and what percentage of that population will be served by this project.
- Describes how and why the project is important to seniors and individuals with disabilities and will help them overcome transportation barriers.
- Describes how the project supports an unmet need and provides access to important destinations.
- Describes how the project builds capacity and provides access to important destinations.
- Includes specific outcomes and benefits supported by data.

- If communication or marketing is fundamental to the success of the project, then provide plan outline.
- For current New Freedom-funded projects, outlines how current project meets or exceeds goals.
- For current New Freedom-funded projects, describes what progress has been made and how continued funding will benefit seniors and individuals with disabilities.

### **Promotes the Development of a Coordinated Network**

- Identifies existing transportation services available and how the proposed project will complement rather than duplicate those services.
- Describes how the project contributes to the capacity of the community/region to develop and implement coordinated services.
- Identifies steps that will be taken to ensure a coordinated effort with other local agencies/providers serving the disabled population.
- Identifies project partners and stakeholders and their role in the project.
- For current New Freedom-funded projects, describe how project contributes towards coordinated services.
- For current New Freedom-funded projects, describe how project contributes to expanded capacity.

### **Budget/Financial and Technical Capacity**

- Project shows a cost effective use of funds.
- Projects have reasonable administration costs when compared to total project cost.
- Itemized budget clearly and correctly designates expenses.
- Local match sources are clearly demonstrated in the itemized budget and are from secure sources as evidenced by support letters.
- Describes experience providing transportation or related services to seniors and individuals with disabilities.
- Describes the organization's capacity to manage the project and funds.
- Describes the organization's history of successfully managed state and/or federal transportation funds.
- For current New Freedom-funded projects, describes how current outcomes demonstrate an effective use of federal funds.

The applications received for the Appleton TMA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program are reviewed and scored based on the criteria above by the selection subcommittee. Following the review, the selection subcommittee will take their recommendations to Fox Cities Transit Commission and ECWRPC for approval.

## **PROTEST PROCEDURES**

### **Applicability**

These protest procedures apply to all Valley Transit formal competitive solicitations, unless different procedures are included in the documents. Solicitations that intend to utilize the protest procedures set forth herein should include a reference to these procedures. As used in this

section, an “interested party” is any person or entity that has timely submitted a bid or proposal in response to a formal solicitation. Protests may only be filed by an interested party.

### **Guidelines for Protests**

- **Strict compliance.** Strict compliance with the protest procedures is required. No statement by Valley Transit employees, officers, or agents will modify or otherwise alter the protest procedures. Only Valley Transit’s governing boards are authorized to modify these procedures, or the protest procedures set forth in the applicable procurement documents.
- **Exhaustion of Remedies Required Prior to Pursuing Protest with Federal Funding Agency or Any Legal Action in Any Court or Tribunal.** The protest procedures are intended to constitute administrative remedies that must be exhausted prior to an interested party commencing any legal action or requesting review by any applicable federal funding agency.
- **Deadline.** Protests must be filed promptly after the basis for the protest is known, but no later than:
  - Protests relating to the solicitation must be submitted in writing no later than five (5) working days from the date of the first published advertisement.
  - Protests relating to the evaluation process must be submitted in writing no later than five (5) working days from the postmarked date of written evaluation correspondence sent by the General Manager to the Provider.
  - Protest relating to the award must be submitted in writing no later than five (5) working days from the date of the award.
  - Protests relating to post-award issues must be submitted in writing no later than five (5) working days from the date that the protestor verbalizes the concern to the General Manager.
  - Requests for reconsideration (if data becomes available that was not previously known, or there has been an error of law or regulation) or appeal to a higher level must be submitted in writing no later than seven (7) working days from the date of the initial determination.
- **Contents of Protest.** Protests must clearly identify the interested party and the solicitation involved in the protest. Protests must completely and succinctly state each and every ground for protest in detail, its legal authority for each protest allegation, and the factual basis for such protest. The protest must include all factual and legal documentation in sufficient detail to establish the merits of the protest. Items that are not included in a protest shall be deemed waived and uncontested.
- **Filing of Protest.** Protests must be delivered to the Valley Transit offices at 801 S. Whitman Ave., Appleton WI 54914 during normal business hours (but in no event later than 5:00 p.m.) on or before the applicable deadline. Protests must be directed to the attention of the General Manager of Valley Transit.

## **Resolution**

Protests will be decided on the basis of written submissions and any other fact finding determined necessary or appropriate by Valley Transit. Valley Transit may establish a protest evaluation team and may consult with its legal counsel.

## **General Manager Response**

Upon receipt of a written protest, the General Manager will meet with the protestor within five (5) working days and attempt to resolve the matter informally. If information provided at the conference is to be considered in the protest decision it must be submitted in writing within three (3) days of the conference. The General Manager will respond in writing within five (5) working days of the meeting to each substantive issue raised in the written protest.

If the protestor is not satisfied and indicates an intention to appeal to the next step, the General Manager will temporarily suspend the solicitation process, provided that the protest has been timely filed before award, unless it is determined that:

- delivery or performance will be unduly delayed by failure to make the award promptly; or
- failure to make prompt award will otherwise cause harm to Valley Transit.

Each prospective Provider/Requestor will be advised of the pending protest if the protest is filed before the award.

## **Decision on Protest**

The General Manager will issue a written decision regarding the protest within thirty (30) days after the filing of the detailed statement of protest.

## **Local Appeal Procedure**

If the protestor makes a timely appeal of the General Manager's decision the matter will be forwarded to the Fox Cities Transit Commission (FCTC) for their review. The protestor will be notified in writing of the date that the appeal will be heard. The recommendation of the FCTC will then be forwarded to the Appleton Common Council for ultimate local disposition of the protest.

## **FTA Funded Projects**

When the protest involves an FTA funded project, the contract administrator will disclose information regarding the protest to FTA, and will keep the FTA informed about the status of the protest. If the protest alleges that Valley Transit has failed to follow its written bid protest procedures, the protestor may ask that FTA review the protest in accordance with FTA C4220.1E.

## **PRIVATE SECTOR PARTICIPATION**

Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in

developing transportation plans and programs in the urbanized areas. As result of federal law, each applicant applying for Appleton TMA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program funds must comply.

Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process. Applicants must publish a public notice in the proposed project area’s newspaper of record that allows 30 days for responses, and the applicant must submit the publisher’s affidavit with the project application.

**PROJECT APPLICATION PROCESS AND SCHEDULE – ODD YEARS**

<b>Task</b>	<b>Month Completed</b>
ECWRPC informs sub recipients of upcoming application cycle.	<i>June 1<sup>st</sup></i>
ECWRPC distributes application materials.	<i>June 15<sup>th</sup></i>
Sub recipient applicants publish public notice to other transportation providers in local newspaper.	<i>June 15<sup>th</sup> – August 15<sup>th</sup> (two month period)</i>
Sub recipient applicants’ mail letter to other transportation providers of intent to apply.	<i>June 15<sup>th</sup> – August 15<sup>th</sup> (two month period)</i>
Completed applications are submitted to ECWRPC.	<i>August 15<sup>th</sup></i>
Applications are ranked based on criteria.	<i>August 15<sup>th</sup> to October 1<sup>st</sup> (six weeks)</i>
Recommendations are presented to Fox Cities Transit Commission.	<i>Mid-November</i>
ECWRPC notifies applicants on project selection outcome.	<i>End of November (no later than December 1<sup>st</sup>)</i>

\*Contingent on WisDOT’s release of application materials



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## **CIVIL RIGHTS**

The Appleton Urbanized Area's Section 5310 Enhanced Mobility program application packet contains exhibits and certifications that address the civil rights requirements under Title VI. The packet also addresses EEO and DBE regulations.

### **TITLE VI**

#### **Assurances**

Valley Transit annually signs the FTA Annual List of Certifications and Assurances for Federal Transit Administration grants and cooperative agreements, which binds Valley Transit to all civil rights requirements.

#### **Valley Transit's Title VI Program**

Valley Transit prepares an annual report of Title VI accomplishments and changes to the program in the preceding federal fiscal year, and identifies goals and objectives for the upcoming year as required.

#### **Appleton Urbanized Area**

The following sets forth the procedure that will be followed in monitoring the level and quality of transit service provided to minorities in the Appleton area in compliance with Title VI regulations. For monitoring purposes, minority areas will be defined at the census tract level since more disaggregate data is not available. All minority tracts will be monitored.

##### **A. LEVEL OF SERVICE**

To assess level of transit service to minority areas, headways, vehicle loads, vehicle assignment, service access, and distribution of amenities will be compared with service policies and standards for the entire system. The standards will be as defined in the most recent TDP and management plan.

##### **B. QUALITY OF SERVICE**

Quality of service is currently monitored through passenger surveys designed to provide information about passenger demographics, trip purposes, and service ratings. For purposes of monitoring the quality of transit service in minority tracts, future passenger surveys will be coded in order to identify responses from minority routes for comparison with responses from non-minority routes. The passenger surveys will also be designed to identify the three most-traveled-to destinations in order to compare travel time, transfers, and trip costs to these destinations from minority and non-minority tracts.

##### **C. CORRECTIVE ACTION**

Where inequities in service are identified or perceived by transit users in minority areas, a review of corrective action will be undertaken. Actions involving service level changes will be addressed through the existing decision-making structure.

#### **D. MONITORING FREQUENCY**

An assessment of service level, vehicle assignment, load factors, distribution of facilities, and service access in minority areas was done in the original Title VI documentation for the Appleton Area in 1978 and updated in subsequent submissions. Future monitoring reviews will be undertaken when major service changes occur and upon publication of new census information.

#### **Public Notice**

Valley Transit/City of Appleton, as recipients of Federal Funding, assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Valley Transit sponsored program or activity. Valley Transit further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Any individual, group of individuals, or entity that believes they have been subjected to discrimination relating to the provision of transportation services or transit related benefits may file a complaint with Valley Transit, the Federal Transit Administration, and/or the Department of Transportation.

Contact Information:  
Valley Transit  
Attn: Title VI Officer  
801 S. Whitman Ave.  
Appleton, WI 54914  
Telephone: 920-832-5800  
Fax: 920-832-1631  
Email: [valley.transit@appleton.org](mailto:valley.transit@appleton.org)

Additional information and complaint forms are available on our website - [www.myvalleytransit.com](http://www.myvalleytransit.com).

#### **How to File a Title VI Complaint**

All of the services that Valley Transit provides are offered without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964. If you feel that you have been denied the benefits of, excluded from participation in, or subject to discrimination on the basis of race, color, or national origin by Valley Transit, you have the right to file a complaint to Valley Transit management and/or the Federal Transit Administration. The easiest method to file a complaint with Valley Transit is to fill-out a complaint form. Complaint forms are available at the Transit Center, Valley Transit's Administrative Offices, or on our website at [www.myvalleytransit.com](http://www.myvalleytransit.com). Complaints may be submitted by any of the options previously mentioned. Title VI complaints may also be filed with the Federal Transit Administration:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

## LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Valley Transit's Limited English Proficiency Plan has been prepared to address its responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funding including Valley Transit which receives federal assistance through the Federal Transit Administration (FTA).

Valley Transit has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English Proficiency (LEP) who wish to access services provided by the transit authority. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, Valley Transit is using the United States Department of Transportation (U.S. DOT) outline of a four-factor LEP analysis, which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Valley Transit program, activity or service.
2. The frequency with which LEP persons come in contact with Valley Transit programs, activities or services.
3. The nature and importance of programs, activities or services provided by Valley Transit to the LEP population.
4. The resources available to Valley Transit and overall cost to provide LEP assistance.

### Program Administration

Valley Transit maintains the following:

- A record of funding requests received from private non-profit organizations, state or local governmental authorities, and Native American tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.

- Description of the criteria for selecting entities to receive funding from the Appleton Urbanized Area's Section 5310 Enhanced Mobility program, which are found in current grant applications and in this management and coordination plan. This description shall emphasize the method used to ensure the equitable distribution of funds to sub recipients that serve predominantly minority populations, including Native American tribes, where present.

## **SUBRECIPIENT RESPONSIBILITIES**

Through annual grant agreements, sub recipients agree to comply with all applicable civil rights statutes and regulations. These include Title VI of the Civil Rights Act, Equal Employment Opportunity, and Americans with Disabilities Act. Section 5310 Enhanced Mobility program sub recipients annually sign FTA's certifications and assurances in their grant agreements with Valley Transit.

Section 5310 Enhanced Mobility program sub recipients must submit their Title VI programs to Valley Transit. Valley Transit will develop a schedule that outlines the frequency with which sub recipients must submit their Title VI programs. A sub recipient's Title VI program must be approved by the sub recipient's appropriate governing entity or official(s) responsible for policy decisions (e.g., board of directors, mayor, tribal executive, city administrator, etc.). Sub recipients must submit a copy of the board resolution, meeting minutes, or similar documentation as evidence of approval. The contents of the sub recipient's Title VI program are also determined by FTA Circular 4702.1B. It includes all of the following elements:

- A copy of the Title VI notice to the public that indicates the sub recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI as well as a list of the locations where the notice is posted.
- A copy of instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.
- A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the sub recipient since the time of the last Title VI program submission.
- A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI program submission.
- A copy of the plan for providing language assistance to persons with limited English proficiency (LEP), based on the U.S. Department of Transportation's LEP guidance.
- Sub recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
- Additional information is required depending on whether or not the sub recipient is a fixed route transit provider or has received funding to construct a facility.

### **Valley Transit Oversight**

Valley Transit oversees sub recipient compliance with Title VI as follows:

- Grant Agreements - Through annual grant agreements, the sub recipient agrees to comply with applicable civil rights statutes and regulations, including Title VI of the Civil

Rights Act, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE). The annual Federal Certifications and Assurances for Federal Transit Administration Assistance, signed by all sub recipients, contain the Title VI, EEO and DBE certification.

- Review of Sub recipient's Title VI program – Valley Transit reviews the contents of Title VI program materials as submitted by sub recipients, including public notification language, LEP, complaint procedures and complaint form, and public participation and outreach. Valley Transit provides sample materials and technical assistance to sub recipients in developing a compliant Title VI program.
- Investigation/Monitoring of Title VI complaints (or potential complaints and/or lawsuits) - As part of its annual application, Valley Transit requires sub recipients to report any Title VI complaints or lawsuits. Sub recipients may contact Valley Transit at any time during the year to report Title VI complaints, potential complaints, and/or lawsuits. Valley Transit may also receive complaints regarding sub recipients or their contractors directly from the public. When a complaint is deemed a civil rights issue, Valley Transit staff will consult with the Appleton TMA as appropriate.
- Annual Applications/On-site Visits – During on-site visits or the annual application review, Valley Transit staff will verify the physical location of the public notification language (and/or on website, in promotional materials, etc.) as stated in the sub recipient's Title VI program. During this time, Valley Transit also discusses with the sub recipient any new or potential opportunities for public participation and public outreach that may present themselves since the previous submission of the sub recipient's Title VI program.

Valley Transit, the ECWRPC, and WisDOT assist sub recipients with compliance as follows:

- Valley Transit provides sample notification language, sample Title VI complaint form and sample Title VI complaint procedures to sub recipients.
- ECWRPC provides demographic data to assist sub recipients in conducting their four-factor analysis and subsequently developing their LEP plan.
- WisDOT maintains a list of departmental staff that together speaks over 20 foreign languages and are available as needed to assist in the translation of vital documents.

## **Contractors**

Contractors and subcontractors are not required to submit a Title VI report. However, they are responsible for complying with the Title VI program of the recipient with whom they are contracting. Recipients and sub recipients are responsible for ensuring that their contractors are complying with their Title VI program and Title VI regulations.

## **Disadvantaged Business Enterprise (DBE)**

The objectives of the U.S. Department of Transportation's (DOT) DBE regulations, as specified in 49 CFR Part 26, are to:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the DOT's highway, transit, and airport financial assistance programs.
2. To create a level playing field upon which DBEs can compete fairly for DOT-assisted contracts.

3. To ensure that the DOT's DBE program is narrowly tailored in accordance with applicable law.
4. To ensure that only firms that fully meet the DBE eligibility standards are permitted to participate as DBEs.
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts.
6. To assist with the development of firms that can compete successfully in the marketplace outside the DBE program.

Valley Transit has developed and administers its DBE program plan. The plan outlines policies and procedures established to satisfy the DBE requirements.

Valley Transit staff works closely with sub recipients to address DBE requirements. In goal setting, three-year goals are established based on anticipated FTA-funded contracting opportunities by both sub recipients and Valley Transit. Contract-specific goals may also be established and these goals may require a greater amount of sub recipient technical assistance from Valley Transit and/or the ECWRPC. Work with sub recipients also includes the ongoing collection of data for contract monitoring and reporting on FTA-funded contracts.

Valley Transit's DBE program plan has been submitted to and approved by FTA. Any plan updates with significant changes are also submitted to FTA. Key provisions of the plan address the following:

- general requirements;
- administrative requirements;
- goals, good faith efforts, and counting;
- certification standards; and
- compliance and enforcement.

All DBE submissions to FTA are completed by Valley Transit staff using the FTA TEAM system. This includes the DBE program plan and all required reporting.

Valley Transit completes a non-discrimination assurance for DBE with each FTA grant applicant. As with other civil rights areas, sub recipients agree to comply with all applicable civil rights statutes and regulations in annual grant agreements. Section 5310 Enhanced Mobility program sub recipients annually sign FTA's certifications and assurances in their grant agreements with Valley Transit. In addition, each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) includes a similar assurance of non-discrimination.

During the application process, sub recipients are asked to identify potential contracting/procurement opportunities. Valley Transit and WisDOT staffs work with sub recipients to identify potential DBE participation for contracting and procurement opportunities. Valley Transit and WisDOT staffs also ensure that sub recipients use appropriate DBE contract language in their solicitations. WisDOT's Office of Business Opportunity and Equity Compliance (OBOEC) provides assistance to potential DBEs to become certified and maintains the Unified Certification Program Directory. Sub recipients must report to Valley Transit as required on DBE goal achievement on all FTA-funded contracting.

## **Equal Employment Opportunity**

Valley Transit 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.

### ***Valley Transit's EEO Policy***

It is the official policy of the City of Appleton to provide equal employment opportunities for all qualified and qualifiable persons without regard to race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours, or any other non-merit factors, except where such factors constitute a bona fide occupational qualification or substantially relate to the circumstances of a particular job or licensed activity, and with proper regard for privacy and constitutional rights as citizens. This equal employment opportunity is applicable to all phases of employment including job assignment, job restructuring, reasonable accommodation for disabled individuals, recruitment, selection, promotion, transfer, compensation, lay-off, re-call, training and development, corrective action, demotion, termination, leave or benefits, licensing or union membership, and all other components of the City of Appleton Human Resources system.

Currently, none of the Appleton Urbanized Area Section 5310 Enhanced Mobility program's sub recipients receive capital or operating assistance in excess of \$1 million or planning assistance greater than \$250,000 and also employ 50 or more transit related employees.

### ***EEO Assurances***

Valley Transit annually signs the FTA list of certifications and assurances for FTA grants and cooperative agreements, which binds Valley Transit to EEO regulations.

### ***Sub recipient Oversight***

**Assurance of Nondiscrimination:** Sub recipients sign and return, as part of their application for federal funding, the current nondiscrimination assurance form(s) provided as part of their application or contracting materials. If the form is not currently on file at Valley Transit, the sub recipient shall, upon request, sign and return such a form on a timely basis. Sub recipients shall also maintain a copy of this form in their civil rights file kept at their place of business that will be available for inspection upon request.

**Contract Documents:** Each Section 5310 Enhanced Mobility program contract between Valley Transit and sub recipients for the provision of FTA funding shall contain language that requires the sub recipient to comply with FTA regulations related to EEO. In addition, private providers under contract with sub recipients are required to comply with these regulations.

**Sub recipient EEO Plans:** If a sub recipient's transit-related staff reaches 50 or more and/or the dollar threshold for capital, operating, or planning assistance is met, Valley Transit will require the sub recipient to submit a formal EEO program to Valley Transit for review and



approval. Valley Transit will withhold the approval of future grants until it receives the required EEO plan from the sub recipient. Note that the Equal Employment Opportunity Act by definition explicitly exempts Native American tribes from its provisions.

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## MAINTENANCE

Consistent with federal requirements and Valley Transit sub recipient agreements, each sub recipient must maintain its facilities (and substantial facility components), vehicles, and other substantial assets.

Sub recipients are required to develop maintenance plans covering their federally-funded vehicles and facilities and to provide Valley Transit with a copy of their plan(s). Sub recipients must maintain all federally-funded property in good operating order and maintain ADA accessibility features.

Sub recipients are expected to develop their own maintenance plans, although WisDOT provides extensive written guidance on developing maintenance plans as well as sample plans upon request. Once adopted, sub recipients are monitored for adherence to the plans by Valley Transit staff for compliance during on-site visits.

Per the maintenance plan guidance document, WisDOT requires sub recipients to design and operate maintenance programs that include:

- Preventative maintenance practices and schedules for vehicles.
- Preventative maintenance practices for accessibility equipment.
- Preventative maintenance practices for facilities.
- A system for recording maintenance and repair activities.
- A process for authorizing and controlling maintenance activities and costs.
- Quality control for outsourced maintenance.
- A procedure for pursuing warranty recoveries.

Valley Transit solicits updated maintenance plans from its Section 5310 Enhanced Mobility program sub recipients in conjunction with their requests for funding. Valley Transit does not require Section 5310 sub recipients to resubmit maintenance plans that are already on file, but does require them to submit updated plans upon request whenever they have acquired new vehicles or other substantial assets not addressed in previously submitted plans.

Valley Transit requires all transit vehicles to meet safety standards and undergo inspections based on program and/or vehicle capacity. Valley Transit requires that all vehicles purchased with Section 5310 funds be registered as human service vehicles (HSVs) or municipal vehicles, and be plated accordingly. Regardless of how they are plated, all such vehicles are considered HSVs and as such are subject to annual HSV inspections conducted by the Wisconsin State Patrol per s. 110.05, Wis. Stats., and Wis. Admin. Code Trans 301. (Upon request, State Patrol also will conduct initial inspections right after vehicle delivery.) These inspections cover the integrity of vehicle safety and mechanical features.

Wisconsin Administrative Code Trans 301 addresses equipment and safety standards for HSVs. It adopts all federal regulations from 49 CFR 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR 571 (Federal Motor Vehicle Safety Standards), and 36 CFR 1192 (Americans with Disabilities Act [ADA] Accessibility Guidelines for Transportation Vehicles). Trans 301 also provides additional equipment standards and requirements and provides inspection and enforcement standards.

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## **SECTION 504 AND ADA REPORTING**

The annual Federal certifications and assurances for FTA Assistance, which is signed by all sub recipients, contains the ADA certification. Valley Transit staff verify compliance with Section 504 and ADA requirements while reviewing annual grant applications and during on-site visits.

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## SECTION 5310 ENHANCED MOBILITY PROGRAM MANAGEMENT

### PROCUREMENT

Valley Transit is the DR for the Appleton Urbanized Area's Section 5310 Enhanced Mobility program, thus all procurement activities are handled by Valley Transit with assistance from WisDOT Transit as needed.

All grant agreements require sub recipients to:

- Comply with all relevant federal procurement laws and regulations.
- Submit all third party contracts to Valley Transit for review and approval.

Valley Transit procedures require staff to review all federally-funded third party contracts to ensure federal contract clauses are included. Valley Transit, with assistance from WisDOT, will provide toolkits for assisting sub recipients with common procurements. Technical assistance for federal procurements is available from the Valley Transit project manager. Sub recipients may use the WisDOT sub recipient procurement assistance web page, <http://www.dot.wisconsin.gov/localgov/transit/procurement.htm>, which contains links to:

- The WisDOT procurement manual.
- FTA-compliant toolkits for micro and small purchases.
- FTA-compliant toolkit for shared-ride taxi requests for proposals (RFPs).
- System for Award Management (SAM).

WisDOT also has a toolkit for procuring architecture and engineering services according to Brooks Act requirements, and WisDOT Transit provides opportunities for training on federal procurement regulations.

### Buy America and Pre-Award and Post-Delivery Reviews

Procurement solicitations for rolling stock must include the federal Buy America requirements and Buy America pre-award certification requirements on all vendors submitting bids. For each vehicle type a vendor bids on, it must submit a Certification of Compliance with 49 U.S.C. 5323(j). If a vendor is unsure whether an offered vehicle is compliant with Buy America requirements, it may submit a Certification of Non-Compliance with 49 U.S.C. 5323(j) with its bid; however, it must provide documentation of an FTA-approved exception before the bid will be considered.

For each delivered FTA-funded vehicle, Valley Transit requires the vehicle recipient to complete a post-delivery Buy America compliance certification that declares it has received and reviewed appropriate Buy America documentation. Valley Transit will not pay the vendor until it receives this certification.

WisDOT's procurement manual details Buy America requirements and provides instructions for completing pre-award and post-delivery certifications for FTA sub recipients conducting their own procurements. Valley Transit (with WisDOT's assistance) provides technical support to sub recipients needing assistance with this or other aspects of their procurements.

## FINANCIAL MANAGEMENT

Valley Transit 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 associated with individual grants, contracts, and interagency agreements.
- Submitting federal financial reports in TEAM.
- Rectifying and closing out FTA grants when projects are completed.

## ASSET MANAGEMENT

Valley Transit maintains records for vehicles, facilities, and other substantial assets purchased with Section 5310 Enhanced Mobility program funds. These records are updated through the following:

- **Self-certification.** Using forms provided by Valley Transit, sub recipients verify the presence and status of vehicles, facilities, and other substantial assets.
- **On-site reviews.**
- **Transit Asset Management Plan (TAM).** Transit assets are collected and documented in the TAM and under continual review.

## CONTINUING CONTROL

Valley Transit ensures that all equipment used by sub recipients that is purchased with federal funds through the Section 5310 Enhanced Mobility program is used for the program or project for which it was acquired as follows:

- Valley Transit staff visits facilities and inspects vehicles to confirm usage during on-site visits.
- Valley Transit staff reviews operations and ridership reports to look for changing patterns.

## DISPOSITION OF ASSETS

In the event that a sub recipient no longer needs equipment purchased with federal funds through the Section 5310 Enhanced Mobility program and useful life remains, the equipment is transferred in accordance with FTA.

In the event a vehicle or other substantial asset has reached the end of its useful life, the sub recipient must receive approval from Valley Transit to dispose of the asset and appropriate use of revenue received for the asset.



If a sub recipient would like to dispose of a facility, the sub recipient must work with Valley Transit to follow federal disposition requirements.

### **ACCOUNTING SYSTEMS**

Sub recipients 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.

Valley Transit uses the same accounting system for the Section 5310 Enhanced Mobility program that it uses for its other state and federal grant programs.

Valley Transit uses the information contained in the quarterly reports to monitor sub recipients' fiscal and operational activities. Requests for reimbursement are approved by Valley Transit before being processed for payment.

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## **PROJECT MONITORING AND REPORTING REQUIREMENTS**

### **REPORTING REQUIREMENTS FOR VEHICLE PROJECTS**

#### **Quarterly Reports**

The following data must be submitted to Valley Transit on a quarterly basis for each vehicle purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility program:

- expenses;
- revenues;
- number of one-way trips;
- purpose of each one-way trip (medical, employment, social/recreational, education, etc.);
- number of service miles;
- number of service hours; and
- fuel consumption.

#### **Semi-Annual Reports**

The following data must be submitted to Valley Transit on a semi-annual basis for each vehicle purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility program:

- one-way trips provided by passenger type;
- rider-awardee relationship (e.g. client or non-client);
- purpose of each one-way trip (medical, employment, social/recreational, education, etc.);
- trip expenses;
- trip miles; and
- service times.

#### **Annual Reports**

The following data must be submitted to Valley Transit on a fleet-aggregated basis for the vehicles purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility program:

- number of one-way trips;
- purpose of each one-way trip (medical, employment, social/recreational, education, etc.);
- number of eligible riders in the awardee's service area; and
- county (ies) served.

Valley Transit uses these reports to monitor awardee fiscal and operational management and to satisfy federal reporting requirements.

Valley Transit also schedules on-site visits with awardees on a triennial cycle to review operations and maintenance records. Valley Transit staff may request and review other records and documentation if the initial review uncovers any concerns or unresolved questions.

## Reporting Requirements for Non-Vehicle Capital and Operating Projects

Valley Transit uses the sub recipient's application, budget, and milestones to monitor and evaluate performance of non-vehicle capital and operating projects. Sub recipients are required to report the following information on a quarterly basis:

- expenses;
- revenues; and
- progress toward attaining the goals and milestones identified in the project application.

Valley Transit uses these reports to monitor the sub recipient's fiscal and operational management. Any proposed deviation from what is identified in the project application must be approved by Valley Transit prior to implementation. If the proposed deviation is deemed to be substantial by Valley Transit and ECWRPC staff, the application must be modified and presented to the Fox Cities Transit Commission for approval.

The reporting form tracks (as applicable):

- Financial information (expenses, reimbursement request, etc.).
- Number of information-based contacts through call centers, websites, mobility managers, and/or training.
- Capital investments added as part of the grant.
- Milestone progress including current quarter activities, outcomes, and accomplishments.

Valley Transit will schedule on-site visits with sub recipients on a triennial cycle. In addition, to improve sub recipient monitoring procedures, Valley Transit staff may request and review supporting documentation, including local match documentation, for one sub recipient's reimbursement request per quarter. Selection of the reimbursement request will be based on either a risk assessment or random selection.

## OTHER PROVISIONS

### ENVIRONMENTAL PROTECTION

Most projects and activities funded through the Section 5310 Enhanced Mobility program 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 and prepare environmental documentation.

FTA classifies categorical exclusions (CE) into two groups:

- CE 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, operating assistance and the purchase of transit vehicles).
- CE 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 CE after review of documentation. In order to receive a documented CE, a sub recipient must complete a CE checklist, including an Environmental Justice (EJ) analysis. WisDOT will first review the completed checklist before sending it to FTA, which has final authority to grant the CE. For a copy of the checklist and more detail on the review process, see the *WisDOT Transit Procedures and Oversight Manual*.

Even if a project is determined to be a CE, there may be other relevant state and federal environmental protection requirements that must be satisfied (depending on the project’s type and location).

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

### SCHOOL TRANSPORTATION

To ensure there are no sub recipients currently operating exclusive school bus service or operating school tripper service in the project area. The Federal Certifications and Assurances for FTA grants require the sub recipient to certify compliance with each annual sub-grant agreement.

Valley Transit oversees compliance with the prohibition by monitoring route schedules submitted with application materials, on websites, and/or in promotional materials with route schedules. Valley Transit staff also looks for signs that might indicate exclusive school bus service (e.g., a school route only) during vehicle inspections.

## **DRUG AND ALCOHOL TESTING**

Sub recipients that receive Section 5310 Enhanced Mobility program funds are not subject to FTA's drug and alcohol testing rules. However, these sub recipients must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold commercial driver's licenses (49 CFR Part 382).

**APPENDIX A.**

**INSERT RESOLUTION 12-13 SUPPORTING VALLEY TRANSIT AS 5310 ADMINISTRATOR**

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**APPENDIX B.**  
**5310 DESIGNATED RECIPIENT LETTER**

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**APPENDIX C.**

**CITY OF APPLETON MEMORANDUM OF UNDERSTANDING**

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**APPENDIX D.  
ECWRPC RESOLUTION**

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# EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

Martin Farrell, Chair  
Jeff Nooyen, Vice-Chair  
Eric Fowle, Secretary-Treasurer

## COMMISSION MEMBERS

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Hope Karth  
Merlin Gentz  
Rick Jaeckels

### FOND DU LAC COUNTY

Martin Farrell  
Brenda Schneider  
Karyn Merkel  
(Joseph Moore, Alt.)  
Allen Buechel  
Charles Hornung

### MENOMINEE COUNTY

Ruth Winter  
Elizabeth Moses  
(Jeremy Johnson, Alt.)  
James Lowey

### OUTAGAMIE COUNTY

Thomas Nelson  
Daniel Rettler  
Timothy Hanna  
Jeff Nooyen  
Michael Thomas  
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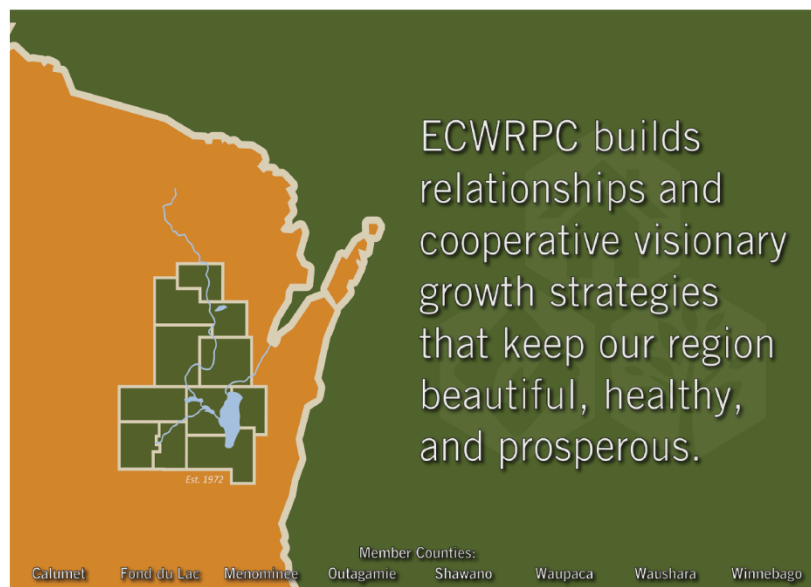
Donna Kalata  
Larry Timm  
Neal Strehlow

### WINNEBAGO COUNTY

Mark Harris  
Shiloh Ramos  
(David Albrecht, Alt.)  
Ernie Bellin  
Steve Cummings  
Ken Robl  
Robert Schmeichel

### EX-OFFICIO MEMBERS

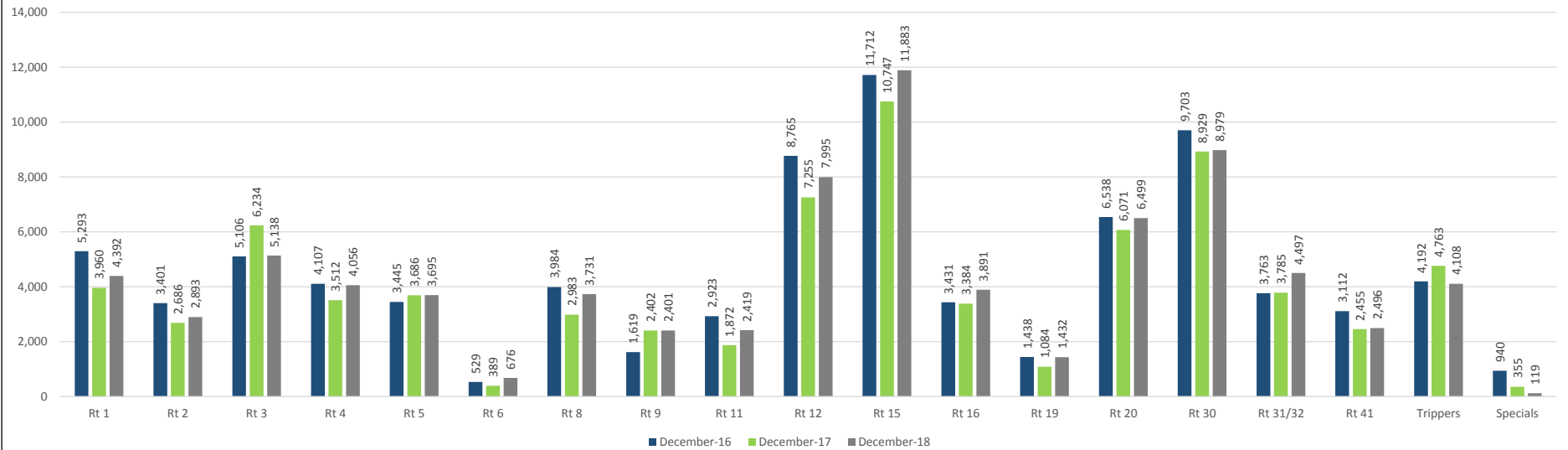
Jill Michaelson  
Ronald McDonald



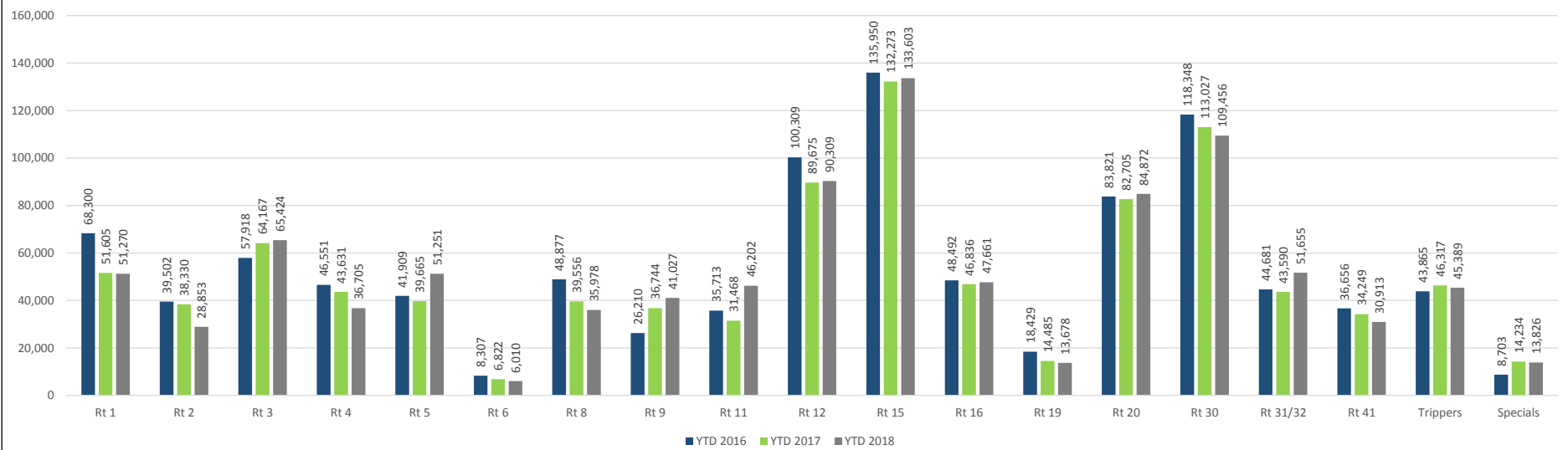


## Valley Transit Ridership Report December 2018

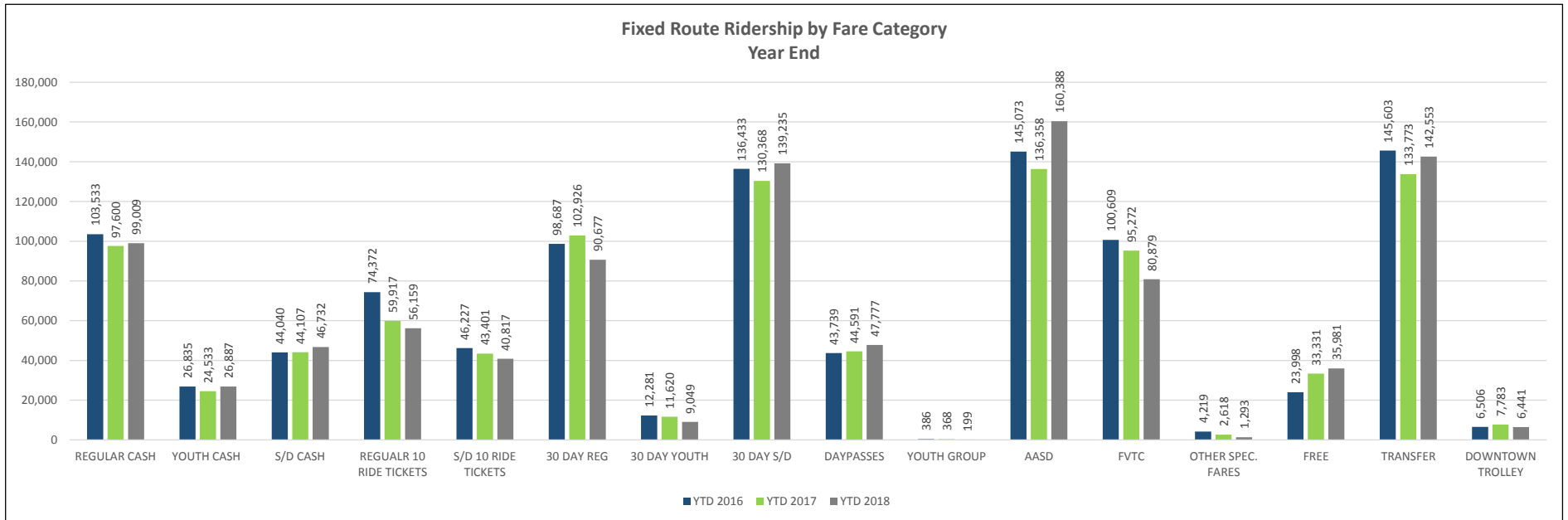
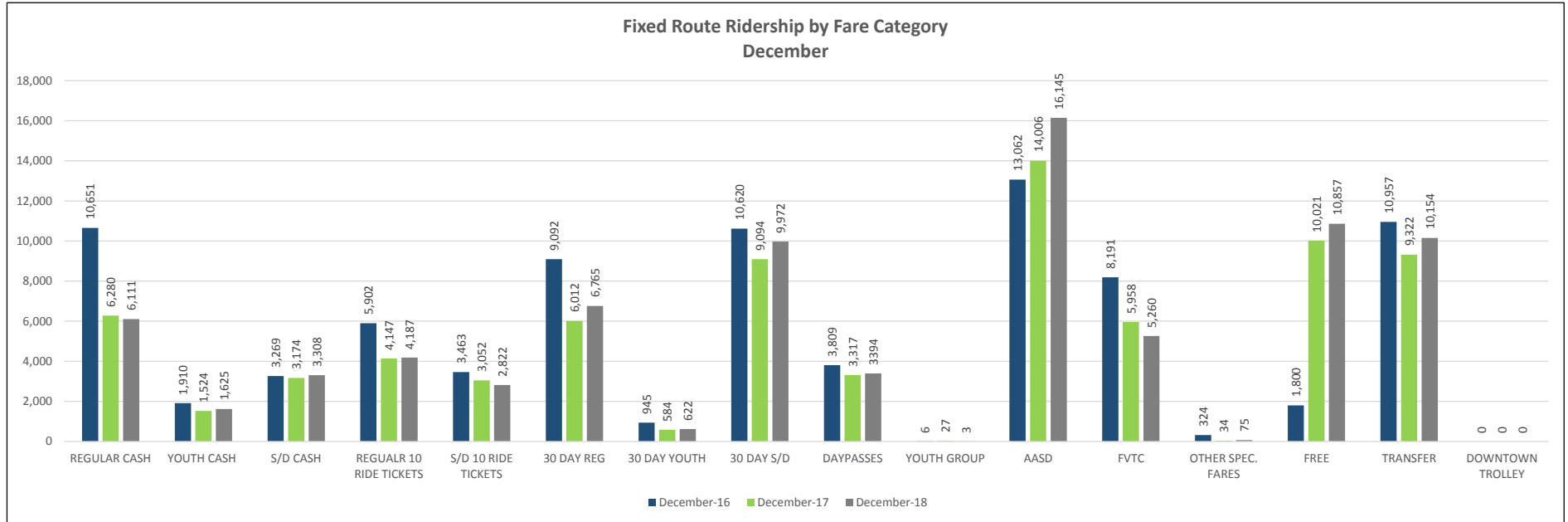
### Fixed Route Ridership by Route December

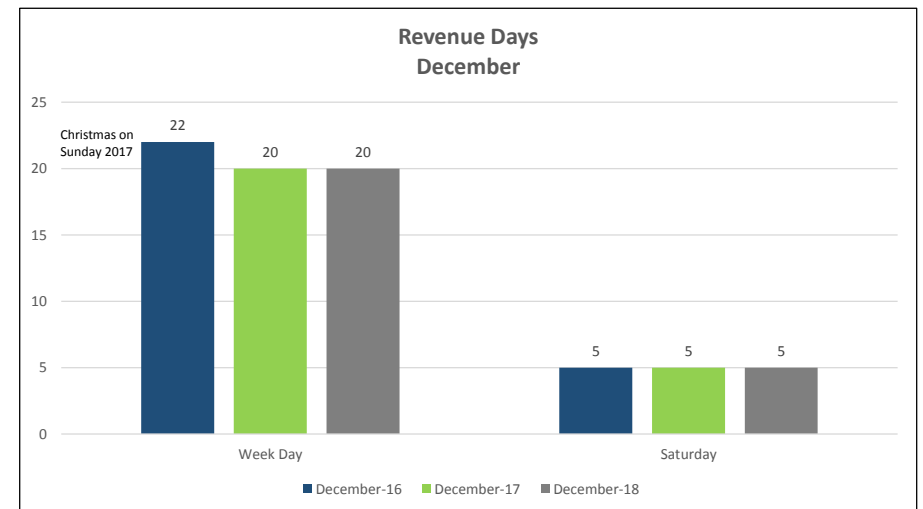
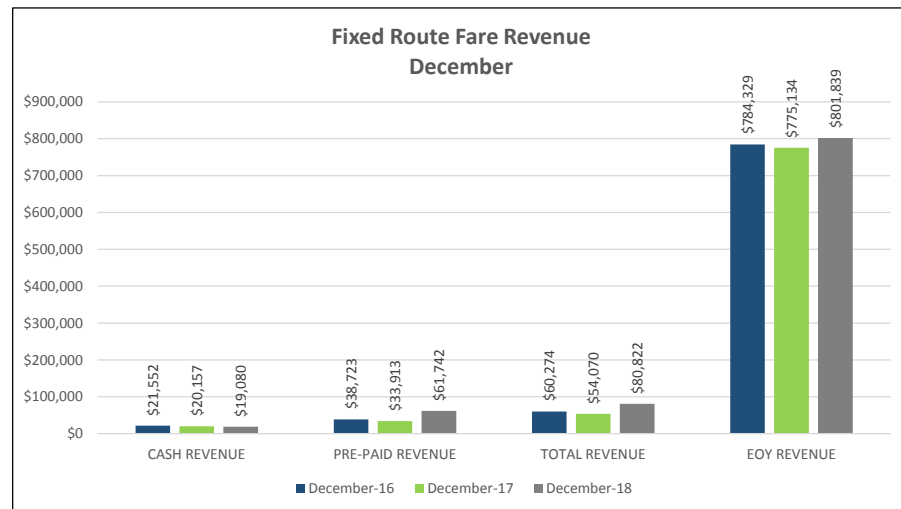
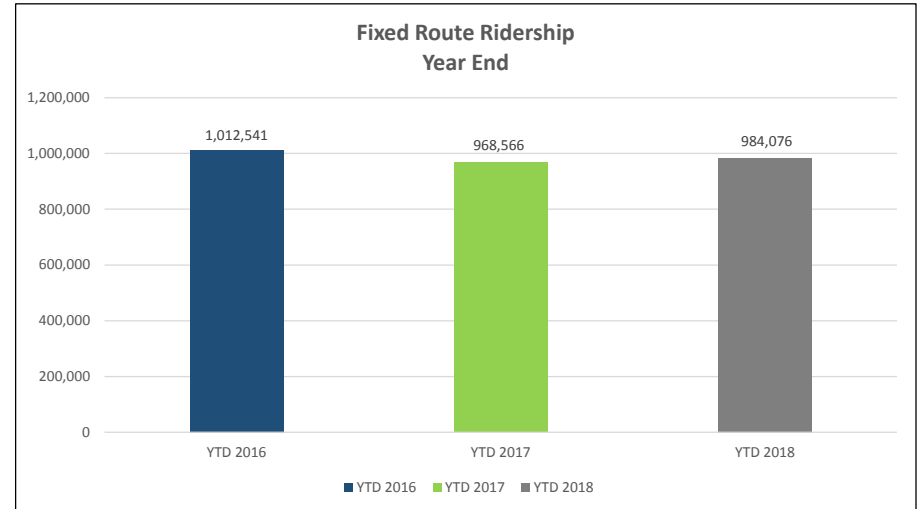
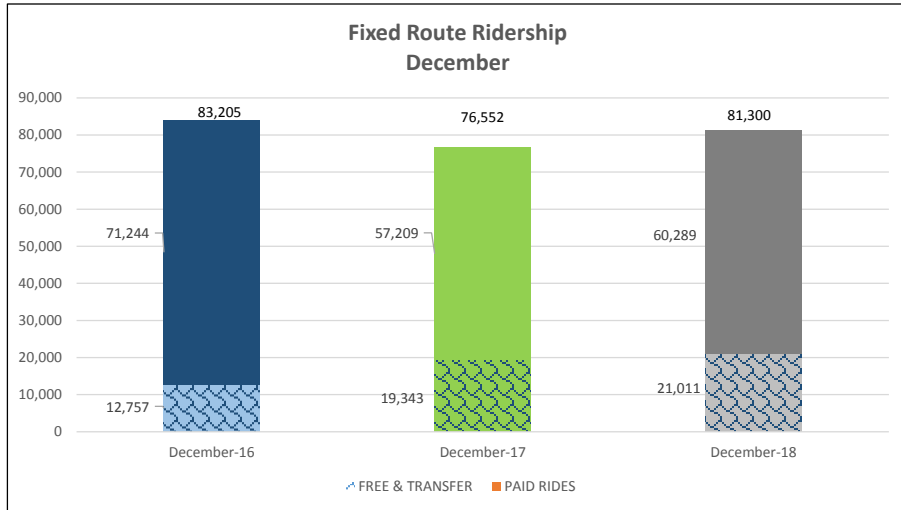


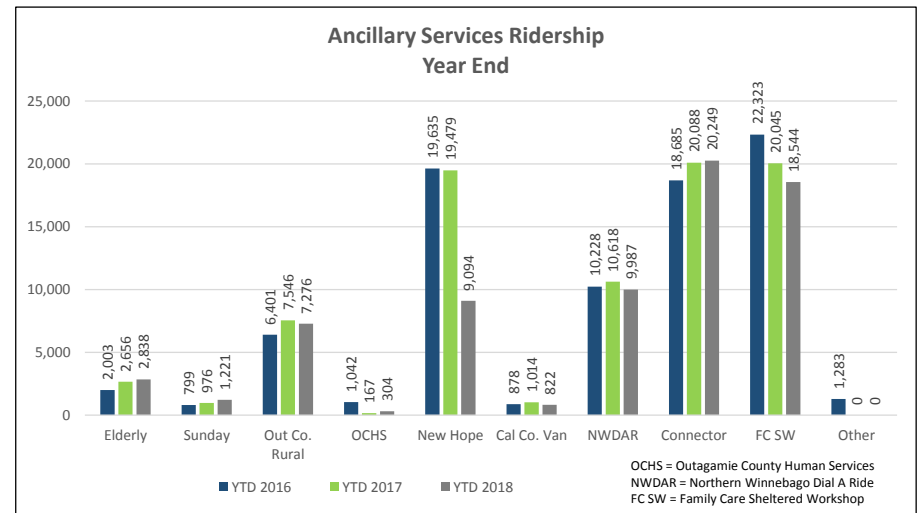
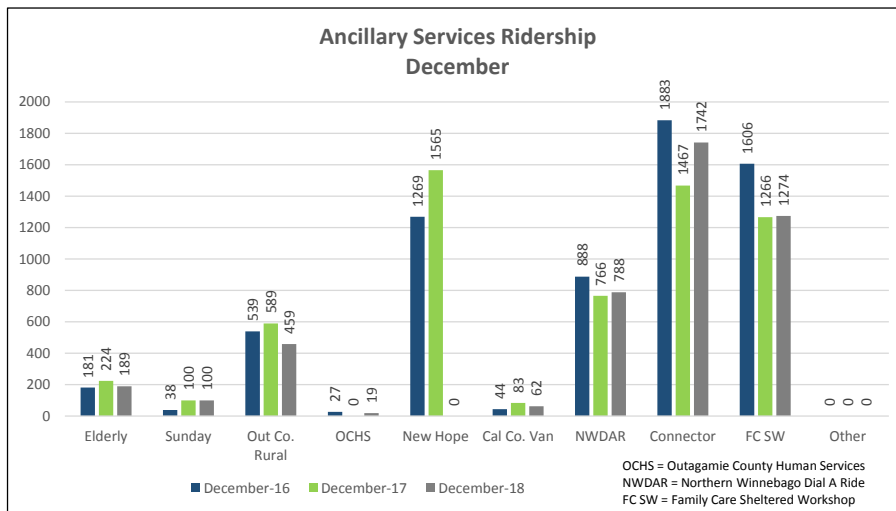
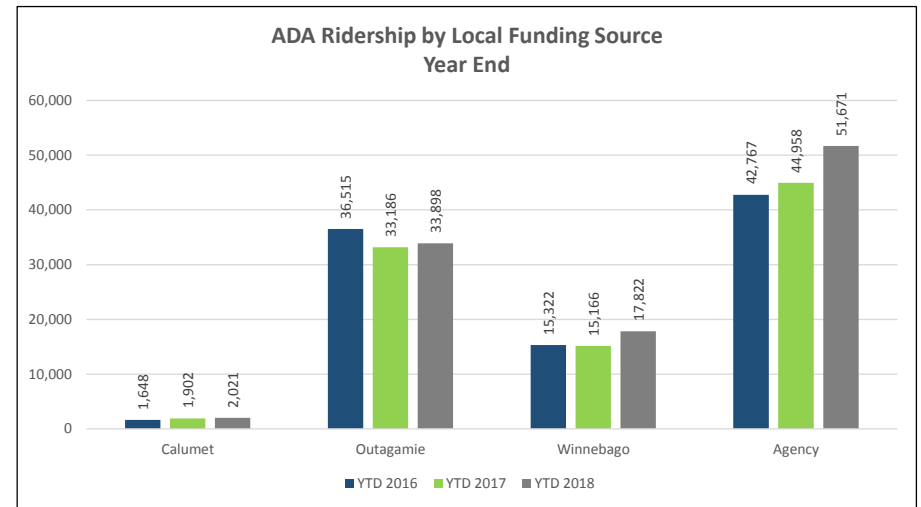
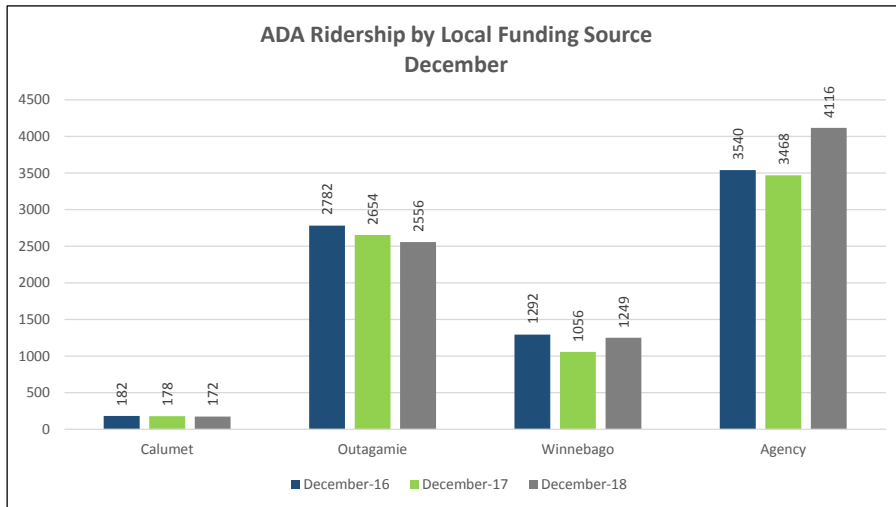
### Fixed Route Ridership by Route Year End

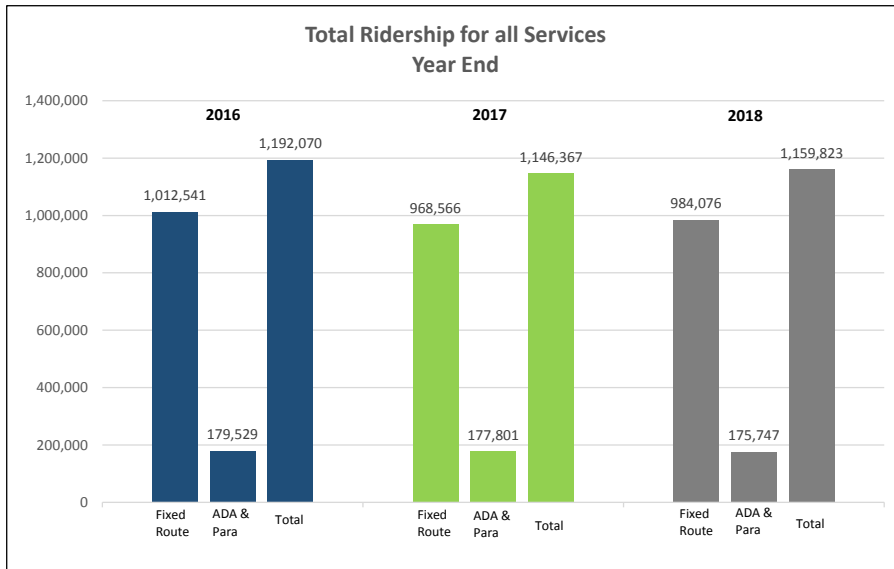
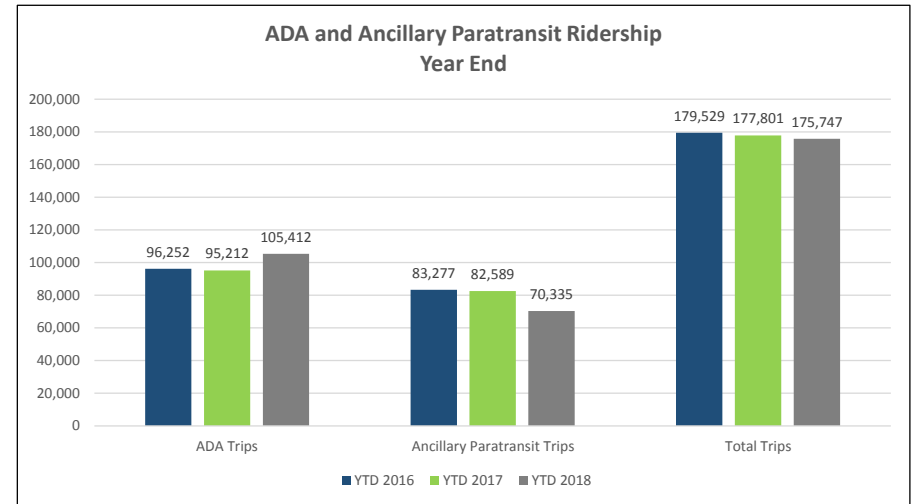
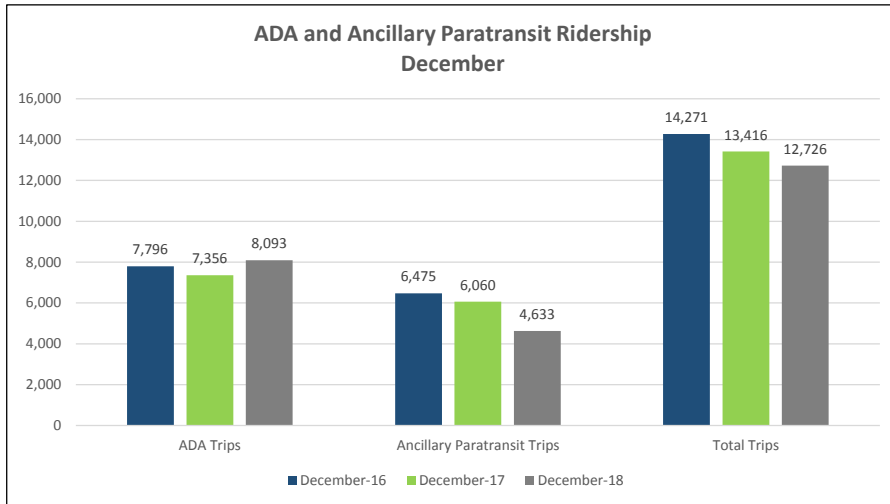


## Valley Transit Ridership Report December 2018









**City of Appleton**  
**VALLEY TRANSIT INCOME STATEMENT**  
**For one month Ending January 31, 2019**

Description	Month of January Actual	Prior Year January	YTD As of January Actual	Prior YTD January	2019 Amended Budget	2019 % of Total Budget
<b>REVENUES</b>						
Bus Fare Revenue	51,566	50,594	51,566	50,594	943,218	5.47%
Paratransit Fare Revenue	48,832	57,652	48,832	57,652	751,370	6.50%
Total Fare Revenue	100,398	108,246	100,398	108,246	1,694,588	5.92%
Other Charges for Service	6,787	1,900	6,787	1,900	55,000	12.34%
Other Revenues	685	3,064	685	3,064	14,000	4.89%
<b>TOTAL REVENUES</b>	<b>107,870</b>	<b>113,210</b>	<b>107,870</b>	<b>113,210</b>	<b>1,763,588</b>	<b>6.12%</b>
<b>EXPENSES BY LINE ITEM</b>						
Regular Salaries & Labor pool alloc	211,649	150,289	211,649	150,289	2,995,362	7.07%
Call Time	-	-	-	-	-	-
Overtime	14,596	7,444	14,596	7,444	71,713	20.35%
Incentive Pay	1,790	-	1,790	-	1,335	134.08%
Other Compensation	50	-	50	-	-	-
Fringes	82,889	58,482	82,889	58,482	1,257,585	6.59%
Unemployment Compensation	-	-	-	-	-	-
Salaries & Fringe Benefits	310,974	216,215	310,974	216,215	4,325,995	7.19%
Training & Conferences	5	-	5	-	25,000	0.02%
Employee Recruitment	-	-	-	-	4,200	0.00%
Parking Permits	-	-	-	-	150	0.00%
Office Supplies	937	-	937	-	5,000	18.74%
Subscriptions	135	(75)	135	(75)	1,735	7.78%
Memberships & Licenses	3,925	4,675	3,925	4,675	5,472	71.73%
Postage & Freight	59	(51)	59	(51)	4,300	1.37%
Awards & Recognition	94	-	94	-	900	10.44%
Food & Provisions	-	-	-	-	1,200	0.00%
Insurance	-	-	-	-	227,006	0.00%
Insurance dividend & surplus	-	-	-	-	-	-
Depreciation Expense	-	-	-	-	672,264	0.00%
Administrative Expenses	5,155	4,549	5,155	4,549	947,227	0.54%
Landscape Supplies	-	-	-	-	3,000	0.00%
Shop Supplies & Tools (& misc)	5,096	(95)	5,096	(95)	53,200	9.58%
Printing & Reproduction	36	(182)	36	(182)	27,136	0.13%
Uniforms	220	905	220	905	5,000	4.40%
Gas Purchases	28,560	32,361	28,560	32,361	605,000	4.72%
Safety Supplies	-	-	-	-	500	0.00%
Vehicle & Equipment Parts	14,727	7,042	14,727	7,042	252,500	5.83%
Miscellaneous Equipment	-	855	-	855	26,600	0.00%
Signs	15,891	-	15,891	-	2,000	794.55%
Supplies & Materials	64,530	40,886	64,530	40,886	974,936	6.62%
Accounting/Audit	-	-	-	-	10,290	0.00%
Bank Services	-	-	-	-	3,000	0.00%
Consulting Services	-	-	-	-	-	0.00%
Collection Services	-	-	-	-	4,600	0.00%
Contractor Fees	245,273	283,798	245,273	283,798	3,735,669	6.57%

**City of Appleton**  
**VALLEY TRANSIT INCOME STATEMENT**  
**For one month Ending January 31, 2019**

Description	Month of January Actual	Prior Year January	YTD As of January Actual	Prior YTD January	2019 Amended Budget	2019 % of Total Budget
Temp Help	1,804	(1,442)	1,804	(1,442)	5,000	36.08%
Advertising	1,129	500	1,129	500	50,309	2.24%
Health Services	705	(1,431)	705	(1,431)	9,200	7.66%
Snow Removal Services	-	-	-	-	15,000	0.00%
Laundry Services	458	(229)	458	(229)	6,916	6.62%
Other Contracts/Obligations	119	161	119	161	99,472	0.12%
Purchased Services	249,488	281,357	249,488	281,357	3,939,456	6.33%
Electric	5,294	5,059	5,294	5,059	55,000	9.63%
Gas	-	2,832	-	2,832	25,000	0.00%
Water	-	-	-	-	7,850	0.00%
Waste Disposal/Collection	199	-	199	-	3,124	6.37%
Stormwater	-	-	-	-	9,401	0.00%
Telephone	500	425	500	425	8,600	5.81%
Utilities	5,993	8,316	5,993	8,316	108,975	5.50%
Building Repair & Maintenance	-	-	-	-	-	-
Vehicle Repair & Maintenance	368	-	368	-	17,450	2.11%
Equipment Repair & Maintenance	20,980	1,644	20,980	1,644	13,250	158.34%
FMD Charges & Material	-	-	-	-	129,226	0.00%
Software Support	1,000	1,000	1,000	1,000	73,800	1.36%
CEA Equipment Rental	-	-	-	-	2,000	0.00%
Repairs & Maintenance	22,348	2,644	22,348	2,644	235,726	9.48%
Total Operating Expenses	658,488	553,967	658,488	553,967	10,532,315	6.25%
OPERATING INCOME (LOSS)	(550,618)	(440,757)	(550,618)	(440,757)	(8,768,727)	
<b>NON-OPERATING REVENUES</b>						
Federal Support	-	-	-	-	2,994,136	0.00%
State Support	-	-	-	-	2,736,001	0.00%
Appleton Support	-	-	-	-	660,829	0.00%
Other Local Support	-	-	-	-	1,610,003	0.00%
Investment Income	-	-	-	-	12,500	0.00%
Donations	4,163	4,167	4,163	4,167	62,678	6.64%
Fund Balance Applied	-	-	-	-	-	-
TOTAL NON-OPERATING REVENUE	4,163	4,167	4,163	4,167	8,076,147	0.05%
Buildings	-	-	-	-	20,000	0.00%
Machinery & Equipment	-	-	-	-	250,000	0.00%
Furniture & Fixtures	-	-	-	-	25,000	0.00%
Vehicles	-	-	-	-	50,000	0.00%
Capital Expenditures	-	-	-	-	345,000	0.00%
NET INCOME (LOSS)	(546,455)	(436,590)	(546,455)	(436,590)	(1,037,580)	

**City of Appleton**  
**PURCHASED TRANSPORTATION**  
**For one month Ending January 31, 2019**

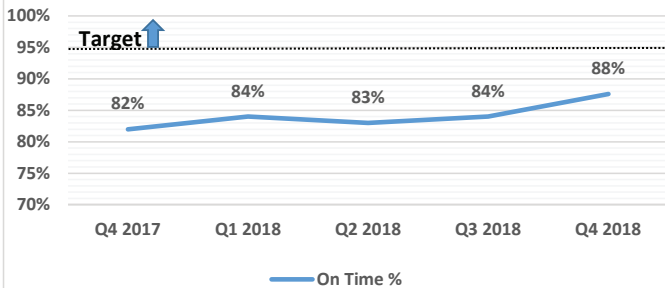
Description	Month of January Actual	Prior Year January	YTD As of January Actual	Prior YTD January	2019 Amended Budget	2019 % of Total Budget
<b>PURCHASED TRANSPORTATION EXPENSE</b>						
VTII - Disabled	134,648	151,826	134,648	151,826	1,871,109	7.20%
VTII - Elderly	2,454	4,425	2,454	4,425	64,120	3.83%
PT - Optional (Sunday)	422	1,276	422	1,276	21,984	1.92%
Family Care Sheltered Workshop	40,499	46,277	40,499	46,277	547,625	7.40%
Outagamie County Demand Response Rural	18,067	16,321	18,067	16,321	225,406	8.02%
Outagamie County Human Services Transportation	-	856	-	856	12,824	0.00%
Neenah Dial - A - Ride	10,066	10,766	10,066	10,766	150,920	6.67%
Calumet County New Hope	-	17,660	-	17,660	-	0.00%
Calumet County Van Service	2,603	-	2,603	-	34,650	7.51%
Connector - Extended Service Hours	28,610	31,360	28,610	31,360	487,808	5.87%
Connector - Extended Service Area	7,904	8,057	7,904	8,057	116,133	6.81%
Downtown Trolley	-	-	-	-	30,379	0.00%
Total Purchased Transportation	245,273	288,824	245,273	288,824	3,562,958	6.88%



# VALLEY TRANSIT

## Key Performance Indicators - 2018, 4th Quarter

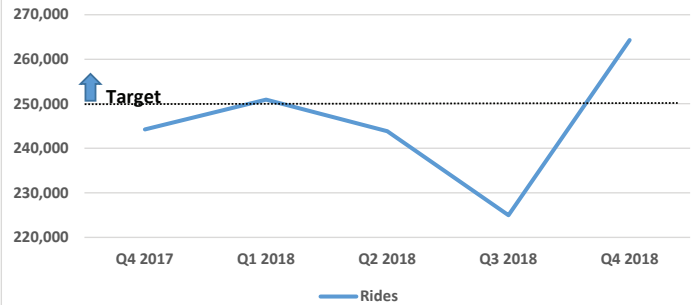
### ON TIME PERFORMANCE - FIXED ROUTE



Dashboard rating scale:  
 ● Target is  $\geq 95\%$  per qtr  
 ● Below target

Data Source: DoubleMap ITS System Report

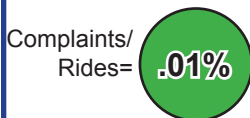
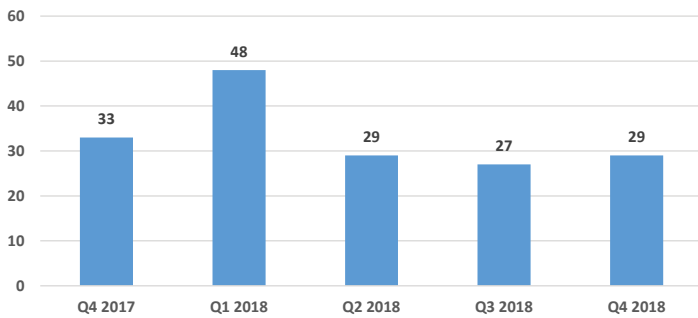
### TOTAL PASSENGER TRIPS - FIXED ROUTE



Dashboard rating scale:  
 ● Target is  $> 250K$  per qtr  
 ● Below target

Data Source: GFI Fareboxes and Contractor Ridership Report

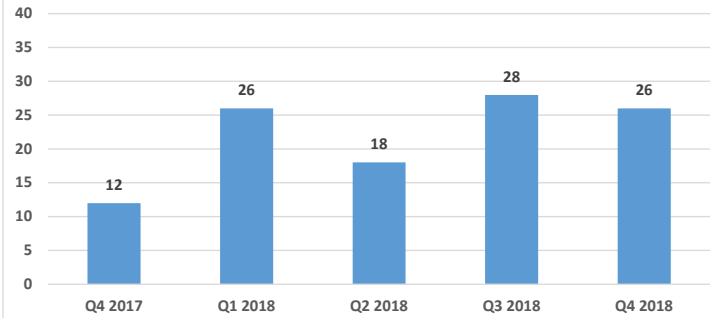
### COMPLAINTS - FIXED ROUTE



Dashboard rating scale:  
 ● Target is  $\leq .08\%$  per qtr  
 ● Above target

Data Source: Transit Input Reports

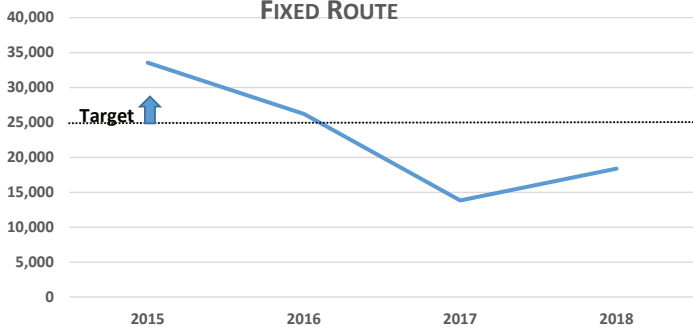
### COMPLAINTS - PARATRANSIT



Dashboard rating scale:  
 ● Target is  $\leq .10\%$  per qtr  
 ● Above target

Data Source: Transit Input Reports

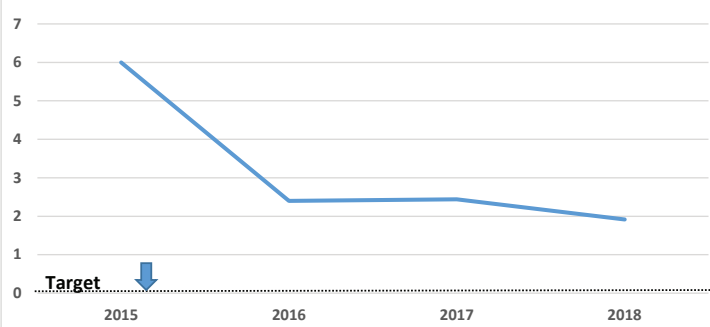
### MILES BETWEEN ROAD CALLS - FIXED ROUTE



Dashboard rating scale:  
 ● Target is  $\geq 25,000$  (YTD)  
 ● Below target

Data Source: Transit Fleet Software, Road Call History Report

### VEHICLE ACCIDENTS PER 100,000 MILES



Dashboard rating scale:  
 ● Target is zero (YTD)  
 ● Above target

Data Source: Accident Files

# VALLEY TRANSIT

## Key Performance Indicators - Definitions

### **On Time Performance**

The line graph shows quarterly on-time performance of the fixed route bus system. A bus is considered 'on time' if it arrives at each designated time point between one minute early and up to five minutes late. Each route has multiple time points along the route which are distributed to make sure that buses arrive at stops generally within the scheduled time frame. On time performance is calculated by dividing the number of on time stops at time points by all stops at time points.

On time performance is important to our customers because they need to know that we will regularly pick them up and get them to their destination on time.

### **Total Passenger Trips - Fixed Route**

This indicator shows the quarterly number of trips provided by Valley Transit bus routes. A trip is counted each time a passenger gets on a bus. The total number of trips and a comparison from year to year provides a measure of the mobility/access provided to customers over time. Valley Transit's target is to provide over 1 million rides per year based on current service levels.

### **Complaints - Fixed Route & Paratransit**

These charts by service mode display the total number of complaints received each quarter. The performance measure evaluates complaints as a percentage of rides. This measure indicates the level of concern customers have with the system. All complaints are investigated and resolved to improve customer service.

Note: Two different rating factors are used to measure fixed route and paratransit complaints as a percentage of rides. The .10% target for paratransit complaints is based on a '1 complaint for every 1,000 rides' standard that is used by the State of Wisconsin for Medicaid transportation. This standard was adjusted for the fixed route target, since each trip via bus potentially includes transfers (1 complaint for every 1,250 rides).

### **Miles between Road Calls - Fixed Route**

Miles between road calls is one indicator measuring the effectiveness of the preventative maintenance program. It tracks how often customers are inconvenienced by service disruptions due to vehicle break downs.

Note: A majority of the buses in Valley Transit's fleet has surpassed their useful life (12 years or 500,000 miles) and require replacement. As vehicles are replaced, this indicator will improve.

### **Vehicle Accidents per 100,000 miles**

This is one common indicator used to measure the safety of fixed route bus operations. Accident data includes both preventable and non-preventable events because all accidents impact budget expenses, customer satisfaction, on time performance and use of staff time.

By reviewing every accident, we can learn how to operate buses more defensively, reduce risk, reduce costs associated with accidents and revise procedures or conditions to help with accident prevention.