

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

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

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

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

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

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

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

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

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

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

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

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

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SCENARIO 3: Recipient is now receiving Section 5311 funds

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

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