



MASSDOT AUTHORIZED VEHICLE USE GUIDE

AN OVERVIEW OF AUTHORIZED AND ENCOURAGED VEHICLE USE

Updated June 29, 2015

Introduction

The state's Mobility Assistance Program (MAP) and the FTA's Section 5310 Program provide capital funding to MassDOT to purchase vehicles on behalf of transit agencies, councils on aging, and private non-profits to be used in the provision of transportation services to seniors and individuals with disabilities.

This document has been developed to provide clear and concise guidance to the aforementioned organizations regarding the authorized and encouraged use of MassDOT vehicles purchased through the MAP and Section 5310 programs.

Any agency acquiring a vehicle from MassDOT must comply with the following provision: Any service or activity under this policy must comply with federal and state nondiscrimination requirements that MassDOT is committed to abide by, all of which prohibit discrimination based on race, color, nationality, sex, age, disability or sexual orientation. See details in MassDOT's Notice of Nondiscrimination Rights and Protections to Beneficiaries (Attached hereto).

This updated Guide contains answers to a list of question (pp. 3-5) that MassDOT has received from sub-recipients with respect to 5310/MAP vehicle use in the past.

Definitions

Sub-recipient: A state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a grant under Section 5310 indirectly through a recipient as defined in [FTA C9070.1G Circular](#). A local governmental authority or an operator of public transportation that receives a grant from MassDOT under the state's Mobility Assistance Program.

Incidental: Incidental use of a vehicle refers to any service provided in a way that does not interfere with or otherwise limit services provided to seniors and individual with disabilities according to the Terms and Conditions of the contract with MassDOT, nor does it interfere or otherwise limit the scope of services as submitted and approved as part of the original application for funding.

Senior: The term 'senior' means an individual who is 65 years of age or older under federal regulations and 60 years of age or older under state regulations.

Disability: The term 'disability' has the same meaning as in [section 3\(1\) of the Americans with Disabilities Act of 1990 \(42 U.S.C. 12102\)](#).

Federally Funded Vehicles – Section 5310

This section applies to eligible Section 5310 applicants including transit agencies and private non-profits. All vehicle recipients must utilize the vehicle and provide service in accordance with the regulations and policies provide below:

Required Use

- Vehicles must be used to provide service to BOTH seniors (individuals over 65 years of age) and individuals with disabilities (individuals of all ages) as identified in [FTA Circular 9070.1G \(VI.5\)](#);
- Applicants must offer seniors and individuals with disabilities equivalent service. This means that the policies, procedures, and scope of service governing each population must be the same.
- Service must be provided to the general public on an incidental basis if such service does not interfere with transportation services for seniors and people with disabilities.
- Service providers are not required to provide service to the general public outside of normally scheduled service hours, or when space is not available as identified in [FTA Circular 9070.1G \(VI.5\)](#);
- Individuals may be accompanied by a personal care attendant or a companion on all vehicles. Accompaniment by an individual other than a personal care attendant would be regarded simply as a companion. An eligible individual must be allowed to bring one companion on a trip even if the companion's presence reduces the space available for other paratransit-eligible individuals. Additional companions (beyond one) are served on a space-available basis; in other words, as long as they do not displace other ADA paratransit-eligible individuals. To be considered as *accompanying* an eligible individual, a companion must have the same origin and destination point as identified in [49 C.F.R. Section 37.123 \(f\)](#).

Encouraged Use

- When it is *not feasible* for an agency to provide services to those in the community beyond its own clients, that agency must, when practicable, make the *vehicle itself* available to other entities to provide transportation service to seniors and people with disabilities at times the agency is not using the vehicle for grant-related purposes as identified in [FTA Circular 9070.1G \(VI.5\)](#);
- Service providers may coordinate and assist in providing meal delivery services for individuals with disabilities - where a disability may inhibit an individual to leave their home on a regular basis - if meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers as identified in [FTA Circular 9070.1G \(VI.5\)](#);

If a transit agency applies for a fully accessible vehicle through MassDOT and requests 100% funding, the vehicle is funded through both Section 5310 and MAP. When both

state and federal funding is used for a vehicle purchase, federal guidance takes precedence.

State Funded Vehicles – Mobility Assistance Program

This section applies to eligible MAP applicants including councils on aging. All vehicle recipients must utilize the vehicle and provide service in accordance with the regulations and policies provided below:

Required Use

- Vehicles must be used to provide service to BOTH seniors (individuals over 60 years of age) and individuals with disabilities as identified in Chapter 637 §13 of the Acts of 1983 – Mobility Assistance Program (MAP);
- Applicants must offer seniors and individuals with disabilities equivalent service. This means that the policies, procedures, and scope of service governing each population must be the same.
- Individuals may be accompanied by a personal care attendant or a companion on all vehicles. Accompaniment by an individual other than a personal care attendant would be regarded simply as a companion. An eligible individual must be allowed to bring one companion on a trip even if the companion's presence reduces the space available for other paratransit-eligible individuals. Additional companions (beyond one) are served on a space-available basis; in other words, as long as they do not displace other ADA paratransit-eligible individuals. To be considered as *accompanying* an eligible individual, a companion must have the same origin and destination point as identified in [49 C.F.R. Section 37.123 \(f\)](#).

Encouraged Use

- Service providers are HIGHLY ENCOURAGED, to coordinate services with other providers in their area, in order to better utilize existing assets and provide improved connectivity for passengers, to specifically include work hour focused service and expanded service hours as identified in the [EO530 report](#);

Frequently Asked Questions about Sec. 5310 and MAP Vehicles

Q: Can I use my vehicle in transporting seniors and individuals with disabilities - or the general public on an incidental basis- to destinations outside my community?

A: Yes, as long as provision of such service does not interfere with transportation services for seniors and individuals with disabilities that your organization provides and is consistent with the Terms and Conditions that are attached to the grant.

Q: Can I use my vehicle in transporting seniors, individuals with disabilities - or the general public on an incidental basis- to destinations outside the Commonwealth of Massachusetts?

A: Yes, you can cross state lines if your destination is in another state (e.g. you are running a weekly medical shuttle from the South Coast of MA to a hospital in Providence, RI and back).

Q: Can I cross RTA boundaries if I contract with an RTA to provide service for seniors and individuals with disabilities and the trip's destination is in another RTA's coverage area?

A: Yes.

Q: Am I required to provide service to the general public beyond my organization's regular operating hours?

A: No.

Q: Can I lend my vehicle to another organization in use of transporting the general public for trips of any kind scheduled either inside/outside my community?

A: Yes. You are encouraged to lend your vehicle to another organization as long as such service does not interfere with transportation services for seniors and individuals with disabilities that your organization provides. Destinations can be inside or outside of your community and the trip can have any purpose.

Q: Can the general public share a ride with seniors and individuals with disabilities on a space available basis?

A: Yes, as long as seniors and individuals with disabilities are given priority and not prevented from using the service.

Q: Is reporting (e.g. mileage, ridership, operating hours) for the Sec. 5310/Mobility Assistance Program funded vehicles tied to the vehicle or to the trips performed for the community to which it is assigned?

A: Reporting is tied to the vehicle, not to the trip.

Q: Who is responsible for reporting (e.g. mileage, ridership, and operating hours) in case my organization lends the vehicle to another organization?

A: It is always the sub-recipient organization's responsibility –the entity that received the vehicle from MassDOT (the sub-recipient is listed as the vehicle owner) - to comply with any MassDOT contract requirements, as well as the requirements contained in the §5310/MAP Certificates and Assurances which identify the reporting requirements specific to the grant.

Q: Who is responsible for insurance on the vehicle in case my organization lends the vehicle to another organization?

A: Regardless who operates the vehicle, it is the sub-recipient's responsibility to make sure that adequate insurance is maintained on the vehicle as per the Certifications and Assurances that all sub-recipients sign.

Q: Who is responsible for maintenance on the vehicle when the vehicle is not in my organization's service?

A: It is the responsibility of the sub-recipient to insure that the vehicle is being maintained properly as outlined in the §5310/MAP Certificates and Assurances.

Q: Who is responsible for fuel expense, driver pay, and other incidental expenses when the vehicle is not in my organization's service?

A: It is the responsibility of the sub-recipient to insure that all operating expenses are satisfied unless an agreement is in place that clearly outlines the responsibilities of a third party for expenses associated with operating the vehicle.

Q: In case I lend my 5310/MAP vehicle to another organization, do federal and state regulations apply to drivers employed by the other organization operating the vehicle?

A: Yes. Any individual who operates a MassDOT provided vehicle must have the necessary state license requirements, and both state & federal required training necessary for the safe operation of said vehicles. (See requirements for Driver Training)

Q: Are there any examples of successful sharing of 5310/MAP vehicles for better utilization?

A: Yes. Both the *Metro West Regional Transit Authority* (MWRTA) and the *Worcester Regional Transit Authority* (WRTA) run coordinated vehicle scheduling and dispatch systems where COA vehicles are scheduled and shared in both ADA paratransit and elder demand response transportation across sub-regions.

In addition, six Councils on Aging in the Acton-Boxboro-Stow area established a common dispatch system for scheduling 5310/MAP vehicles in transporting individuals with disabilities and seniors in those six communities in 2010. During the time when the priority populations do not use the vehicles, the COAs lend the vehicles out to Cross Town Connect - a Transportation Management Association- for employment transportation purposes in the region.

Required Driver Training

Any individual which operates a MassDOT provided vehicle must have the necessary state license requirements, and both state & federal required training necessary for the safe operation of said vehicles. Some of these trainings are offered to sub-recipients by the Massachusetts Rural Transportation Assistance Program (MArtap). See below for a listing of required trainings.

Offered by MArtap	Course Name	Refresher Frequency Requirement	Course duration
YES	Passenger Assistance Training (PAT)**	Upon hire	8 hours
YES	Defensive Driving (formerly Coaching the Van Driver, NSC DDC3)	Every 2 years	4 hours
YES	Accessible Lift Use and Passenger Securement	Every 2 years	4 hours
YES	Disability Awareness (formerly Safe Transport of the Public under the ADA)	Every 3years	3 hours
YES	Drug & Alcohol Awareness Safety Sensitive (Online course)	Upon hire	1 hour

Offered by MArtap	Course Name	Refresher Frequency Requirement	Course duration
NO	CPR	Varies*	4 hours
NO	First Aid	Varies*	Varies

*CPR and First Aid training: Recertification frequency requirements for CPR and First Aid training may vary. Agencies are required to ensure that drivers maintain proficiency.

** *If a *new driver* is unable to attend the PAT training, he or she can attend a Wheelchair Lift Equipment and Securement Procedure course *and* Disability Awareness (formerly Safe Transport of the Public under the ADA) prior to commencing driving.

Non-Compliance

MassDOT is required to ensure that sub-recipients comply with all federal and state requirements related to the receipt of public transit grants. This “continuing control” requires that MassDOT personnel, or individuals authorized by MassDOT, conduct site visits and desk reviews to monitor awarded projects and review documents verifying compliance with program requirements, including required vehicle use. These site visits will occur on a random basis; MassDOT will provide notification one month prior to visit.

Allegations of failure to comply with the nondiscrimination requirements under this guidance could result in MassDOT initiating investigative activities with possible sanctions up to and including retraining, warning and/or the repossession of the service vehicles provided under this program.

Service providers deemed non-compliant with regard to required vehicle use will be subject to corrective action. The identified deficiencies will be outlined in a Compliance Plan. The Compliance Plan will establish a target date for the service provider to address all identified deficiencies, document the service provider’s intent to correct each deficiency, and the timeline for correction. Deficiency findings will range from an immediate correction for life safety issues, to within six months for non-life threatening issues.

If the issues are not addressed by the service provider within the timeframe specified in the Compliance Plan, the provider may be subject to repossession of the vehicle.

Notice of Nondiscrimination Rights and Protections to Beneficiaries

Federal “Title VI/Nondiscrimination” Protections

The Massachusetts Department of Transportation (MassDOT) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of **race, color, or national origin** (including **limited English proficiency**), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of **age, sex, and disability**. These protected categories are contemplated within MassDOT’s Title VI Programs consistent with federal interpretation and administration. Additionally, MassDOT provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

State Nondiscrimination Protections

MassDOT also complies with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on **race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry**. Likewise, MassDOT complies with the Governor’s Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on **race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status** (including Vietnam-era veterans), or **background**.

Additional Information

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, please contact:

Title VI Specialist
MassDOT, Office of Diversity and Civil Rights
10 Park Plaza
Boston, MA 02116
857-368-8580
TTY: 857-368-0603
MASSDOT.CivilRights@state.ma.us

Complaint Filing

To file a complaint alleging a violation of Title VI or related federal nondiscrimination law, contact the Title VI Specialist (above) within 180 days of the alleged discriminatory conduct.

To file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminatory conduct at:

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, 6th Floor
Boston, MA 02109
617-994-6000
TTY: 617-994-6196

Translation

English: If this information is needed in another language, please contact the MassDOT Title VI Specialist at 857-368-8580.

Portuguese: Caso esta informação seja necessária em outro idioma, favor contar o Especialista em Título VI do MassDOT pelo telefone 857-368-8580.

Spanish: Si necesita esta información en otro idioma, por favor contacte al especialista de MassDOT del Título VI al 857-368-8580.

Chinese Simplified: (mainland & Singapore): 如果需要使用其它语言了解信息，请联系马萨诸塞州交通部（MassDOT）《民权法案》第六章专员，电话857-368-8580。

Chinese Traditional: (Hong Kong & Taiwan): 如果需要使用其它語言了解信息，請聯繫馬薩諸塞州交通部（MassDOT）《民權法案》第六章專員，電話857-368-8580。

Russian: Если Вам необходима данная информация на любом другом языке, пожалуйста, свяжитесь со специалистом по Титулу VI Департамента Транспорта штата Массачусетс (MassDOT) по тел: 857-368-8580.

Haitian Creole: Si yon moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Espesyalis MassDOT Title VI la nan nimewo 857-368-8580.

Vietnamese: Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Chuyên viên Luật VI của MassDOT theo số điện thoại 857-368-8580.

French: Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le spécialiste du Titre VI de MassDOT en composant le 857-368-8580.

Italian: Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare lo Specialista MassDOT del Titolo VI al numero 857-368-8580.

Khmer: ប្រសិនបើលោកអ្នកត្រូវការបកប្រែពីភាសាខ្មែរ សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី**6** របស់**MassDot** តាមរយៈលេខទូរស័ព្ទ **857-368-8580**

Arabic: إن كنت بحاجة إلى هذه المعلومات بلغة أخرى، يُرجى الاتصال بأخصائي الفقرة السادسة على الهاتف 857-368-8580