

Circular 9070: Enhanced Mobility of Seniors and Individuals with Disabilities Formula Program

Session 1 – Circular and Program Overview

FTA Office of Program Management



U.S. Department of Transportation
Federal Transit Administration

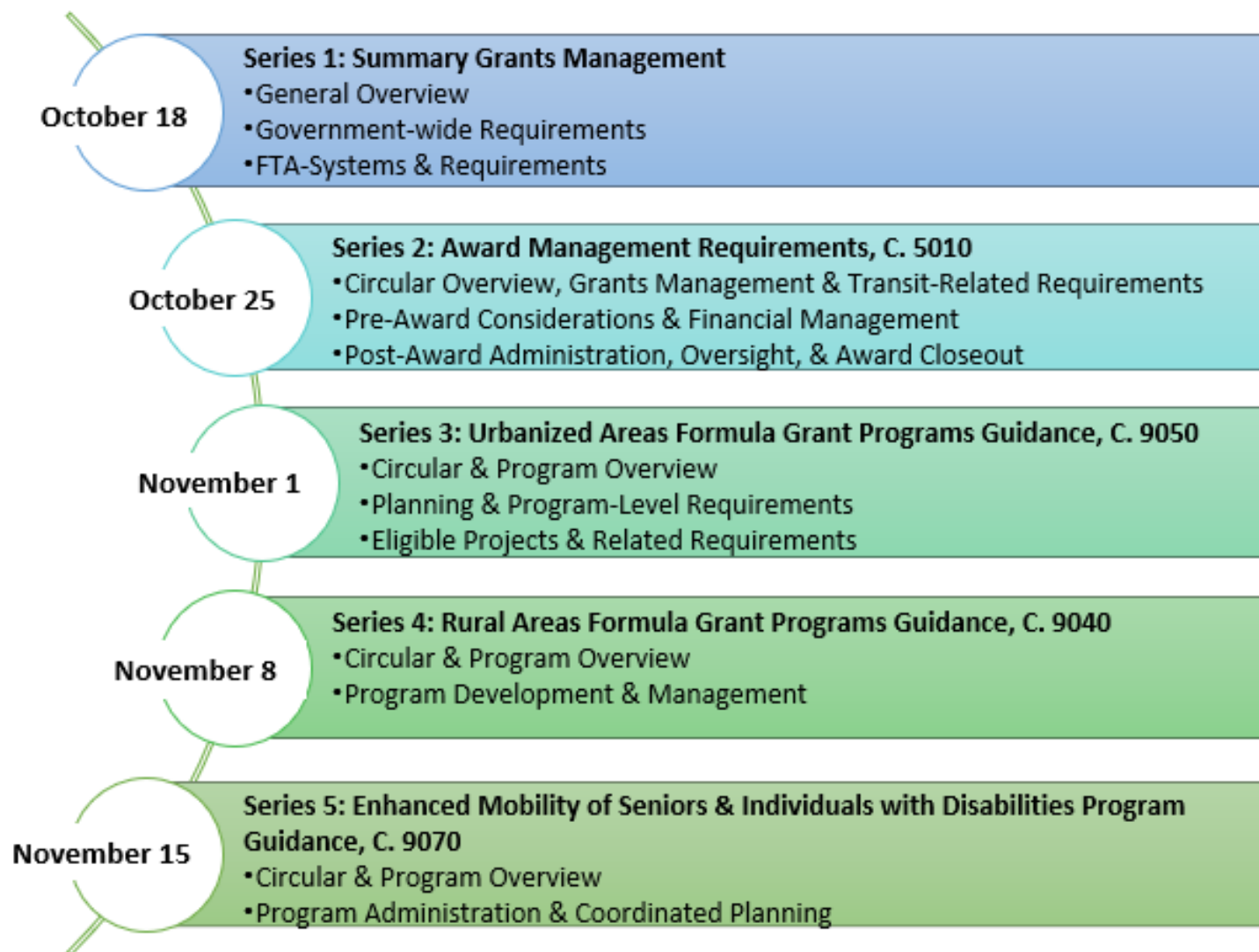


Disclaimer

The contents of this presentation do not have the force and effect of law and are not meant to bind the public in any way. This presentation is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Grantees and subgrantees should refer to FTA's statutes and regulations for applicable requirements.

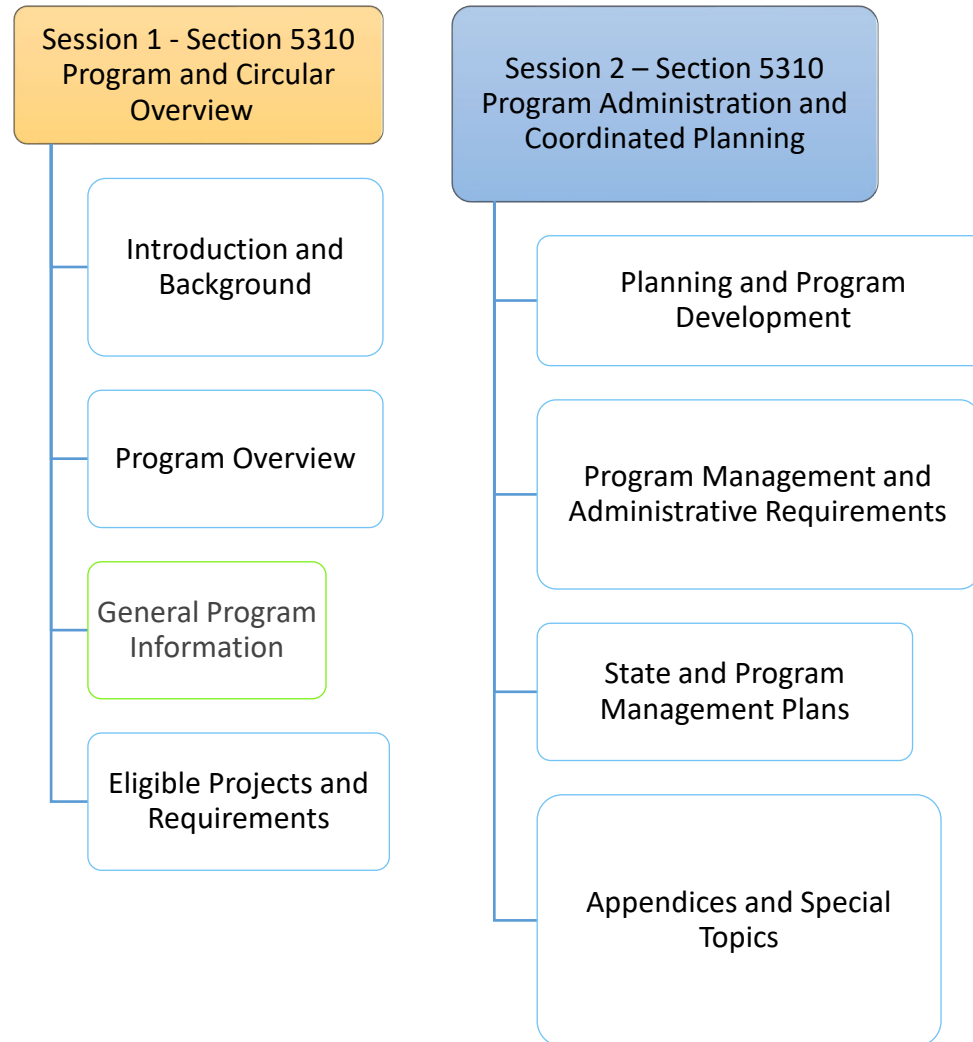
Circular Rollout Training Schedule

Each Friday from October 18 through November 15, 2024, FTA is posting a series of prerecorded videos addressing summary grants management information and highlighting the requirements outlined in each of the revised circulars - 5010, 9050, 9040, and 9070. Circular 9070 is the last training series.



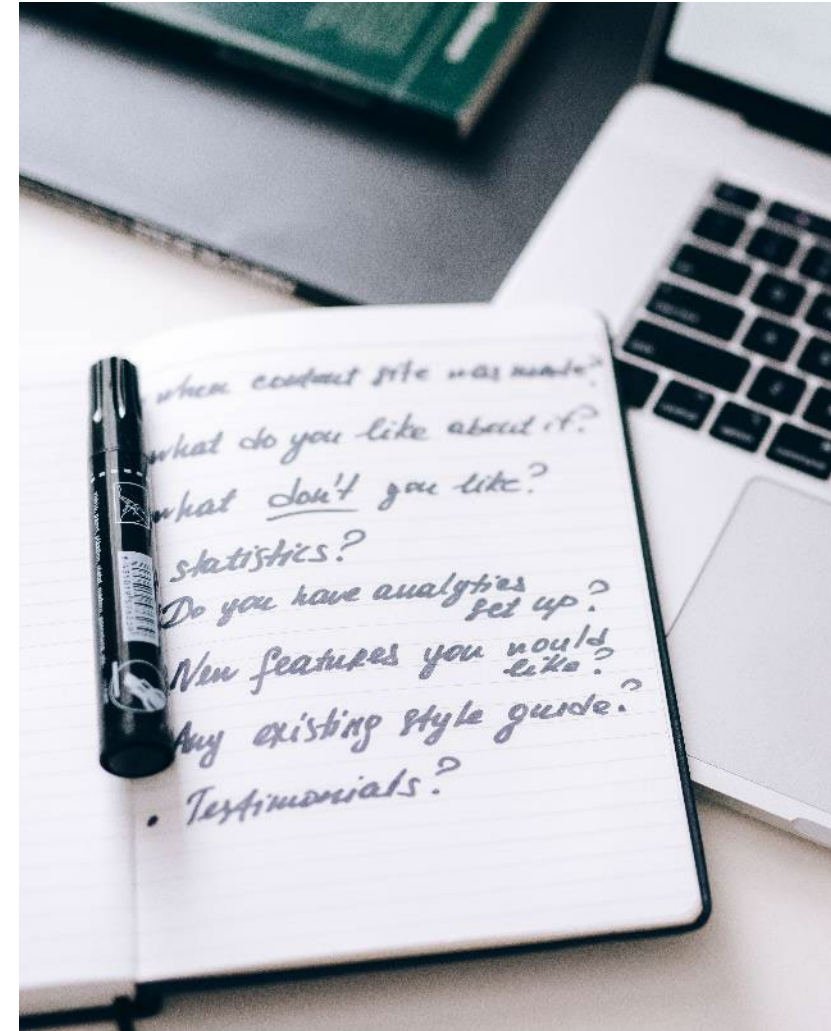
What is the C. 9070.1H Training Series?

FTA created training sessions on the 9070.1H circular to create a baseline understanding of processes, tools and terminology. These trainings create a foundation to understand updates to the circular.



The “Route” Ahead– Session 1

- Chapter I – Introduction and Background
- Chapter II – Program Overview
- Chapter III – General Program Information
- Chapter IV – Eligible Projects and Requirements



9070.1H Circular

Summary

- Circular 9070.1H provides guidance on the administration of the Enhanced Mobility of Seniors and Individuals with Disabilities Program under 49 U.S.C. 5310
- All planning and program-specific information remains in this circular while general award management information and cross-cutting elements have been moved to circular 5010.1F (Award Management Requirements circular)



9070.1H Circular (cont.)

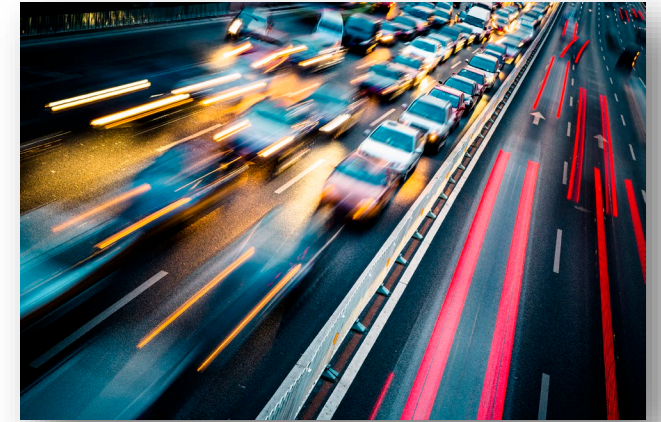
History:

- The circular was last updated in 2014
- Since 2014, Congress has made only one substantive change to 49 U.S.C. 5310
 - The FAST Act made States and local governmental entities that operate public transportation service eligible direct recipients (The circular incorporates this change in the law)
- IIJA (BIL) continued the Section 5310 Program without changes

9070.1H Circular (cont.)

Changes compared to previous circular:

- Clarifies that Transportation Network Companies (TNCs) are eligible as subrecipients if they operate public transportation
- Updates the list of eligible recipients to include States and local government authorities
- Moves cross cutting requirements to circular 5010



Introduction and Background



U.S. Department of Transportation
Federal Transit Administration

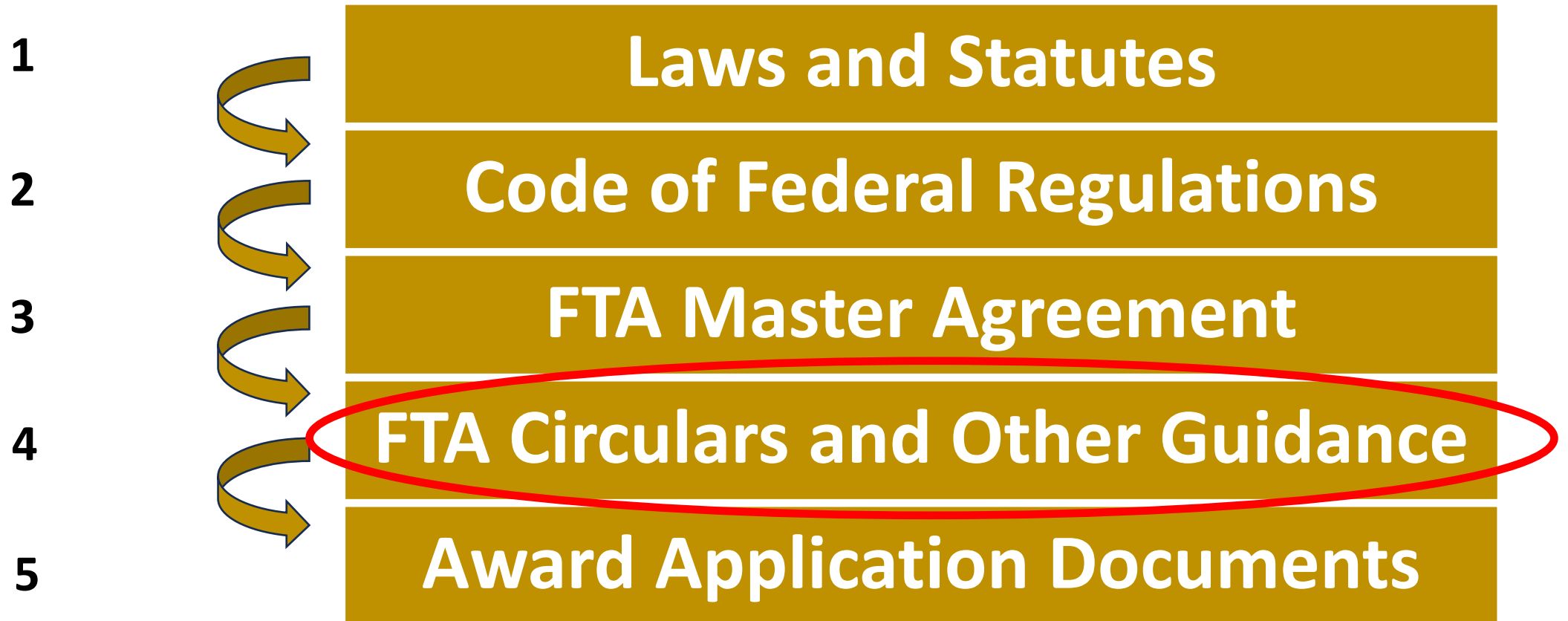


Purpose of Circular 9070.1H

What the Circular <u>Is</u> :	What the Circular <u>Is Not</u> :
Guidance on requirements and procedures applicable and specific to the <u>Section 5310</u> program.	Guidance on requirements and procedures applicable to <u>all</u> FTA financial assistance (circular 5010.1F)
Tool for users/recipients to understand how requirements <u>may apply</u> to their specific situations or considerations	Case-specific guidance or direction on FTA requirements for each unique situation
Identifies rigidity vs. flexibility of requirements and guides users/recipients in making their own decisions	Topic-specific technical assistance
Explanation of how laws, regulations, or policies active at the time of publication apply to FTA-assisted activities and awards	Substitute for applicable laws, regulations, or policies that are determined outside of the circular's scope

Circular 9070.1H Relationship to Federal Statutes and Regulations

Order of Precedence



Circular Structure

- Citation for highlighted section:
 - Chapter III.5

- Page numbering resets within each chapter
 - III-3 corresponds to the 3rd page of Chapter III



SECTION 5310 PROGRAM CIRCULAR

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Reference: Definitions

- Applicant - An entity that is seeking, but has not yet been awarded, specific Federal financial assistance directly from FTA in the form of a grant or cooperative agreement.
- Award, Grant, or Grant Agreement - A legal instrument of financial assistance between a Federal awarding agency and a non-Federal entity that is used to enter into a relationship the principal purpose of which is to transfer anything of value to carry out a public purpose authorized by a law of the United States. Grant and Award are used interchangeably.
- Disability - The term "disability" has the same meaning as in Section 3(1) of the Americans with Disabilities Act of 1990, 42 U.S.C. 12102. The term "disability" means, with respect to an individual: (1) a physical or mental impairment that substantially limits one or more major life activities of such individual, (2) a record of such an impairment, or (3) being regarded as having such an impairment. In this circular, the terms "person with a disability" or "people with a disability" have the same meaning as "individual(s) with a disability."
- Federally Recognized Indian Tribe - The governing body or a governmental agency of any federally recognized Indian Tribe or Alaska Native village, group, or community as identified by the U.S. Department of the Interior (DOI) Bureau of Indian Affairs (BIA). This list can be found [on the BIA website](#).

Reference: Definitions (cont.)

- Human Services Transportation - Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, seniors, and people with low incomes.
- Metropolitan Planning Organization (MPO) - The policy board of an organization designated by agreement between the governor and local government to carry out the metropolitan planning process, including development of long-range transportation plans and Transportation Improvement Programs for metropolitan planning areas of a State
- Public Transportation - Public Transportation means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.
- Recipient - An entity that is awarded funds directly from FTA to carry out an activity under a Federal program to support a specific project. In this circular, FTA uses the term "recipient" interchangeably with "grant recipient" and "Direct Recipient." The term "recipient does not include "subrecipient."

Reference: Definitions (cont.)

- Rural Area - An area encompassing a population of fewer than 50,000 people (49 U.S.C. 5302)
- Senior - An individual who is 65 years of age or older (49 U.S.C. 5302). In this circular, the term "older adult" has the same meaning as the term "senior".
- Subrecipient - An entity that receives a subaward from a pass-through entity (recipient) to carry out part of a Federal Award but does not include an individual that is a beneficiary of such Award.
- Transit Award Management System (TrAMS) - A web-based electronic award management system used to apply for, administer, and manage FTA Awards.
- Urbanized Area (UZA) - An area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an “urban area”
- Useful Life - The minimum acceptable period a capital asset purchased with FTA funds should be used in service. The minimum useful life for rolling stock is calculated based on the date the vehicle is placed in revenue service.

Select Acronyms

- **ADA** – Americans with Disabilities Act
- **AoA** – Agency on Aging
- **CFR** – Code of Federal Regulations
- **DOT** – Department of Transportation
- **FY** – Fiscal Year
- **MPO** – Metropolitan Planning Organization
- **NOFO** – Notice of Funding Opportunity
- **NTD** – National Transit Database
- **POP** – Program of Projects
- **PMP** – Program Management Plan
- **SMP** – State Management Plan
- **STIP** – Statewide Transportation Improvement Program
- **TAM** – Transit Asset Management
- **TIP** – Transportation Improvement Program
- **TrAMS** – Transit Award Management System
- **USC** – United States Code
- **UZA** – Urbanized Area

Program Overview and Requirements

Program Goals and Design

- The Section 5310 Program improves mobility for older adults and people with disabilities throughout the country by removing barriers to transportation services and expanding the transportation mobility options available.
- FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special needs of older adults and people with disabilities in all areas – large urbanized, small urbanized, and rural.
- The program requires coordination with other federally assisted programs and services to make the most efficient use of Federal resources.

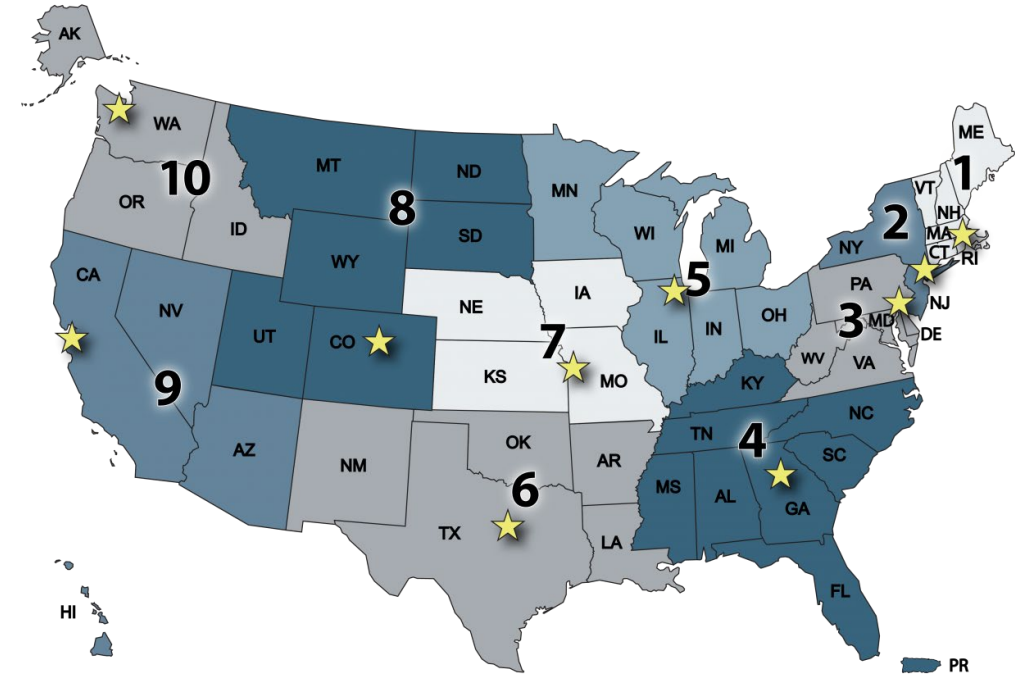
Program Measures

- The State and Designated Recipient are responsible for submitting quantitative and qualitative information on the Section 5310 Program Measures.
- Measures for Traditional Section 5310 Projects:
 - Gaps in Service Filled
 - Ridership
- Measures for Other Section 5310 Projects:
 - Geographic coverage, service quality, and/or service times
 - Changes to physical infrastructure
 - Actual/Estimated number of rides

For additional information on the Section 5310 Program Measures refer to Chapter II.3

FTA Role in Program Administration

- FTA Headquarters serves a broad, program level role in the administration of the program
- FTA Regional Offices have the day-to-day responsibility for administration of the program
- FTA Oversight:
 - Recipients may be subject to a Triennial Review (TR), State Management Review (SMR), or other regularly scheduled review to evaluate their performance.
 - SMRs examine the State's management procedures.
 - TRs examine the Designated Recipient's management procedures.
 - TRs and SMRs are conducted in accordance with the latest CORTAP manual ([link](#)).



For additional information on the Program Administration refer to Chapter II.4

Designated Recipient and State Role in Program Administration

- Section 5310 funds are apportioned annually to States and Designated Recipients, which are responsible for receiving and apportioning the funds to eligible projects and recipients.
- In small urban areas (populations between 50,000 and 199,999) and rural area (populations below 50,000), the State is responsible for administering the Section 5310 program.
- In large urban area (populations of 200,000 or more), the Designated Recipient is responsible for administering the Section 5310 program.

For additional information on the roles of the Designated Recipient and State refer to Chapter II.6a

Designated Recipient Role in Program Administration

- **FTA gives the Designated Recipient maximum discretion in designing and managing the Section 5310 Program.**
- The Designated Recipient must:
 - Document procedures for carrying out the program in a State Management Plan (SMP) or Program Management Plan (PMP)
 - Exercise oversight to ensure that only eligible activities receive Federal assistance and that subrecipients meet Federal requirements.
 - Ensure that there is fair and equitable distribution of program funds
 - Certify that all projects are included in a locally developed, coordinated public transit-human services transportation plan that was developed inclusively.
 - Certify that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other Federal departments and agencies.
 - Ensure that at least 55 percent of the area's apportionment is used for traditional Section 5310 projects carried out by an eligible subrecipient.

For additional information on the Role of Designated Recipients refer to Chapter II.5

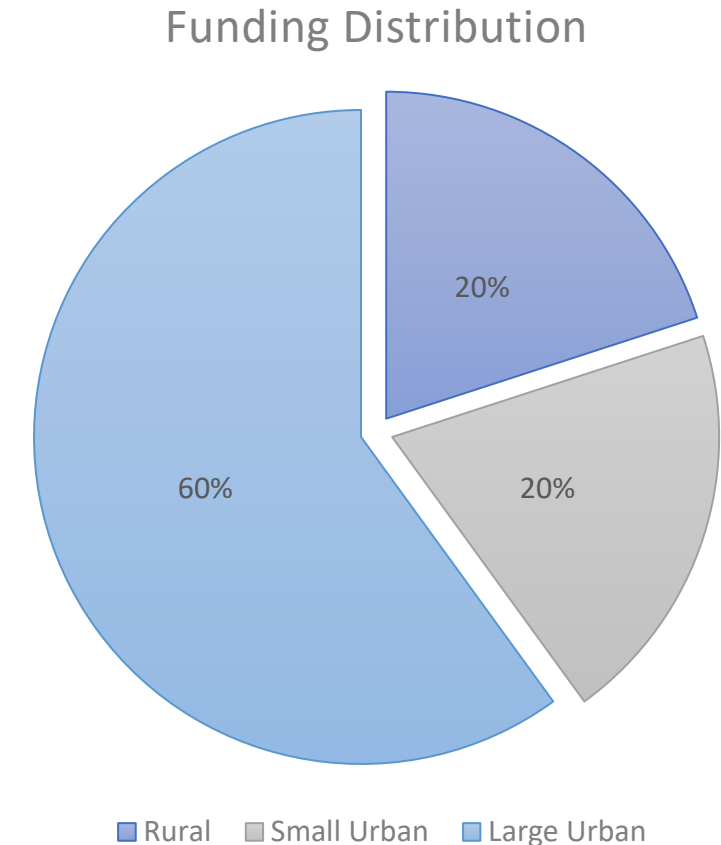
Designated Recipient Designation Process

- In UZAs over 200,000 in population, the governor or governor's designee must identify a Designated Recipient to administer the Section 5310 Program.
- Designations become effective when the governor of a State notifies the appropriate FTA regional administrator in writing of the designation.
- The written designation notice must include documentation of concurrence in the selection of the Designated Recipient by the public transit service providers in the UZA, and a resolution of the MPO concurring in the designation.
- The designation letter must be on file with the FTA Regional Office before grant applications must be submitted for FTA review and funds awarded.
- Designations remain in effect until changed by the governor by official notice of redesignation to the appropriate FTA Regional Office.

For additional information on the Designated Recipient process refer to Chapter II.6

Apportionment of Program Funds

- Of the total Section 5310 funds available, the distribution is:
 - Large Urban = 60 Percent
 - Small Urban = 20 Percent
 - Rural = 20 Percent
- The formula for distribution to each UZA or to each State for rural areas is based on an area's census data on older adults over the age of 65 and people with disabilities over the age of 5.
 - Example: a large UZA's apportionment is based on the ratio of older adults and people with disabilities in that UZA compared to the number of those people in allUZAs.
- The annual apportionment is published on FTA's website following the enactment of the annual USDOT appropriations act.



For additional information on the apportionment of funds refer to Chapter III.1

Transfer of Apportionments

- Funds can be transferred from small urban or rural areas in the following instances:
 - To another small urban or rural area – if the governor of the State certifies that all the objectives of the Section 5310 Program are being met in the area from which the funds are being transferred.
 - To a large urban area - if the State has established a statewide program for meeting the objectives of the Section 5310 Program.
- Funds may only be transferred after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area from which the funds are being transferred.
- Funds apportioned to large urban areas may not be transferred to other areas.
- Transfers from the Section 5310 Program to other FTA Programs is not permitted.
- Transfer of Federal Highway Administration (FHWA) Flexible Funds:
 - Flexible funds from FHWA may be transferred to the Section 5310 Program. The funds are treated as Section 5310 funds and follow the Section 5310 requirements, except for the local match and 55 percent traditional capital project requirements.

For additional information on transfer refer to Chapter III.3

Allocation of an Area's Apportionment

- 55 percent of an area's apportionment must be used for **traditional capital projects** that are planned, designed, and carried out to meet the needs of older adults and people with disabilities.
- The 55 percent requirement is a floor, not a ceiling.
- Up to 10 percent of an area's apportionment can be used for administrative purposes.
- Up to 45 percent can be used for **other eligible capital and operating** expenses.

A sample allocation of an area's apportionment can be found in Table IV-1

Recipient Administrative Expenses

Program Administration

- The Recipient may use not more than 10 percent of its apportioned Section 5310 funds to administer the Section 5310 Program, related planning, and to provide technical assistance to subrecipients.
 - Allowable administrative costs include salaries, overhead expenses, supplies, and office equipment used to administer the program.
 - Allowable technical assistance costs may include program planning, program development, and
 - Federal share: May be funded at a Federal share of 100 percent. No local share is required for these expenses.
- Guidance on eligible administrative costs can be found in Subpart E to 2 CFR Part 200.

Federal Share | Capital Assistance

Eligible capital project expenses involve purchasing, leasing, constructing, maintaining, or repairing facilities, rolling stock, and equipment for use in a public transportation system

Federal Share: With some exceptions, The Federal share of the eligible capital costs may not exceed 80 percent of the net operating costs of the activity.

Exceptions: The Federal share may exceed 80% for certain projects related to the Americans with Disabilities Act (ADA) and the Clean Air Act (CAA). Additional information on exceptions to Federal share can be found in Chapter III.10.b

Federal Share | Operating Assistance

Operating expenses are those costs directly related to system operations.

- At a minimum, Recipients must consider the following items as operating expenses:
 - fuel,
 - drivers' salaries and fringe benefits,
 - dispatcher salaries and fringe benefits, and
 - licenses

Federal Share: The Federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity.

Exceptions: The Federal share may exceed 80% for certain projects related to the Americans with Disabilities Act (ADA) and the Clean Air Act (CAA). Additional information on exceptions to Federal share can be found in Chapter III.10.b

Local Share of Project Costs

- Section 5310 funds may be used to finance capital and operating expenses.
- The local share may be derived from:
 - Undistributed cash surplus
 - Replacement or depreciation cash fund or reserve
 - Service agreements with a State or local service agency or private social service organization
 - New capital
- Examples of Sources of Local Match:
 - State or local appropriations
 - Dedicated tax revenues
 - Private donation

Additional examples can be found in Chapter III.10.a

Local Share of Project Costs Continued

- The local share may be derived from Federal programs that are eligible to be expended for transportation other than DOT programs or from DOT's Federal Lands Highway program.
- Examples of potential sources of local match:
 - Employment
 - Training
 - Aging
 - Medical
 - Community services
 - Rehabilitation services
- Specific resources for finding program information about other Federal funding that can be used to meet local share requirements can be found on [FTA's CCAM website](#).

Eligibility Requirements

Eligible Activities

- Section 5310 funds are available for capital and operating expenses to support the provision of transportation services to meet the specific needs of older adults and people with disabilities.
- Grants under this section can be used:
 - For public transportation capital projects planned, designed, and carried out to meet the needs of older adults and people with disabilities when public transportation is insufficient, inappropriate, or unavailable; and
 - For public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990; or
 - For public transportation projects that improve access to existing fixed route service and decrease reliance of people with disabilities on complementary paratransit; or
 - To provide alternatives to public transportation that assist older adults and people with disabilities with transportation.

Eligible Traditional Capital Projects

- 55 percent of an areas apportionment must be used for **traditional capital** projects designed, carried out, and intended to benefit older adults and/or people with disabilities.
- Capital activities (e.g., acquisition of rolling stock and related activities, acquisition of services, etc.) to support ADA complementary paratransit service may qualify toward the 55 percent requirement, **if the service is provided by an eligible recipient or subrecipient** and is included in the coordinated plan.

Examples:

- Vehicle Purchases (Accessible Buses and Vans)
- Wheelchair lifts, Ramps
- Mobility management
- Software
- Acquisition of services

Additional examples of eligible traditional capital expenses can be found in Chapter IV.2a-f

Acquisition of Transportation Services

- Acquisition of transportation services under a contract, lease, or other arrangement are eligible traditional capital expenses under the Section 5310 Program.
- Both capital and operating costs associated with contracted service are eligible capital expenses.
- Funds may be requested for contracted services covering a time period of more than one year.
- For example: A non-profit organization receiving Section 5310 funds can establish a contract with a for-profit provider of non-emergency medical transportation services to provide transportation services to the non-profit's older adults and/or people with disabilities clients.

The capital eligibility of acquisition of services is limited to the Section 5310 program.

Nontraditional Projects

- Public transportation capital projects planned, designed, and carried out to benefit older adults and/or people with disabilities.
- For public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990; or
- For public transportation projects that improve access to existing fixed route service and decrease reliance of people with disabilities on complementary paratransit; or
- To provide alternatives to public transportation that assist older adults and people with disabilities with transportation.
- Other eligible activities for nontraditional funding include:
 - o Travel training
 - o Volunteer driver programs
 - o Building accessible features
 - o Providing same day or door-to-door service

Section 5310 Limits on Operating Assistance

- Operating assistance can only be used for required ADA complementary paratransit services if it is being used to extend ADA complementary paratransit services beyond what is required by ADA regulations
- Acquisition of transportation services for older adults and people with disabilities, including ADA complementary paratransit services, is eligible for Section 5310 funding as a capital expense.

Additional information on the limits of operating assistance can be found in Chapter IV.3.e

Eligible Direct Recipients

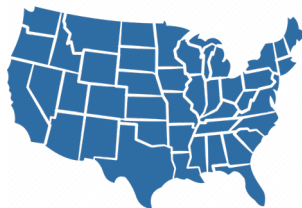
- The FAST Act amended the definition of recipient in Section 5310 to allow state or local government authorities to be direct recipients
- Eligible direct recipient entities:
 - States
 - Designated Recipients
 - State or local government authorities that operate public transportation services (including Indian Tribes)
- Process:
 - Instead of entering into a subrecipient relationship with the Designated Recipient or State, a Direct Recipient can apply for their funds directly through TrAMS. The Direct Recipient and Designated Recipient enter into a supplemental agreement releasing the Designated Recipient of any liability under the award agreement. Supplemental agreements can be downloaded from the [FTA Grant Agreement webpage](#).

For additional information on Direct Recipients refer to Chapter III.5

Eligible Subrecipients for Traditional Section 5310 Projects

- **Traditional** Section 5310 Projects – Public transportation capital projects planned, designed, and carried out to meet the specific needs of older adults and people with disabilities.
- Eligible subrecipients:
 - Private nonprofit organizations
 - A state or local government authority that:
 - Is **approved by a State** to coordinate services for older adults and people with disabilities; or
 - **Certifies** that there are no nonprofit organizations readily available in the area to provide the service.
- Government authorities eligible to apply for Section 5310 funds as "coordinators of services for older adults and people with disabilities" are those **designated by the State** to coordinate human service activities in a particular area.
 - County agencies on aging
 - Public transit providers that serve as the lead agency to coordinate transportation services funded by multiple Federal or State human service programs. Such as an MPO.

Eligible Subrecipients for Nontraditional Section 5310 Projects



States



Local Government Authorities



Private Nonprofits



Operators of Public Transportation

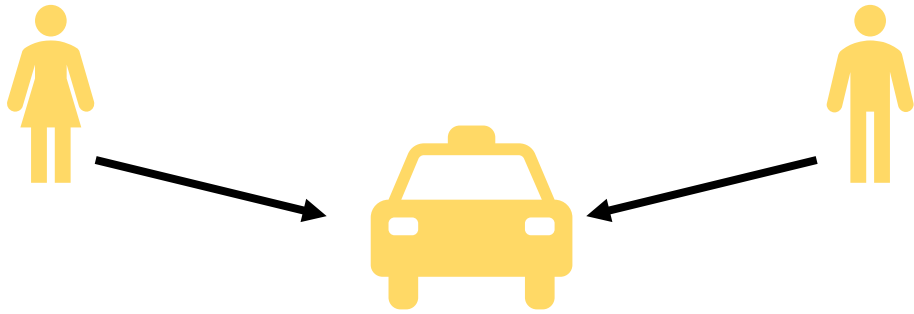
Subrecipients receiving funds in this category do not have to certify that 1) they are approved to coordinate transportation services or 2) there are no nonprofits readily available to give the service.

Private Taxi Operators and Transportation Network Companies as Subrecipients

- Private taxi companies and Transportation Network Companies (TNCs) that provide shared-ride on-demand service to the general public on a regular basis are operators of public transportation and, therefore, eligible subrecipients.
- "Shared-ride" means two or more passengers in the same vehicle who are otherwise not traveling together. Every trip does not have to be shared-ride in order for a company to be considered a shared-ride operator, but the general nature of the service must include shared-rides.
- Local statutes or regulations or company policy will generally determine whether an entity provides shared-ride or exclusive ride service.
- Taxi companies and TNCs that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors.
- The primary Federal award recipient should request documentation from the taxi company or TNC prior to award.
- As subrecipients, private taxi companies and TNCs are subject to the same Federal requirements as the Recipient making the subgrant.

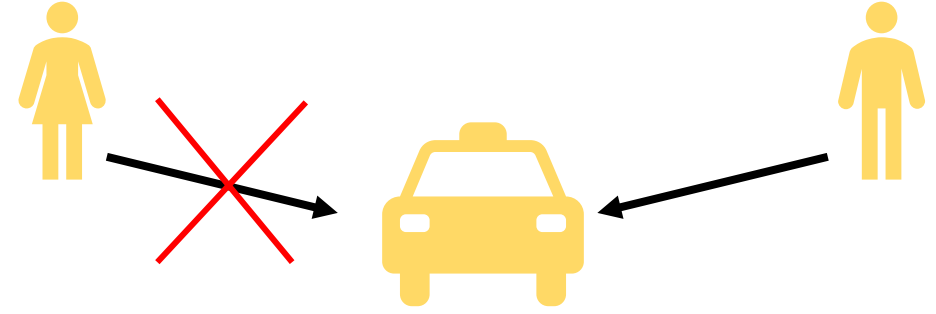
Shared Ride vs. Exclusive Ride

Shared Ride



- Open to accommodating 2 or more passengers who are not otherwise traveling together in vehicle at same time on a regular basis during period of funded service
- May not be reserved for exclusive use by individuals or private groups and must not require consent from passengers to accommodate additional passengers

Exclusive Ride



- Restricted to being open to only one passenger in vehicle at a time during period of funded service
- Reserved for exclusive use by individuals or private groups or requires consent from passengers to accommodate additional passengers

Notable Differences Between Traditional and Nontraditional Projects

Traditional (55 Percent)

- Eligible Projects:
 - Capital
- Eligible Subrecipients:
 - Always: Private non-profits
 - Sometimes: States and Local Government Authorities, under certain circumstances.
 - Never: Operators of Public Transportation

Nontraditional (45 Percent)

- Eligible Projects:
 - Capital
 - Operating
- Eligible Subrecipients:
 - Always: Private non-profits, States and Local Government Authorities, and Operators of Public Transportation
 - Sometimes: Taxis and TNCs, under certain circumstances

TABLE IV-1: SAMPLE ALLOCATIONS OF AN AREA’S APPORTIONMENT

Activity	Example 1 Amount Awarded	Example 1 % of Total Allocation	Example 2 Amount Awarded	Example 2 % of Total Allocation
Total Amount Allocated	\$1,000,000	100%	\$1,000,000	100%
State or Designated Recipient Program Administrative Funding	\$100,000	10%	\$0	0%
Traditional Section 5310 Projects	\$550,000	55%	\$550,000	55%
Other Section 5310 Projects	\$350,000	35%	\$450,000	45%

More Information

FTA links to training on its circular landing page at transit.gov. Please share with applicable and interested colleagues.

Shared Mailbox

FTACircularUpdate2024@dot.gov

Resources

Learn More:

- [Award Management Requirements \(5010\) Proposed Circular](#)
- [Grant Programs for Urbanized Areas: Program Guidance and Application Instructions \(9050\) Proposed Circular](#)
- [Rural Areas Formula Grant Programs \(9040\) Proposed Circular](#)
- [Enhanced Mobility of Seniors and Individuals With Disabilities Program Guidance and Application Instructions \(9070\) Circular](#)

FTA Mission, Vision, Values



Mission

Improve America's Communities through Public Transportation



Vision

A Better Quality of Life for All Built on Public Transportation Excellence

Values

Service

Provide reliable, transparent, responsive, and anticipatory services to meet stakeholder needs

Integrity

Commitment to the highest professional and ethical standards

Innovation

Foster new ideas, concepts, and solutions for improved outcomes

Sustainability

Optimize decisions, resources, and systems to make long-term positive impacts on the environment, infrastructure, and safety

Equity

Remove barriers for systemically underserved communities to access all aspects of economic, social, and civic life

Thank you!

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