

**State of Hawaii**  
Department of Transportation  
Statewide Transportation Planning Office

**CAPITAL ASSISTANCE FOR THE TRANSPORTATION  
OF THE ELDERLY AND DISABLED**

In Accordance to 49 USC Section 5310

**APPLICATION INFORMATION**



**Fiscal Year ending 2022**

**Deadline to submit application is June 30, 2022**

## Background

In 1990, the American with Disabilities Act (Public Law 101-366), often referred to as ADA, was signed into law. In part, this civil rights legislation mandates equal opportunity in employment, telecommunications, transportation, and places of public accommodation for persons with disabilities. In addition to providing equal opportunities for individuals with disabilities is the requirement to providing “accessibility” in transportation.

The U.S. Department of Transportation (USDOT) published its final ruling implementing the ADA provisions requiring that after August 25, 1990, public and private transportation providers must, with some exceptions, solicit or procure accessible vehicles. These rules apply to both public and private providers regardless of whether transportation is a primary or ancillary function, and covers both fixed-route and demand-responsive transportation operations. For more details on ADA requirements relating to transportation, refer to the September 6, 1991 Federal Register, Part IV Department of Transportation, 49 Code of Federal Regulations (CFR) Parts 27, 37 and 38 Transportation for Individuals with Disabilities; Final Rule.

The Age Discrimination Act was passed in 1975 (42 USC Section 6101). This legislation mandates that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance on the basis of age.

In pursuing the intent and requirements of American Disabilities Act and the Age Discrimination Act, the USDOT initiated 49 USC Section 5310 assistance program that makes federal funds available to provide transportation services for elderly persons and persons with disabilities. The 49 USC Section 5310 federal assistance program is administered and managed by the Federal Transportation Administration (FTA). The FTA has designated the Governor of the State of Hawaii to administer the 49 USC Section 5310 program on its behalf. The Governor of Hawaii designated the Hawaii Department of Transportation (HDOT) as the recipient of FTA 49 USC Section 5310 program for the purpose of administering those funds in accordance with State and federal laws, rules and regulations.

## Purpose

The goal of the 49 USC Section 5310 federal assistance program, better known as Section 5310, is to provide assistance in meeting the special transportation needs of elderly persons and persons with disabilities. The Section 5310 program is designed to supplement other FTA capital assistance programs, such as the Section 5307 and Section 5311 programs that provide federal funding assistance to public transportation systems, by funding transportation for elderly persons and persons with disabilities in all areas – urbanized, small urban and rural. The program seeks to enhance coordination of federally assisted programs and services in order to encourage the most efficient use of Federal resources and achieve the national goal of improved mobility for elderly persons and persons with disabilities.

### FTA Coordinated Public Transit – Human Services Transportation Plan

Federal transit law, as amended by SAFETEA-LU, requires that projects funded from FTA Section 5310 programs be derived from a locally developed, coordinated public transit – human services transportation plan. This coordinated plan maximizes the programs’ collective coverage by minimizing duplication of services. The coordinated services plan was developed through the process that includes representatives of public, private and non-profit transportation and human services providers and participation by the public. The coordinated plan may incorporate activities offered under other programs sponsored by Federal, State and local agencies to strengthen its impact, and participation in coordinated service delivery as long as the coordinated services continues to meet the purposes of all programs.

## Eligible Projects

The FTA Section 5310 program provides assistance for the purpose of providing transportation services in meeting the special needs of elderly and disabled persons where mass transportation services are unavailable, insufficient, or inappropriate.

The Section 5310 program provides several eligible uses that qualify for federal assistance. The HDOT, hereafter referred to as the Department, has determined the most effective and efficient use of these funds are for capital purchases that provide for the transportation service needs of the elderly and disabled. For this reason, eligibility is restricted to two capital uses – (1) motor vehicle purchases, and (2) motor vehicle equipment purchases.

The capital purchases must be for accessible motor vehicles, or equipment for accessible motor vehicles. However, purchases for non-accessible vehicles or equipment are eligible, when Equivalent Service is provided. The following is an outline of eligible motor vehicle expenditures, by organization type and transportation service:

1. Non-Profit Organizations – Not Primarily Engaged in the Provision of Transportation
  - A. Fixed Route Service
    - All motor vehicles with capacity > 16 must be accessible
    - All motor vehicles with capacity < 16 must be accessible unless equivalent service is provided
  - B. Demand Responsive Service
    - All motor vehicles must be accessible unless equivalent service is provided
2. Transportation Provider – Primarily Engaged in the Provision of Transportation
  - A. Fixed Route Service
    - All motor vehicles must be accessible
    - Except automobiles where equivalent service is provided

- Except vans with capacity < 8 where equivalent service is provided
- B. Demand Responsive Service
- All motor vehicles must be accessible unless equivalent service is provided
3. Government Entity
- A. Fixed Route Service
- All motor vehicles must be accessible
- B. Demand Responsive Service
- All motor vehicles must be accessible unless equivalent service is provided

The proposed capital expenditure, hereafter called the Project, must be consistent with the aforementioned eligible expenditures in order to receive funding assistance.

## Funding Requirements

The Section 5310 program provides a maximum of 80 percent federal funding assistance of the Project's total cost. The remaining 20 percent of the Project's total cost must be provided by the Applicant Organization from non-federal funding sources. Once an Applicant Organization is approved to receive FTA funding for the approved Project, it is then referred to as the Subrecipient.

## Eligible Project Uses

Primary Use is defined as the transporting of elderly individuals and/or individuals with disabilities. Projects, such as motor vehicles or vehicle equipment, purchased with Section 5310 funds do not have to be solely used for the Primary Use. Projects not used for transporting of elderly individuals or individuals with disabilities are defined as Incidental Use. Incidental Use cannot interfere with the Primary Use of the Project.

## Eligible Organizations

Section 5310 program funds are intended for use by Private Non-Profit Organizations or eligible Public Entities in providing transportation services to elderly individuals or individuals with disabilities.

Public Entities are eligible for federal assistance under the Section 5310 program upon certifying that there are no private non-profit organizations already providing or readily available to provide the proposed transportation service to elderly individuals or individuals with disabilities.

The following are eligible applicant organizations:

1. Non-Profit Organizations – Not Primarily Engaged in the Provision of Transportation

Any Non-Profit Organization that is not a state or local government; and department, agency, special purpose district, or other instrumentality of one or more state or local governments that are not primarily engaged in the provision of transportation, but do provide transportation services to the elderly or disabled.

2. Public Entities - Primarily Engaged in the Provision of Transportation

Any state or local government; and department, agency, special purpose district, or other instrumentality of one or more state or local governments.

3. Operators of Public Transportation Services (Privately or Publicly Owned)

Any legally established corporation or organization that is not a state or local government; and department, agency, special purpose district, or other instrumentality of one or more state or local governments that are primarily engaged in the provision of transportation, and does or intends to provide transportation services to the elderly or disabled.

## Project Use Requirements

### Project Use

The Project must be used as described in the application, and in accordance with all applicable federal, state and local requirements.

If the subrecipient does not use the Project as described in the application or in accordance to applicable Federal, State and local requirements, the Department may remove the Project from the subrecipient. The subrecipient will not be compensated for any capital costs related to the removal of the Project, and may be removed from any future consideration for Section 5310 program funding assistance.

### Project Not-In-Service

If the Project is not in use for a period longer than two weeks, the subrecipient is required to immediately notify the Department. The subrecipient at the time of notifying the Department shall provide the cause for the Project not being in use, efforts taken to get the Project back in service, and when the Project will be back in service. The Department may consider the Sub-Recipient's inability to get the Project back in service as being non-compliant with the maintenance requirement.

### Project Title

The title to the Project, motor vehicle or equipment, acquired under the Section 5310 Program will be vested with the Subrecipient.

### Project Use Records

The Subrecipient must keep operation records of the Project. Operation records must be kept for

both primary and incidental use, in terms of ridership, trip destination, passenger characteristics, accidents and incidents. The records must also be traceable to the costs and revenues linked to the operations of the Project, including primary and incidental uses.

### Project Insurance

The Project purchased with Section 5310 funding assistance is required to have full insurance coverage for the capital cost of the Project for the use of the Project. The subrecipient is responsible for the insurance coverage.

### Commercial Driver's License (CDL)

Anyone that drives motor vehicles or vehicles containing equipment purchased with Section 5310 funds is required to have a CDL for either a single motor vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds, or a motor vehicle designed (base configuration) to transport more than 16 persons, including the driver.

### Commercial Vehicle Permit

By State requirement, vehicles over the GVWR of 10,000 pounds must have a commercial vehicle permit. The commercial vehicle permit is the responsibility of the subrecipient.

### Project Profit

If Project use or disposition provides a revenue profit, the profits must be reinvested into the subrecipient's transportation services for the elderly or persons with disabilities or turned over to the Department where it will be utilized for transit.

## Project Maintenance Requirements

### Maintenance

The subrecipient must properly maintain the Project at all times and keep the Project in safe operational condition for the use describe in the application, and in accordance with all applicable federal, state and local requirements. All costs for Project maintenance are the responsibility of the subrecipient.

If the subrecipient does not maintain the Project as described in the application or in accordance to applicable Federal, State and local requirements, the Department may remove the Project from the subrecipient. The subrecipient will not be compensated for any capital costs related to the removal of the Project and may be removed from any future consideration for Section 5310 program funding assistance.

### Maintenance and Preventive Maintenance Records

The subrecipient must keep vehicle maintenance and preventive maintenance records of the Project. Maintenance records include Pre- and Post-trip Inspection, regular maintenance and repair records. Preventive Maintenance records include scheduled vehicle maintenance work at set intervals over the life of the vehicle. These records shall include and/or consist of invoices

and certified mechanic reports and assessments.

## Project Service Life & Disposition Requirements

### Vehicle Service Life

Motor vehicles purchased with Section 5310 funds must be used as described in the application, and in accordance with all applicable federal, state and local requirements for a minimum period here after referred to as the Vehicle Service Life. Vehicle Service Life is defined as follows:

- Light-duty vehicles such as small buses and regular or specialized vans: at least 4 years of service or an accumulation of at least 100,000 miles.
- Medium-size, light-duty transit buses (approximately 25'-35'): at least 5 years of service or an accumulation of at least 150,000 miles.
- Medium-size, medium-duty transit buses (approximately 25'-35'): at least 7 years of service or an accumulation of at least 200,000 miles.
- Medium-size, heavy-duty transit buses (approximately 30'): at least 10 years of service or an accumulation of at at least 350,000 miles.
- Large, heavy-duty transit buses (approximately 35' – 40', and articulated buses): at least 12 years of service or an accumulation of at least 500,000 miles.
- For any other type of motor vehicle contact the Department.

Even if the Vehicle Service Life has been met, the Project may only be removed from its use as described in the application, and in accordance with all applicable federal, state and local requirements, through Section 5310 Disposition or De-obligation process, which requires written approval from the Department.

### Equipment Service Life

Equipment purchased with Section 5310 funds must be in service with the subrecipient for a minimum period here after referred to as the Equipment Service Life. All equipment purchased with Section 5310 funds shall have an Equipment Service Life of at least 4 years. If the equipment has a service life less than 4 years, the applicant organization must provide information on the Equipment's Service Life at the time of application submittal.

### Project Disposition

The Project must be used and operated as described in the application and meet all applicable federal, state and local requirements. The Project may be removed from this obligation and agreement only when the subrecipient has received written disposition or de-obligation approval from the Department.

Projects may only be disposed of when the intended purpose under the Service Life has been met

and the Project can no longer be operated safely, efficiently and effectively. However, if there are reasons by the subrecipient for Project removal other than the aforementioned, the subrecipient shall request and receive approval from the Department to proceed with removing the Project from application use and applicable Federal requirements. If the Department approves Project removal, the subrecipient shall proceed with the disposition process.

Before any disposition proceedings take place, the Department must be contacted for disposition consultation, requirements and procedures. Project disposition is allowed only after written approval from the Department.

If the Project is in operational condition as determined by the Department and the subrecipient disposes the Project before the Service Life, the Department can reassign the Project to another qualified organization. The dollar value of the Project shall be determined by the Straight-Line Depreciation Method and twenty percent (20%) of the determined dollar share shall be provided to the subrecipient by the Department.

If the Project is disposed before the Service Life and the Project is not in operational condition as determined by the Department, the subrecipient shall reimburse the Department eighty percent (80%) of the project's value determined by the Straight-Line Depreciation Method.

If the subrecipient disposes the Project after the Service Life and obtains revenue, eighty percent (80%) of the revenue proceeds must be utilized for the Sub-Recipient's transportation services. Or, eighty percent (80%) of the revenue proceeds must be returned to the Department.

The subrecipient may sell or trade-in the motor vehicle before its Service Life, when acquiring "like-kind" replacement vehicles (i.e., generally the same class of transit vehicle). The process to acquire "like-kind" vehicles will be the same procedure as acquiring new vehicles – the Section 5310 application process. Proceeds from the sale of the vehicle must be applied towards the purchase cost of the replacement vehicle. Subrecipients interested in the sale or trade-in of a vehicle must contact the Department for consultation, requirements, and procedures before any proceedings take place.

## Accessible Requirements

### Accessibility

The Section 5310 program requires that all Projects utilizing Section 5310 funds must be accessible. The American Disabilities Act requires compliance with specific service provisions related to accessible transportation services. The accessible service provisions are listed:

- Lift and securement use
- Lift deployment at any designated stop
- Service to persons using respirators or portable oxygen
- Adequate time for vehicle boarding and disembarking
- Ingress and egress assistance to disabled clients
- Service animals
- Use of accessibility features



- Procedures to ensure lift availability, public entities only
- Vehicle identification mechanisms

### Non-Accessibility Exemption

The exception to the accessible requirement is the condition that the Applicant Organization's transportation service, when viewed in its entirety, provides service to persons with disabilities, called Equivalent Service. Therefore, if other motor vehicles currently in the Applicant Organization's inventory are accessible or a cooperative agreement with another organization that provides accessible services to the Applicant Organization's clients, then non-accessible equipped vehicles may be proposed in the application provided Equivalent Service is provided and attested in the application.

## **Subrecipient Organization Requirements**

### Managerial Capabilities

A subrecipient shall have the management capability to operate and maintain the proposed Project. Subrecipients must continue to provide full managerial capabilities to safely and efficiently operate, maintain and dispose the Project in accordance to the Section 5310 program requirements. Annual and Quarterly reports are required to be submitted by the subrecipient to the Department on a timely basis. Documents must be accessible for FTA and the Department compliance reviews which serve to assess and determine the continuing managerial capabilities of the subrecipient.

### Financial Capability

The Applicant Organization must have the fiscal capacity to provide the twenty percent (20%) cost share and to properly operate and maintain the vehicle or equipment, using non-Federal funds.

The subrecipient must also have the financial capability necessary to comply with all Section 5310 program and federal requirements. The financial record keeping of the Subrecipient's transportation program operations, maintenance, and the Project use shall allow for the tracing of funds to establish that such funds have not been used in violation of the Section 5310 program and federal requirements.

The subrecipient's continuing financial competency and capability shall be provided to the Department by quarterly and annual reports and by compliance reviews.

### Reporting

The Federal Fiscal Year from October – September is observed as the FTA accounting and reporting period. The four quarters (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup>) of the Federal Fiscal Year are Oct-Dec, Jan-Mar, Apr-June, July-Sept; respectively.

All subrecipients are required to submit to the Department their "Quarterly Vehicle Report" within 15-days of the end of each federal quarter. The "Annual Vehicle Report" and the "Annual

Performance Measure Report for Gaps in Service and Ridership” must be submitted within 15 days of the end of the federal fiscal year. The purpose of these reports is to provide assurance that the subrecipient is demonstrating compliance with the Section 5310 program, by providing the maintenance information on the Project.

Failure to submit these reports may be deemed as non-compliance with the Section 5310 Program, which may result in forfeiture of the Project and disqualification from future federal assistance opportunities.

### Site Inspection

The purpose of the site inspection is to provide assurance that the Project is being operated and maintained in accordance to the requirements of the Section 5310 Program, and the subrecipient has adequate financial, management and legal capabilities. The site inspection shall be conducted at the Sub-Recipient’s place of business.

At the site inspection, persons capable of providing the required information regarding the operations, maintenance, records, financial, management and legal capabilities of the Section 5310 program shall be made available to the site inspection team. Site inspections will be conducted with prior notification and arrangement with the subrecipient organization.

Failure to meet with the Department for site inspections shall be determined as non-compliance with the Section 5310 Program and may result in the forfeiture of the Project and disqualification from future federal assistance opportunities.

## Application Procedures

When an announcement of FTA 5310 Program Application is made by the Department, applicant organizations are required to complete and submit all required documents by the deadline stated on the application. Any late or incomplete application may be rejected from consideration for the Section 5310 program.

All mailed applications must be postmarked by Friday, June 30, 2022 at 2:00 p.m. and received at the following address:

Hawaii Department of Transportation Statewide Transportation Planning  
Office 200 Rodgers Boulevard  
Honolulu, Hawaii 96819 Attention: Section 5310 Program  
Fax: (808) 831-7995  
Email: [dotstp@hawaii.gov](mailto:dotstp@hawaii.gov)

Fax applications are accepted at the number above, but must be complete and legible. Applicants are encouraged to follow-up within one hour of a fax transmittal after confirmation of receipt.

In addition, an electronic copy of your complete application package must be provided on a compact disk (CD), flash drive or received via email by the Program Manager upon request.

The Department will review all applications for completeness and consistency with the Section

5310 Program requirements. An Evaluation and Selection Committee will be convened to review qualified applications and recommend approval to the FTA (Federal Transit Administration). The Evaluation and Selection Committee will evaluate and rank the qualified Applications utilizing the following equally weighted Evaluation Criteria:

1. Applicant Organization's Effectiveness of Transportation Program in meeting the transportation needs of the elderly and/or disabled.
2. Applicant Organization's Appropriateness of Project in meeting the transportation needs of the elderly and/or disabled.
3. Applicant Organization's Financial Capability for the local match, and to operate and maintain the Project and the transportation program for the elderly and/or disabled.
4. Applicant Organization's Management and Operations Capability to operate and maintain the transportation program to the elderly and/or disabled.

If the applicant organization has previously received Section 5310 funding assistance, additional information, including to but not limited to, compliance review findings, site inspection documents and reporting records will be used in the evaluation of the application.

Applications recommended for approval by the Evaluation and Selection Committee shall be submitted to the FTA in a consolidated grant application for the FTA Section 5310 approval. In cases where all eligible applicants can be funded through the current fiscal year apportionment budget, a selection committee may not be deemed necessary.

## Award Procedures

After FTA 5310 grant approval is received from the FTA, the Department shall notify the Applicant Organizations that they have been approved for Section 5310 funding assistance. The Applicant Organization after receiving approval for Project funding is here after called the Sub-Recipient. The Section 5310 Program requires that the subrecipient complete and provide the following documents to the Department:

1. Memorandum of Agreement
2. Certifications and Assurances
3. FTA Master Agreement

If the subrecipient fails to submit the aforementioned documents by the specified due date, the Department may rescind the approved Application.

Upon receipt of the required documents, the procurement of the Project shall proceed.

During procurement the subrecipient will be requested to submit their share of the Project cost to the Department. The Subrecipient's share of the Project cost will be based upon the actual Project cost, not the estimated Project cost specified in the application.

If the subrecipient does not submit the required share of the Project cost by the specified deadline

date, the Department may rescind the approved application and funding assistance.

After procurement award, the Department will notify the subrecipient of the Contractor that will provide and deliver the Project.

Upon delivery, the subrecipient and the Department must verify that the Project meets the specifications provided. The Department shall accept the Project only after certifying the verification of all Project specifications. The subrecipient shall not operate the Project until the Department accepts the Project.

## Terminology

**Applicant Organization** - Organization applying for FTA Funding

**Contractor** - The individual, partnership, corporation or other legal entity, or combination thereof, contracting within the State for performance of the prescribed work.

**Department** - Hawaii Department of Transportation (HDOT)

**Disability** - In accordance to section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) the meaning of disability respect to an individual is:

- a physical or mental impairment that substantially limits one or more major life activities of such individual
- a record of having such an impairment; or
- being regarded as having such an impairment.

**Elderly** - All individuals 65 years and over

**Equipment Service Life** - The number of years equipment shall be in use for the Project. The minimum is four (4) years.

**FTA** - Federal Transit Administration

**Incidental Use** - The use of equipment or facilities purchased under this grant program other than the principal grant related use

**Primary Use** - The transporting of elderly individuals and/or individuals with disabilities.

**Project** - Proposed capital expenditure

**Rural Area** - An area with a population of fewer than 50,000 individuals

**Single Trip** - A unit of service provided each time a rider boards, is transported, and exits a vehicle. For example, if a rider is picked up from their home to the doctor, from the doctor to the market, and from the market to their home, then the total number of single trips will be three (3). Similarly, if three riders are picked up from the same day care and transported to the same doctor's office, the total number of single trips will be three (3).

**Small Urbanized Area** - An area with a population between 50,000 and 199,999 individuals

**Subrecipient** - An eligible and approved Applicant Organization for FTA funding

**Unduplicated Riders** - The actual number of riders who took a single trip during a reporting period, no matter how many trips they took during that period.

**Urbanized Area** - An area with a population of 200,000 or more