

CITY OF MOAB RESOLUTION NO. 02-2022

A RESOLUTION ADOPTING POLICIES IN CONNECTION WITH THE MOAB AREA TRANSIT (MAT) PILOT PROJECT, INCLUDING: AMERICANS WITH DISABILITIES ACT COMPLIANCE; TITLE VI CIVIL RIGHTS PLAN; DRUG AND ALCOHOL TESTING; AND PROCUREMENT POLICIES.

The following describe the intent and purpose of this resolution.

- a. The City of Moab (City) has experienced increased problems with traffic and congestion due to growth in tourism and visitation. Growth and visitation trends suggest that these problems will increase in the future.
- b. The City currently does not have any system of public mass-transit. Utah law authorizes municipalities to construct and operate public transportation systems. U.C.A. § 10-8-14(1)(a), 10-8-86.
- c. Pursuant to Resolution No. 25-2021, dated June 8, 2021, the City committed to the development of a pilot community shuttle program to provide bus services to residents and visitors.
- d. Under the Cooperative Agreement with the Utah Department of Transportation (UDOT), dated October 25, 2021, the City committed to developing the Moab Area Transit system (MAT) as a five-year pilot project involving community shuttle buses.
- e. State and federal funding sources, including the Federal Transit Administration, require that local governments develop transit policies governing operation of public transit systems as a condition for receiving funding. The City has retained consultants to advise and author policies to meet these requirements.

Therefore, the City of Moab adopts this resolution, which in turn incorporates and adopts certain policies that shall govern operations of the MAT and operations by any contractor selected by the City to operate all or part of the MAT, as set forth below:

1. MAT Title VI Plan (non-discrimination in the provision of transit services) and Service Standards, **Exhibit 1**.
2. Drug and Alcohol Policy for MAT employees and contractors, **Exhibit 2**.
3. Americans with Disabilities Act Policy, **Exhibit 3**.
4. Statement on Disadvantaged Business Enterprise, **Exhibit 4**.
5. All procurement for the MAT shall comply with applicable Moab procurement ordinances and U.S. Department of Transportation (Federal Transit Administration) Circular FTA C 4220.1F, as same may be amended from time to time. In the event of any conflict between the Moab ordinances and Circular FTA C 4220.1F, the provisions of the federal circular shall control.

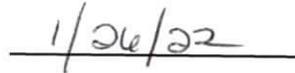
City of Moab
Resolution No. ____-2022

PASSED AND APPROVED by a majority of the City of Moab City Council. This resolution shall take effect immediately upon passage.

SIGNED:



Joette Langianese, Mayor



Date

ATTEST:



Sommar Johnson, Recorder

Attachments, Exhibits 1, 2, 3, and 4.

EXHIBIT 1

Moab Area Transit (MAT)

City of Moab

Moab, Utah

Title VI Plan

Table of Contents

Introduction	3
Provision of Title VI Assurances	4
Title VI Compliance History	5
Incorporation of the Program	6
General Guidelines/Requirements	9
Annual Certification and Assurance	9
Procedures for Filing a Title VI Complaint.....	9
Record of Investigations, Complaints, Lawsuits.....	9
Limited English Proficiency (LEP) Plan	9
Title VI Notice to the Public	9
Additional Information.....	10
Timely Submission	10
Environmental Analysis of Construction Projects.....	10
Public Participation Plan – Promoting Inclusive Public Participation	11
System-Wide Service Standards and Service Policies	11
Membership of Non-Elected Committees and Councils.....	11

Appendices

Appendix A – Title VI Clause: All Contracts Subject to Title VI	12
Appendix B – Title VI Clause: Real Property Transactions	14
Appendix C – Title VI Clause: Federally Funded Real Property Transactions/Improvements	16
Appendix D – Title VI Notice to the Public / Complaint Process.....	18
Appendix E – Title VI Complaint Form.....	21
Appendix F – Limited English Proficiency Plan.....	25
Appendix G – Service Standards	29

Introduction

Moab Area Transit (MAT) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. In addition to the protections provided in Title VI, and consistent with City of Moab employment policy, MAT is committed to expanded protections ensuring that no person is excluded from participation in, or denied the benefits of its transit services or programs on the basis of race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, veteran status, genetic information, or other group protected by federal law, applicable state law, or local law. In order to achieve baseline conformance with federal law, the Title VI Plan explicitly addresses a narrower range of protected classes. However, MAT policy shall be more liberally construed to include the broader range of classes.

Any person who believes they have, individually, or as a member of any specific class or persons, been subjected to discrimination on the basis of race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, veteran status, genetic information, or other protected class may file a complaint with MAT.

For more information on MAT's civil rights program, and the procedures to file a complaint, contact our Title VI Program Administrator at 435-259-4941; visit our website [Click or tap here to enter text.](#); or visit our administrative offices 217 E Center Street, Moab, UT 84532.

A complainant may also file a complaint directly with the 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.

Provision of Title VI Assurances

MAT hereby certifies that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a) MAT shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission to the FTA.
- b) No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit related benefits.
- c) MAT will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.
- d) MAT will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration, and/or the U.S. Department of Transportation, and/or the Utah Department of Transportation.

Title VI Compliance History

- a) There are no outstanding lawsuits or complaints naming the City of Moab which allege discrimination on the basis of race, color or national origin with respect to transit service or other transit benefits.
- b) There are no pending applications for Federal financial assistance, and there is no Federal financial assistance currently being provided to MAT other than that being supplied by the Federal Transit Administration (FTA) through capital and operational programs (5309).
- c) During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to MAT and, to the best of our knowledge, there are not presently any ongoing civil rights compliance review activities being conducted with respect to MAT.
- d) There are currently no pending construction projects which would negatively impact minority communities being performed by MAT.
- e) The City of Moab does not have any pending applications to other Federal agencies for assistance, and no Federal agency has found the City of Moab to be in noncompliance with any civil rights requirement.

Incorporation of the Program

Moab Area Transit (hereinafter referred to as "MAT" or "Recipient") hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), and other pertinent directives. No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically, and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Transit Administration program:

- a. That the Recipient agrees that each "program" and each "facility", as defined in subsections 21.23(e) and 21.23(b) of the Regulations will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated, in compliance with all requirements imposed by, or pursuant to, the Regulations.
- b. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Transit Administration programs and in adapted form in all proposals or negotiated agreements:

MAT, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders/proposers that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to the invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

- c. That the Recipient shall insert the clauses contained herein as **Appendix A** in every contract subject to this Act and the Regulations.
- d. That the Recipient shall insert the clauses contained herein as **Appendix B**, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest herein.

- e. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
- f. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
- g. That the Recipient shall include the appropriate clauses contained herein as

- h. **Appendix C**, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Transit Administration programs; and (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under Federal Administration programs.
- i. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
- j. The Recipient shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
- k. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.
- l. The Recipient assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

THESE ASSURANCES are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the recipient by the Department of Transportation under the Federal Administration and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Transit Administration programs.

The person(s) whose signature appears below, are authorized to sign these assurances on behalf of the grant applicant, recipient, or sub-recipient.

Date: _____

General Guidelines/Requirements

Annual Certification and Assurance

As stated in Section I, MAT shall submit annually, their Title VI assurance, as part of their annual Certification and Assurance submission to the FTA and/or UDOT. The most recent submission for MAT was approved by Board of Directors on [Click or tap to enter a date.](#) and was executed and submitted to the FTA on [Click or tap to enter a date.](#)

Procedures for Filing a Title VI Complaint

In compliance with 49 CFR Section 21.9(b), MAT has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. MAT complaint procedures and complaint form are contained herein as **Appendix D** and **Appendix E**, respectively.

Record of Investigations, Complaints, Lawsuits

In compliance with 49 CFR Section 21.9(b), MAT shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming MAT that allege discrimination on the basis of race, color, or nation origin. Such list shall include:

- 1) Date the investigation, lawsuit, or complaint was filed;
- 2) Summary of the allegation(s);
- 3) The status of the investigation, lawsuit, or complaint; and
- 4) Actions taken by the MAT in response to the investigation, lawsuit, or complaint.

Limited English Proficiency (LEP) Plan

MAT shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). MAT will assist persons with limited English proficiency to participate in the transportation planning process. MAT Staff will make every effort to provide translators and document translation, where feasible, upon request. MAT's Limited English Proficiency (LEP) Plan is contained herein as **Appendix F**.

Title VI Notice to the Public

In compliance with 49 CFT Section 21.9(d), MAT shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. MAT complaint procedures and public notification information are contained herein as **Appendix D**.

MAT's Title VI notice to the public will be posted at the following locations:

- MAT's website: [Click or tap here to enter text.](#)

- City of Moab offices, 217 E Center Street, Moab, UT 84532
- MAT's Rider's Guide
- Transit Buses

Additional Information

MAT acknowledges that, at the discretion of the FTA, information other than that which is required by FTA C 4702.1B, may be requested in writing of MAT, to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

Timely Submission

MAT acknowledges that their Title VI submissions and/or updates thereto, shall be supplied to their FTA Regional Office once every three (3) years. The submission shall include, but is not limited to:

1. A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
2. MAT's process for persons with limited English proficiency (LEP);
3. Title VI Complaint and Tracking procedures;
4. A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
5. A copy of MAT's public notice regarding Title VI compliance and public access and instructions to MAT Title VI complaint procedures.

Portions of the Plan which have not changed since the last submission will not be resubmitted, however, MAT shall include a statement to this effect in lieu of copies of the original documents in order to eliminate redundancy in resubmissions.

Environmental Analysis of Construction Projects

MAT shall integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of construction projects of which require NEPA. If a Categorical Exclusion (CE) is performed, MAT shall complete the FTA's standard CE checklist which includes a section on community disruption and environmental justice. While preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), MAT shall integrate into their documents, the following:

1. A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population; A discussion of all adverse effects that would affect the identified minority and low-income population;
2. A discussion of all positive effects that would affect the identified minority and low-income population;
3. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues, and the replacement of the community resources destroyed by the project, if applicable;
4. A discussion of the remaining effects, if any, and why further mitigation is not proposed; and

5. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison will be completed of mitigation and environmental enhancement actions between the two stated areas. If there is no basis for such a comparison, MAT shall describe why this is so.

Public Participation Plan – Promoting Inclusive Public Participation

MAT shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. MAT shall make every effort to include the following practices:

1. Coordination with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
2. Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;
3. Utilization of locations, facilities and meeting times that are convenient and accessible to low-income and minority communities;
4. Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
5. Implementation of DOT's policy guidance regarding MAT's responsibilities to LEP persons

System-Wide Service Standards and Service Policies

MAT's Service Standard and Service Policy Requirements are outlined in **Appendix G**.

Membership of Non-Elected Committees and Councils

The City of Moab does not have any transit-related, non-elected planning boards, advisory councils or committees, or similar bodies.

The person whose signature appears below is authorized to sign on behalf of the grant applicant for recipient.

Date: _____

Appendix A – Title VI Clause: All Contracts Subject to Title VI

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by MAT or the FEDERAL TRANSIT ADMINISTRATION to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to MAT, or the FEDERAL TRANSIT ADMINISTRATION as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provision of this contract, the MAT shall impose contract sanctions as it or the FEDERAL TRANSIT ADMINISTRATION may determine to be appropriate, including but not limited to:
 - a. Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall

take such action with respect to any subcontract or procurement as the MAT or the FEDERAL TRANSIT ADMINISTRATION may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the MAT to enter into such litigation to protect the interests of the MAT, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix B – Title VI Clause: Real Property Transactions

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by Law, and upon the condition that Moab Area Transit (MAT) will accept title to the Lands and maintain the project constructed thereon, in accordance with THE STATE OF UTAH, the Regulations for the Administration of PROGRAM and the policies and procedures prescribed by FEDERAL TRANSIT ADMINISTRATION of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto MAT all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENOM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto MAT and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on MAT, its successors and assigns.

MAT, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby [,] [and]* (2) that MAT shall use the lands and interest in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary.

Part 21, Nondiscrimination in Federally- Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described

land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction. *

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Appendix C – Title VI Clause: Federally Funded Real Property Transactions/Improvements

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by MAT pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, MAT shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said (licenses, lease, permit, etc.) to re-enter and repossess said land and facilities thereon, and hold the same as if said (license, lease, permit, etc) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants MAT shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of MAT and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by MAT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee,

lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, MAT shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities as thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, MAT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of MAT and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

Appendix D – Title VI Notice to the Public / Complaint Process

Public Notice of Rights

The following statement shall be posted on site at the MAT office, on the MAT website ([Click or tap here to enter text.](#)); permanently displayed on public transit vehicles; and other appropriate materials made available to the public: (Documents will be translated into languages other than English, upon request.)

Non-Discrimination - Your Rights Under Title VI of the Civil Rights Act of 1964

Moab Area Transit

The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Any person, who believes Moab Area Transit Authority (MAT) has violated her/his/their Title VI protections, should contact MAT at 435-259-4941 or cwilliams@moabcity.org. MAT has also developed a policy to assist individuals who are Limited English Proficient (LEP). Translation services in order to assist LEP individuals shall be made available to MAT's customers upon request. MAT's Title VI policy, complaint procedures and LEP Plan shall be made available upon request by contacting MAT Transportation Department at the above-noted information. For federal Title VI information please contact the Federal Transit Administration (FTA), Region 8 at 303-362-2400. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at: www.fta.dot.gov.

Title VI Information, Limited English Proficient (LEP) information and Complaint Process (for printed materials, website, and other mediums upon request)

The Moab Area Transit Authority (MAT) grants all citizens equal access to all its transportation services. It is further the intent of MAT that all citizens are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of MAT programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964.

What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 requiring that "No person in the United States shall on the grounds 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." Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination.

What is LEP?

As part of Title VI requirements, MAT has developed a Limited English Proficiency (LEP) Plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to MAT services as required by Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000). A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

MAT's Complaint and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by MAT.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and MAT may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The following measures will be taken to resolve Title VI complaints:

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or her/his/their representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin, sex, disability, age), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

MAT strongly encourages the use of the attached MAT Title VI Complaint Form (**Appendix E**) when filing official complaints.

The preferred method is to file your complaint in writing using MAT Title VI Complaint Form (**Appendix E**), and sending it to:

MAT Title VI Coordinator
City of Moab
217 E Center Street
Moab, UT 84532
Phone: 435-259-4941
Email: cwilliams@moabcity.org

2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to MAT Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and MAT Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
3. When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) days by registered mail.

4. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
5. Within 15 business days from receipt of a complete complaint, MAT will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Executive Director or her/his/their authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of MAT's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. When MAT does not have sufficient jurisdiction, the Executive Director or her/his/their authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
7. If the complaint has investigative merit, the Executive Director or her/his/their authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Executive Director within 60 days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
8. The Executive Director or her/his/their authorized designee will issue letters of finding to the Complainant and Respondent within 90 days from receipt of the complaint.
9. If the Complainant is dissatisfied with MAT's resolution of the complaint, she/he has the right to file a complaint with the:

Federal Transit Administration
Region 10
Office of Civil Rights
915 Second Ave, Suite 3142
Seattle, WA 98174
Phone: 206-220-4462
Fax: 206-220-7959

FTA Complaint procedures can also be found on the FTA web site at: www.fta.dot.gov. These procedures are also outlined in FTA Circular 4702.1B, Chapter IX.

Appendix E – Title VI Complaint Form

Complaint Form

Instructions: If you would like to submit a Title VI complaint to Moab Area Transit (MAT), please fill out the form below and send it to: MAT, Attn: Title VI Coordinator, 217 E Center Street, Moab, UT 84532. For questions or a full copy of MAT's Title VI policy and complaint procedures, call 435-259-4941 or email cwilliams@moabcity.org.

Contact Information

Complainant's Name _____

Address _____

City _____ State _____ Zip _____

Telephone Number _____

Email Address _____

Person discriminated against (if someone other than the complainant)

Name _____

Address _____

City _____ State _____ Zip _____

Type of Civil Rights Complaint

- | | | |
|--|---|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Gender | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> Color | <input type="checkbox"/> Religion | <input type="checkbox"/> Limited English Proficiency |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Age | <input type="checkbox"/> Income Status |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Other |

Service Details

Date of Occurrence: _____

Destination: _____

Time of Occurrence: _____

Vehicle Number: _____

Route Number: _____

Driver's Name: _____

Boarding Location: _____

Driver's Badge Number: _____

Direction of Travel: _____

Incident Information

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons involved including the names and contact information of any witnesses and of those you believe discriminated against you. You may attach any written materials or other information relevant to your complaint.

Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes No

If yes, check each box that applies

- Federal Agency Federal Court
 State Agency State Court Local Agency

Please provide a contact name at the agency/court where the complaint was filed:

Complainant's Signature: _____ Date: _____

Título VI Denuncia Forma

Instrucciones: Si desea enviar una queja de Título VI a Moab Area Transit (MAT), complete el formulario a continuación y envíelo a: MAT, Attn: Title VI Coordinator, 217 E Center Street, Moab, UT 84532. Si tiene preguntas o para obtener una copia completa de la política del Título VI y los procedimientos de quejas de MAT, llame al 435-259-4941 o enviar un correo electrónico a cwilliams@moabcity.org.

Su Información de Contacto

Su Nombre _____

Domicilio _____

Ciudad _____ Estado _____ Código Postal _____

Teléfono _____

Correo Electrónico _____

Persona Discriminada (si alguien más que usted)

Nombre _____

Ciudad _____ Estado _____ Código Postal _____

Teléfono _____

Tipo de Queja de Derechos Civiles

- | | | |
|--|---|---|
| <input type="checkbox"/> Raza | <input type="checkbox"/> Género | <input type="checkbox"/> Identidad de Género |
| <input type="checkbox"/> Color | <input type="checkbox"/> Religión | <input type="checkbox"/> Conocimiento Limitado del Inglés |
| <input type="checkbox"/> Origen Nacional | <input type="checkbox"/> Edad | <input type="checkbox"/> Estado de Ingresos |
| <input type="checkbox"/> Discapacidad | <input type="checkbox"/> Orientación Sexual | <input type="checkbox"/> Otra |

Detalles del Servicio

Fecha en que ocurrió: _____ Dirección del viaje: _____

Hora en que ocurrió: _____ Destino: _____

Número de la ruta: _____ Número del vehículo: _____

Lugar en que abordó: _____ Nombre del conductor: _____

Número de la credencial del conductor: _____

Información del Incidente

Explique, de la manera más clara posible, qué sucedió y por qué cree que fue discriminado. Describa a todas las personas involucradas, incluidos los nombres y la información de contacto de cualquier testigo y de aquellos que usted cree que lo discriminaron. Puede adjuntar cualquier material escrito u otra información relevante para su queja.

¿Han presentado esta queja con cualquier otro federal, Estado, o agencia local o con cualquier tribunal federal o estatal? Si No

En caso afirmativo, comprobar cada cuadro que se aplica

- Federal Agencia Federal Tribunal
 Estado Agencia Estado Tribunal Agencia Local

Proporcione un nombre de contacto en la Agencia donde se presentó la denuncia:

Por favor su firma: _____ Fecha: _____

Appendix F – Limited English Proficiency Plan

Introduction

The Limited English Proficiency (LEP) Plan for Moab Area Transit (heretofore referred to as MAT) has been developed in response to federal requirements included under Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person shall “on the grounds 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.”

Policy Statement

Federal Executive Order No. 13166, issued in August 2000 by President Clinton, "Improving Access to Services for Persons with Limited English Proficiency," was created to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. and Acting Assistant Attorney General, Loretta King directed a strengthening of enforcement of Title VI in a memorandum dated July 10, 2009.

As a sub-recipient of funds from the Federal Transit Administration (FTA), through the Utah Department of Transportation (UDOT), this Limited English Proficiency (LEP) Plan for Moab Area Transit (MAT) has been developed to ensure compliance with Federal LEP regulations. It includes an assessment of the limited English proficiency needs of our area, an explanation of the steps we are currently taking to address these needs, and the steps we plan to take in the future to ensure meaningful access to our transit programs by persons with limited English proficiency.

Four-Factor Analysis

- 1. The number or proportion of LEP persons eligible in MAT service area who may be served or likely to encounter a MAT program, activity, or service**

MAT examined the 2016 ACS 5-year data online (<http://data.census.gov>) and determined that approximately 12.3% of Grand County households speak a language other than English at home while 2.4% of Grand County households qualify as LEP. In San Juan County, 45.4% of households speak a language other than English at home while 7.4% of households qualify as LEP. Of the languages spoken other than English, Spanish is the dominant language in Grand County while the “Other” classification is dominant in San Juan County, presumably a large portion is Diné/Navajo given the county’s cross-boundary with the Navajo Nation Reservation.

- 2. The frequency with which LEP individuals come in contact with a MAT program, activity, or service**

MAT will assess the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. The City of Moab partners with the Moab Valley Multicultural Center to provide translators at municipal public meetings for LEP populations and shall do the same for MAT public meetings.

The microtransit service zone will likely serve LEP communities looking to access jobs, education, healthcare, and other resources/services in downtown Moab.

3. The nature and importance of the program, activity, or service provided by MAT to LEP community

The MAT flexible route service area is important to the LEP community as it provides convenient transport to/from job centers, healthcare, and cultural centers.

4. The resources available to MAT and overall costs MAT assessed its available resources that could be used for providing LEP assistance

This included identifying translation services, identifying which documents are most needed to be translated and looking for organizations such as the Moab Valley Multicultural Center to partner with that would help MAT do outreach to the LEP community. The City of Moab also has staff who can speak Spanish or Diné/Navajo and can help improve communications with the LEP community.

After analyzing the four factors, MAT developed the plan outlined in the following section for assisting persons of limited English proficiency.

Limited English Proficiency Plan Outline

1. How to identify an LEP person who needs language assistance

Below are tools to help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When MAT sponsored workshops or conferences are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- Frequently survey drivers and other first line staff of any direct or indirect contact with LEP individuals.

2. Language Assistance Measures

MAT has or will implement the following LEP procedures. The creation of these steps is based on the low percentage of persons speaking other languages or not speaking English at least "well," and the lack of resources available in MAT service area:

- All printed schedules for the microtransit service will be translated into Spanish.
- MAT will have pre-recorded information in Spanish and procedures for Spanish speakers to obtain additional information on its phone system.
- MAT will seek drivers and staff who speak Spanish and who are able to help give assistance to the LEP community.
- MAT's website will provide an option to translate the entire site into various languages including Spanish.
- When an interpreter is needed, in person or on the telephone, and MAT staff has exhausted the above options, staff will first attempt to determine what language is required. MAT will then work with local LEP support organizations to provide these translation services.

3. MAT Staff Training

All MAT staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of MAT staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services MAT offers;
- Who is available within existing MAT staff to help with LEP persons;
- How to use the online translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint (this process is contained in **Appendix D**)

4. Outreach Techniques

MAT does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that MAT will incorporate when and/or if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When preparing a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into "A (insert alternative Language) translator will be available". For example: "Un traductor del idioma español estará disponible" which means "A Spanish translator will be available".
- Key printed materials, including but not limited to schedules and maps, will be translated and made available at MAT offices, on board vehicles and in communities when a specific and concentrated LEP population is identified.

5. Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. At a minimum, MAT will follow the Title VI Program update schedule for the LEP Plan. Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in MAT service area?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified MAT programs? Are there other programs that should be included?
- Have MAT's available resources, such as technology, staff, and financial costs changed?
- Has MAT fulfilled the goals of the LEP Plan?
- Were any complaints received?

6. Dissemination of MAT Limited English Proficiency Plan

MAT includes the LEP Plan with its Title IV Policy and Complaint Procedures. MAT's Notice of Rights under Title VI to the public is posted in MAT office, on all MAT vehicles, and in selected printed materials and also refers to the LEP Plan's availability.

Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan.

Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to MAT Title VI Coordinator.

MAT Title VI Coordinator
City of Moab
217 E Center Street
Moab, UT 84532
Phone: 435-259-4941
Email: cwilliams@moabcity.org

Appendix G – Service Standards

Moab Area Transit

For Vehicle Load, Vehicle Headways, On-time Performance, Service Availability And Service Policies for Transit Amenities and Vehicle Assignments

As required by the Federal Transit Administration (FTA) as part of the Title VI program, Moab Area Transit (MAT) has standards for its services for minimum levels for vehicles, performance, service availability and service standards.

These standards are important to ensure reliable service that is transparent to the general public, especially our riders.

The MAT network will begin as a microtransit service for the first years of operation, then will be evaluated for a potential fixed route service based on microtransit ridership trends.

Vehicle Load Standards

MAT will operate a mix of vehicle sizes to operate the microtransit service, including at least one ADA-compliant vehicle during all operating hours. Each vehicle will have a maximum seated capacity determined by the manufacturer and the number of seats and seat belts in the vehicle. The maximum vehicle load standard will be this maximum seated capacity.

MAT may not always load at maximums based on external factors such as weather or local, state, or federal health guidelines (e.g., reduced capacity due to COVID-19).

Vehicle Headway Standards

MAT operates a seasonal service in a natural recreation economy where demand grows and shrinks significantly based on the time of year. This requires vehicle service standards to vary significantly throughout the year. Operating and response times vary by peak and off-peak season, mid-March to mid-October and mid-October to mid-March, respectively.

Microtransit response time involves the consideration of a number of factors including: demand, ridership productivity (riders/hour), transit friendly streets, housing density and population, seasonality, activities, regional planning, transit developments, land use connectivity and transportation demand management. MAT considers all these factors in determining its annual schedule and service planning. Below is the planned service schedule for the microtransit zone:

	Peak Season (Mid-March to Mid-October)	Off-Season (Mid-October to Mid-March)
Operating Days	Mon – Sun	Mon – Fri
Operating Hours	7am – 6pm	8am-4pm
Response Time	30min or less	30min or less
Vans in Operation	2	1

These headway and operating hour standards are estimated minimums. MAT will seek to improve upon these minimums as resources allow, as part of establishing an effective transit network.

On-time Performance Standard

MAT will measure response time performance through its microtransit provider's management software, which will provide reporting on trip pickup and drop-off times, duration, and origin/destination. MAT currently defines an acceptable (on-time) response time as 30 minutes or less, and an unacceptable response time as more than 30 minutes.

MAT on-time performance objective for all transit routes is 90% or better.

Service Availability Standard

All passengers within the City of Moab's borders and those immediately adjacent to Moab will be able to access MAT's microtransit service, as defined by MAT's final microtransit service area. Additionally, passengers between the City of Moab and Spanish Valley. Microtransit vehicles will provide a door-to-door service, picking passengers up at their request location and dropping them off at their desired destination within the service zone.

Transit Amenities

For microtransit service, MAT will work to identify park and ride areas for its passengers. Passenger amenities at these locations will be limited. As fixed route service is developed, MAT will work to develop bus stops with possible amenities such as benches, lighting, signage, and sidewalk connections.

Vehicle Assignments for Each Mode

Microtransit vehicles will be equipped with air conditioning and padded seats. More vehicles will operate in the peak season than in the off-peak season. At least one ADA-compliant vehicle will operate during service hours. Vehicle age should not exceed 8 years. Winter conditions may also require different vehicle types.

City of Moab (Moab Area Transit)

Drug and Alcohol Policy

Effective as of [mm/dd/yyyy]

Adopted by: _____

Date Adopted: [dd/mm/yyyy]

Last Revised: [dd/mm/yyyy]

Table of Contents

1.	Purpose of Policy.....	3
2.	Covered Employees.....	3
3.	Prohibited Behavior	3
4.	Consequences for Violations.....	4
5.	Circumstances for Testing.....	4
6.	Testing Procedures.....	6
7.	Test Refusals.....	7
8.	Voluntary Self-Referral.....	8
9.	Prescription Drug Use	8
10.	Contact Person	8
	Attachment A: Covered Positions	9

I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect City of Moab (Moab Area Transit)'s policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify [decide who to notify] no later than five days after such conviction.

2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine

- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

Zero Tolerance

Per City of Moab (Moab Area Transit) policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) **and terminated from employment.**

5. Circumstances for Testing

Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when City of Moab (Moab Area Transit) has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by City of Moab (Moab Area Transit) using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by City of Moab (Moab Area Transit) using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Dilute Urine Specimen

If there is a negative dilute test result, City of Moab (Moab Area Transit) will conduct one additional retest. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. City of Moab (Moab Area Transit) guarantees that the split specimen test will be conducted in a timely fashion. **Employer decision- if employees will be required to pay for the test (may not condition analysis on employee payment).**

7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by City of Moab (Moab Area Transit).
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or City of Moab (Moab Area Transit) for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or City of Moab (Moab Area Transit)'s Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

8. Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the **City Engineer**, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

9. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to **the City Engineer**. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

10. Contact Person

For questions about City of Moab (Moab Area Transit)'s anti-drug and alcohol misuse program, contact **Chuck Williams, PE, City Engineer**.

Attachment A: Covered Positions

[Add list of job titles covered by this policy.]

EXHIBIT 3

Americans with Disabilities Act of 1990 (ADA) Policies and Procedures

Moab Area Transit

Date: December 2021

Authored by: Fehr & Peers

Introduction and Purpose

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable state laws and regulations. Moab Area Transit (MAT) operates services on a demand responsive basis, commingled on the same vehicle as ADA complementary paratransit. MAT complies with ADA requirements with respect to such services.

Policy Statement

It is the policy of MAT to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Fixed Route Service: Operates along a prescribed route according to a fixed (regular) schedule.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

General Guidance and Procedures for Implementing Policy

Recruitment and Employment: As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State of Utah. If state requirements do not meet federal requirements, the federal ADA regulations prevail. All vehicles purchased for fixed route and route deviation service will be accessible. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment:

The demand response system of MAT, when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift or ramp, to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available. MAT provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under 49 CFR Part 37, Section 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of MAT provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

Inoperative Lifts and Ramps: Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

Wheelchair Accommodation: All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), MAT will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not required to operate a passenger's wheelchair. The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if

necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Wheelchair Securement: MAT requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

Seat belts and shoulder harnesses are required for ALL passengers. Seat belts will never be used instead of independent securement of the passenger's wheelchair.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

Driver Assistance: Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the vehicle ramp, lift and/or securement systems using the accessibility-related equipment and features on their vehicles.

Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device: The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices: Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can

safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating: All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchairs users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

Service Animals: In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. For fixed route, the driver will allow a passenger who uses the lift or ramp to alight at any stop, unless the lift or ramp cannot be deployed, will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the City Engineer and promptly and objectively

investigated. MAT will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. All documentation of each ADA complaint will be kept on file for a minimum of one year. Summary documentation of all ADA complaints will be kept for a minimum of five years. These are the minimum retention requirements for ADA complaint records – the Utah Open Records Act may require that files be maintained for a longer period of time.

Reasonable Modification of Policy: If a passenger with a disability requires modification of any of MAT's policies and practices to accommodate their disability to use the service, the passenger may request such a modification by contacting City of Moab's Engineering Department. The transit system will work with the individual to find an acceptable accommodation solution.

Where a request for modification cannot practicably be made and determined in advance operating personnel will make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with MAT management before making a determination to grant or deny the request.

Requests for modification of policies and practices may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of MAT's services, programs, or activities;
- Granting the request would create a direct threat to the health or safety of others;
- Without the requested modification, the individual with a disability is able to fully use MAT's services, programs, or activities for their intended purpose.

If MAT denies a request for a reasonable modification, the agency shall take, to the maximum extent possible, other actions (that would not result in a direct threat or fundamental alteration of service) to ensure that the individual with a disability receives the services or benefit provided by MAT.

Guidelines for Implementing Policy Specific to Demand Response Services

Service in the Most Integrated Setting: MAT demand response transportation service is a shared-ride service. It is the policy of MAT to provide service for individuals with disabilities in the most integrated setting appropriate to the needs of the individual, including providing service to individuals with disabilities on the same vehicles and together with all other riders.

Service Characteristics: MAT shall ensure that individuals with disabilities receive the same level of service as individuals without disabilities. The demand response system of MAT, when viewed in its entirety, provides an equivalent service to individuals with disabilities, including individuals who use wheelchairs, with respect to the following service characteristics:

- **Response time:** individuals with disabilities are not required to reserve services further in advance than other individuals.

- **Fares:** individuals with disabilities are not charged higher fares than other individuals.
- **Geographic area of service:** individuals with disabilities can use the service to travel to and from the same areas as other individuals.
- **Hours and days of service:** individuals with disabilities can use the service during the same days and hours as other individuals.
- **Restrictions or priorities based on trip purpose:** travel by individuals with disabilities is not restricted by trip purpose any more than travel by other individuals.
- **Availability of information and reservations capability:** individuals with disabilities have access to the same information and reservations capability as other individuals.
- **Any constraints on capacity or service availability:** travel by individuals with disabilities is not limited by capacity any more than travel by other individuals.

Passenger Assistance: Demand response services will be provided on a curb-to-curb basis. MAT drivers will assist riders with disabilities in boarding and alighting from vehicles and in securing wheelchairs. All drivers who operate MAT services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

The staff of MAT will not lift a passenger, leave a vehicle unattended or out of visual observation for a lengthy period of time, enter a rider's home, care for service animals, operate a power wheelchair, provide personal care attendant (PCA) service, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than MAT can provide as provider of public transportation, the individual will be responsible for arranging for personal assistance. Staff of MAT will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance that can be provided by the driver and formally document this in a letter sent to the individual.

EXHIBIT 4

Statement on Disadvantaged Business Enterprises

The intent of Moab Area Transit (MAT) is to purchase the highest quality of goods and services at the best possible price. In so doing, MAT will not discriminate on the basis of race, color, national origin, or sex in the award of any contracts funded in whole, or in part, with U.S. Department of the Transportation (DOT) funds.

It is the policy of Moab Area Transit to ensure that Disadvantaged Business Enterprises (DBEs), as defined in CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts.

Certification into the DBE program involves completion of an application with appropriate supporting documentation, and an onsite interview by a certifying entity of the Utah Unified Certification Program (UUCP). The UUCP conducts certifications for all DBE programs throughout the State of Utah. This creates one DBE directory for the State of Utah. The Utah Department of Transportation (UDOT) provides the service for the directory and the link for the DBE directory is located below. The purpose for the UUCP is to provide for "one stop shopping" for DBE firms applying for certification in the State of Utah.

Moab Area Transit adheres to UDOT's latest DBE Goal. For Federal Fiscal Years 2021 Through 2023, UDOT has determined its overall DBE goal to be 0.33 percent of the total FTA funds the UDOT will expend on FTA-assisted contracts, not including transit vehicle purchase contracts. However, Moab Area Transit will create goals based on each project procurement, and some may have a goal of zero if no DBE firms are available.

If you would like further information regarding the DBE program, or an application for certification, please contact:

Chuck Williams

435-259-4941

cwilliams@moabcity.org

For assistance in becoming DBE certified please contact UDOT:

801-965-4000

Memorandum

Date: January 19, 2022
To: Chuck Williams, PE, City Engineer, City of Moab
From: Jason Miller, Annie Rice, and Mary Sizemore, Fehr & Peers
Subject: **Federal Transit Administration (FTA) Policies and Plans for New Moab Area Transit**

DN21-0713

Introduction

This technical memo presents the policies, procedures, plans, and compliance documents developed by Fehr & Peers for the City of Moab and its planned transit system, preliminarily known as Moab Area Transit (MAT). The deliverables presented herein were developed for the City of Moab and MAT so that it can become eligible for FTA funds administered by Utah Department of Transportation (UDOT).

Policies, plans, and compliance items described in this memo include:

- Americans with Disabilities Act (ADA) Plan
- Title VI Civil Rights Plan
 - Public Participation Policy, including Limited English Proficiency Policy
 - Transit Service Standards
- Drug and Alcohol Policy
- Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) Plan
- FTA Clauses and Certifications for Procurement

The ADA Plan, Title VI Plan, and the Drug and Alcohol Policy are described herein but are provided as separate files and are intended to be standalone plans and policies for use by MAT.



Americans with Disabilities Act (ADA) Plan

The FTA is charged with ensuring public transit providers comply with the DOT regulations implementing the transportation-related provisions of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended. The regulations in 49 CFR Parts 27, 37, 38, and 39 set specific requirements transit providers must follow to ensure their services, vehicles, and facilities are accessible to and usable by individuals with disabilities. The ADA applies to almost all providers of transportation service, whether private or public, and whether or not an entity receives Federal financial assistance.

The ADA Policy for MAT was drafted using the National Rural Transit Assistance Program (RTAP) Demand Response Service Sample ADA Policy, which provides a sample policy template for transit systems that provide general demand responsive services, fixed route with ADA paratransit, commingled fixed route and paratransit service and/or route deviation services. MAT's service fits into this category. This policy was customized based on planned services in Moab, professional judgement, and consultation with City of Moab staff. Fehr & Peers recommends that City of Moab staff review requirements for operationalizing the policy and consult with their legal counsel to ensure this policy can be implemented according to ADA regulations.



Title VI Civil Rights Plan

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in federally funded programs, including public transportation. The Title VI policy developed for MAT is based on the [FTA's Title VI Circular](#) which provides guidance and instructions to FTA funding recipients on how to comply with Title VI requirements. The policy ensures Title VI will be upheld on MAT services and describes how Title VI processes and procedures will be incorporated into the MAT's services. The policy includes a notification to the public, complaint form, instructions for filing a complaint, and MAT's Title VI coordinator contact information. MAT is required to provide updates to their Title VI plan to their FTA Regional Office once every three years, including:

1. A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
2. MAT's process for persons with limited English proficiency (LEP);
3. Title VI complaint and tracking procedures;
4. A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
5. A copy of MAT's public notice regarding Title VI compliance and public access and instructions to MAT Title VI complaint procedures.

The Title VI policy outlines steps MAT can take to encourage the participation of minority, low-income, and Limited English Proficiency (LEP) populations in public meetings and further details accommodations for LEP persons who will use MAT's services.

The policy also contains MAT's service standards and policies to ensure equal service across the microtransit service area. Furthermore, the policy contains Title VI clauses to include in any MAT contract or property transaction.



Drug and Alcohol Policy

FTA requires employers that receive financial assistance from the FTA and by contractors of those employers, to implement programs, as specified in 49 CFR Part 655, that are designed to help prevent accidents, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions. Although City of Moab has a drug- and alcohol-free workplace policy and testing requirements in place for employees who are required to have a commercial driver's license (CDL), the FTA requirements are specific to transit operations, so a standalone drug and alcohol policy for MAT is necessary.

Fehr & Peers utilized the FTA drug and alcohol policy builder to create a compliant policy. This policy covers MAT employees and would also extend to cover a service contractor operating MAT service on behalf of the City of Moab. Within the policy, there are several areas highlighted in red that must be completed.

Random Testing Rates for 2022

FTA has announced the calendar year 2022 drug and alcohol random testing rates for transit agency employers. For 2022, the minimum random drug testing rate is 50 percent, and the random alcohol testing rate is 10 percent (both rates remained the same as in 2021).



Equal Employment Opportunity

FTA requires entities meeting thresholds (below) to either submit or prepare and maintain an Equal Employment Opportunities (EEO) Program. An EEO Program is a detailed set of procedures and employment information designed to ensure entities meet the EEO requirements.

EEO Threshold Requirements

The FTA states that "Any FTA applicant, recipient, subrecipient, and contractor who meet both of the following threshold requirements must implement all of the EEO Program elements, and *submit an EEO Program every four years*:

- Employs 100 or more transit-related employees, and
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.

Any FTA applicant, recipient, subrecipient, and contractor who meets both of the following threshold requirements *must prepare and maintain an abbreviated EEO Program*:

- Employs between 50-99 transit-related employees, and
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year."

EEO Not Required for MAT

Since MAT does not meet any of the threshold requirements for either a full or abbreviated FTA EEO program, MAT is not required to have an FTA EEO program at this time and will likely not meet the abbreviated program requirements for the foreseeable future.

It should be noted that the City of Moab does have EEO statements and requirements as a municipality. Although not equivalent to an FTA EEO program, the existing City of Moab EEO elements to its hiring practices are important for ensuring compliant, fair, and equitable employment and hiring practices. These EEO elements can be found in the City of Moab's *Policies and Procedures - Employee Handbook*.



Disadvantaged Business Enterprise Plan

Normally, FTA funding recipients must establish a policy and goal for the share of contracts that they will award to Disadvantaged Business Enterprises (DBEs). This goal is based on the share of DBE contractors in the immediate area of the transit agency and adjusted based on several other factors.

According to UDOT staff, however, FTA subrecipients (and particularly rural subrecipients) do not need to have their own DBE goal or policy and may use the goal established by UDOT. For Federal Fiscal Years 2021 Through 2023, UDOT has determined its overall DBE goal to be 0.33 percent of the total FTA funds the UDOT will expend on FTA-assisted contracts. However, MAT will create goals for each project procurement, and some may have a goal of zero if no DBE firms are available. For example, due to the lack of DBE contractors for projects relevant to MAT at the moment (contract turn-key transit operators), the potential DBE participation percentage will be zero. For future capital facility construction projects, there may be potential DBE contractors in the area and MAT would need to adhere to UDOT's DBE goal. UDOT will also ask MAT to report on prime contracts the agency has awarded through the FTA DBE Semi-Annual form every six months, and UDOT will submit what's reported to FTA.

Though MAT is not required to have a DBE policy, Fehr & Peers recommends that the DBE statement (below) be published on MAT's website in order to demonstrate a good faith effort to support DBEs in the area. This statement includes common language from statements by Utah Transit Authority and the Cache Valley Transit District. It also explains MAT's adherence to UDOT's DBE goal and effort to support DBEs when geographically possible.

Statement on Disadvantaged Business Enterprises

The intent of Moab Area Transit (MAT) is to purchase the highest quality of goods and services at the best possible price. In so doing, MAT will not discriminate on the basis of race, color, national origin, or sex in the award of any contracts funded in whole, or in part, with U.S. Department of the Transportation (DOT) funds.

It is the policy of Moab Area Transit to ensure that Disadvantaged Business Enterprises (DBEs), as defined in CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts.

Certification into the DBE program involves completion of an application with appropriate supporting documentation, and an onsite interview by a certifying entity of the Utah Unified Certification Program (UUCP). The UUCP conducts certifications for all DBE programs throughout the State of Utah. This creates one DBE directory for the State of Utah. The Utah Department of Transportation (UDOT)



provides the service for the directory and the link for the DBE directory is located below. The purpose for the UUCP is to provide for "one stop shopping" for DBE firms applying for certification in the State of Utah.

Moab Area Transit adheres to UDOT's latest DBE Goal. For Federal Fiscal Years 2021 Through 2023, UDOT has determined its overall DBE goal to be 0.33 percent of the total FTA funds the UDOT will expend on FTA-assisted contracts, not including transit vehicle purchase contracts. However, Moab Area Transit will create goals based on each project procurement, and some may have a goal of zero if no DBE firms are available.

If you would like further information regarding the DBE program, or an application for certification, please contact:

Chuck Williams, PE
435-259-4941
cwilliams@moabcity.org

For assistance in becoming DBE certified please contact UDOT:
801-965-4000



Procurement

The City of Moab has purchasing procedures defined in Chapter 2.28 of its municipal code. Fehr & Peers reviewed these purchasing procedures in light of the FTA third part contracting guidance, as defined by [FTA Circular 4220.1F](#).

FTA Procurement Thresholds

FTA procurements have three threshold designations: micro-purchases, small purchases, and large purchases. Please note that the City of Moab may have a lower threshold for each category, and if this is the case, use the City of Moab/State of Utah thresholds (always use the more restrictive threshold). Moab and/or the State of Utah may also have different names for these methods, or additional methods. It should also be noted that FTA grantees should not split a larger purchase into two or more smaller purchases in order to avoid the competitive proposal process.

Micro-Purchases

On June 20, 2018, the micro-purchase threshold increased from \$3,500 to \$10,000, per the Office of Management and Budget (OMB) Memorandum M-18-18, and in OMB changes to 2 CFR Part 200 on August 13, 2020. A purchase of \$10,000 or less is considered a micro-purchase and does not require obtaining competitive quotations if it is determined that the price to be paid is fair and reasonable. It should be noted that construction contracts exceeding \$2,000 do trigger the requirements of the Davis-Bacon Act and the Copeland "Anti-Kickback" Act, both of which protect construction employees.

While a competitive process is not required, it is a good practice to informally compare prices from different vendors to ensure the price that was quoted is in fact fair and reasonable. For more information on micro-purchasing, see the FTA Circular 4220.1F.

Small Purchases

As described in Section 3.4.2 of the FTA [Best Practices Procurement and Lessons Learned Manual](#), small purchase procedures are used for the acquisition of services, supplies or other property that cost less than the federal simplified acquisition threshold. This threshold was increased to \$250,000 in OMB memorandum M-18-18 issued on June 20, 2018, as followed by changes to 2 CFR Part 200 on August 13, 2020.

The City of Moab must follow thresholds established by the State of Utah, which may be lower than the federal thresholds. Small purchases do not require a full competitive proposal process, but subrecipients do have to get solicitations and quotations from at least two sources. This can be done either in writing or orally.



Large Purchases

Any purchase that is above the small purchase threshold of \$250,000 is considered a large purchase and must have a competitive procurement, most commonly either through a sealed bid (also referred to as "invitation for bid method" or "formal competition") or competitive proposal (also referred to as "request for proposals (RFP) method" or "competitive negotiation") process.

Sealed Bids - According to FTA Circular 4220.1F, the sealed bid process is one in which "bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price." An example of this is the purchase of diesel fuel.

Competitive Proposals - According to FTA Circular 4220.1F, the competitive proposal process should be used when "the nature of the procurement does not lend itself to sealed bidding and the recipient expects that more than one source will be willing and able to submit an offer or proposal." Examples of this would be contracting for professional services such as consulting or operations management or purchasing dispatching software.

FTA Clauses and Certifications

FTA requires certain clauses and certifications to be included with small and large purchases. Fehr & Peers finds that the easiest way to determine the appropriate clauses and certifications is to utilize the [Procurement PRO tool](#) of the National Rural Transit Assistance Program, also known as RTAP. We recommend that the City of Moab set up an RTAP account and use the Procurement PRO tool to provide the necessary FTA clauses and certifications ahead of all small and large purchases. As a double-check, we recommend also referring to the FTA [Best Practices Procurement and Lessons Learned Manual](#) for verification that all applicable clauses and certifications have been generated by Procurement PRO.

Prohibition Against Geographic Preference

FTA Circular 4220.1F prohibits geographic preference in non-architectural and engineering (A&E) procurements where FTA funds are used. When FTA funds are being used to fund a project, the City of Moab/MAT must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.

When contracting for A&E services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.



Fehr & Peers notes that the City of Moab currently has a geographic preference in its procurement ordinance, as stated in section 2.28.090, that must not be followed when FTA funding is being used.

Recommendation

Fehr & Peers recommends that this procurement section, along with the FTA Circular 4220.1F, be reviewed by City of Moab legal counsel to determine what changes or amendments to existing procurement ordinances may be required.