

Rule No.: 941- 6101 - 53000

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005

Supercedes Rule:

Division: Public Transit

Rule Title: Major Program Responsibilities

The person to be contacted regarding the proposed rule is: Facility and Records Management Director

Name of person originating the proposed rule: Charles Carr

Name of supervisor or person who approved the proposed rule: Charles Carr

Purpose:

Provide applicants, customers and other stakeholders with descriptions and administrative references for major programs and describes the Public Transit Division's related responsibilities.

Summary:

Defines administrative locus of responsibility, describes major programs and provides program guidance references for the Federal Transit Administration grant and State funded transportation programs and initiatives administered by the MDOT through the Public Transit Division.

The full text of the proposed rule is:

All cites herein refer to the most current version of the cited document.

Administrative Responsibility

By legislative action, the Governor of Mississippi, in accordance with Section 5311(a), Section 5310 and Section 5311(h) of the Federal Transit Act, as amended, has designated the Mississippi Department of Transportation as the agency to receive and administer FTA funds. The Public Transit Division within the Office of Intermodal Planning, is authorized by the Mississippi Transportation Commission to apply for, receive and administer FTA program funds as well as State funds that are subsequently available to support public transportation programs, projects or initiatives.

A state management plan is required by Federal Transit Administration program guidance for the entity designated by the Governor to apply for, receive and administer Federal Transit Administration grant program funds. Consequently, MDOT will maintain an approved plan, entitled "State Management Plan for Federal Transit Administration Funded Transportation Programs" (SMP). Our SMP describes the state's policies, administrative rules and procedures for administering Federal Transit Administration grant programs and projects authorized by the Commission. The purpose of the SMP is to facilitate: state program management; Federal Transit Administration (FTA) oversight, and to provide public information on the MDOT's administrative guidance and procedures. To the greatest extent practical the MDOT, through the Public Transit Division, will rely on and use the applicable policies and administrative rules and procedures for all transportation projects funded with state and federal funds.

Detailed descriptions of the Federal Transit Administration funded transportation programs administered by the MDOT, though the PTD may be found in Chapters I, II, IX, XII and XIII of the most recent version of the SMP (available from the Public Transit Division).

There are several regulatory and administrative requirements that provide the basis for the MDOT's administrative responsibilities for the federal and state transportation programs, projects and initiatives. The most prominent are the most recent versions of the following:

- FTA Circular 5010.1E "Grants Management Guidelines"
- FTA Circular 9040.1E "Nonurbanized Area Formula Program Guidance"
- FTA Circular 9070.1E "Elderly and Persons with Disabilities Program Guidance"
- FTA circular 5010.1D, "Grants Management Guidelines"
- FTA Circular 9500.1, "Intergovernmental Review of FTA Planning, Capital and Operating Programs and Activities"
- FTA Circular 7010.1, "Capital Cost of Contracting"
- FTA Circular 4220.1D, "Third Party Contracting Requirements";
- UMTA Circular 1155.1, "FTA EEO Policy and Program Requirements"
- FMTA Circular 5700.1, "Requirements and Responsibilities for Indirect Cost Proposals/Cost Allocation Plans for Technical Studies and Capital Grants"

(Each of the above is available from the FTA website- www.fta.dot.gov)

- Sections 65-1-701 through 65-1-711 of the Mississippi Code as amended
- Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, 49 C.F.R. Part 19, as amended
- 49 C.F.R. Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements (available from the Office of Management and Budget website - www.whitehouse.gov)
- Federal transit laws, 49 U.S.C. Section 5301, et seq. (also 49 U.S.C. Chapter 53), as amended
- OMB Circular, A-133, "Audits of State and Local Governments and Non-Profit Organizations"
- OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments";
- "Americans with Disabilities Act of 1990", as amended, 42 U.S.C. Part 12101 et seq.
- Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L 100-17), as amended
- U.S. Department of Transportation, "Participation by Minority Business Enterprise in Department of Transportation Programs", 49 CFR Part 26 and Federal Register, as amended
- Federal Highway Administration/Urban Mass Transportation Administration, "Environmental Impact and Related Procedures", 23 CFR Parts 660 and 661, as amended
- Federal Transit Administration, "Buy America Requirements", 49 CFR Parts 660 and 661, as amended

- 49 CFR Parts 27 and 609, "Nondiscrimination on the Basis of Handicap in Financial Assistance Programs; Final and Proposed Rules", as amended
- 49 CFR Part 604, "Charter Service, Final Rule"; as amended
- OMB Circular A-110, "Uniform Administrative Requirements Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations"
- OMB Circular A-122, "Cost Principles for Nonprofit Organizations"
- UMTA Circular 4702.1, "Equal Employment Opportunity Policy and Requirements for Grant Recipients"
- 42 U.S.C. Chapter 85, Clean Air Act, as amended
- 29 U.S.C.. 794, Section 504 of the Rehabilitation Act of 1973, as amended
- National Environmental Policy Act, 42, U.S.C. Section 4321 et seq. h.16 U.S.C. Section 470, "National Historic Preservation Act", as amended
- 49 CFR Part 17, "Intergovernmental Review of Department of Transportation Programs and Activities", as amended
- 49 CFR Part 20, "New Restrictions on Lobbying", as amended
- 49 CFR Part 605, "School Bus Operations", as amended
- 49 CFR Part 622, "Environmental Impact and Related Procedures", as amended
- 49 CFR Part 661, "Buy America Requirements: Surface Transportation Assistance Act of 1982, as amended"
- 49 CFR Part 663, "Pre-award and Post-Delivery Audits of Rolling Stock Purchases," as amended (and additional guidance published in the Federal Register, dated 3-31-92)
- 49 CFR Part 665, "Bus Testing", as amended

(The above are available though the Office of Management and Budget website - www.whitehouse.gov; the GPO Access website - www.gpoaccess.gov; and the U.S. Department of Transportation website - www.dot.gov)