



Pennsylvania  
**Department of Transportation**

# **GUIDELINES and POLICIES**

for Administering and Providing Service for Pennsylvania's

## **Federal Section 5310 Program**

PennDOT Bureau of Public Transportation

May 2025

## **Contact Information**

### **Questions on:**

#### Guidelines and Policies

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## Overview

The Federal Section 5310 program enhances mobility for seniors and/or individuals with disabilities. Competitive applications for the Federal Section 5310 program are open annually from July 1 to July 31 in Pennsylvania. PennDOT's Bureau of Public Transportation (BPT) partially funds the procurement of accessible vehicles for awarded applicants. BPT grants Federal Section 5310 funds to local public transportation providers and private non-profit (PNP) organizations throughout Pennsylvania.

The Federal Transit Administration (FTA) awards Pennsylvania with Federal Section 5310 funds based on a formula. The FTA divides states into Urbanized Areas (UZA) and allocates formula funds to UZAs. BPT evaluates each applicant's needs and determines which projects can be funded in each UZA. This means BPT may approve fewer vehicles to applicants requesting multiple buses and/or vans due to limited funds available in a UZA.

After reviewing all applications, BPT develops a program of projects (POP). The POP justifies BPT's application to the FTA for Federal Section 5310 funds. When the FTA approves BPT's application and sends the federal funds, PennDOT's Office of Comptroller Operations receives and codes funding to be available for projects.

If your application is selected, BPT sends it to PennDOT's Office of Chief Counsel for review and approval. Once approved by the Office of Chief Counsel the application becomes a grant—which is a legally binding contract.

Applicants who receive Federal Section 5310 funds from BPT are subrecipients (i.e., grantees) and must abide by state regulations and policies in addition to federal requirements.

Vehicles purchased under the Federal Section 5310 program are to be shared by riders and are not to transport individual riders like taxi or other ride-hailing services. Vehicles must be used regularly throughout their entire service life for the intended purpose of transporting seniors and/or individuals with disabilities.

# **Eligibility**

## **Applicants**

Organizations and entities eligible to apply for Federal Section 5310 funding include:

- Private non-profit organizations (PNPs)
- Public transportation providers

## **Capital Expenses**

Vehicles eligible as capital expenses under the Federal Section 5310 program include:

### **PNPs:**

- Accessible small buses
- Accessible vans
- Accessible minivans

### **Public Transportation Providers:**

- Accessible small buses
- Accessible vans
- Accessible minivans
- Support vehicles
- Capital equipment supporting public transportation in excess of \$5,000

## **Passengers**

Federal Section 5310-funded vehicles must transport passengers who are seniors and/or individuals with disabilities.

- **Seniors:** individuals 65 years or older.
- **Individuals with Disabilities:** individuals with a temporary or permanent disability as defined by the Americans with Disabilities Act (ADA).

Individuals with a disability for drug addiction must be in rehabilitation or recovered. Individuals currently engaging in illegal drug use are not disabled per ADA.

## **Vehicle Usage**

Grantees must use vehicles for the intended purpose of enhancing mobility for seniors and/or individuals with disabilities for the duration of the vehicle's service life.

Vehicles must operate within the service times and areas described in the Federal Section 5310 application.

### **Eligible Usage**

#### **Incidental Use**

When vehicles are not serving the Federal Section 5310 program, incidental use is permitted with BPT's approval. This type of use is allowed but should be kept to a minimum and must not interfere with any transportation services for seniors and/or individuals with disabilities.

#### **Meal Delivery**

Grantees can provide meal deliveries if it does not conflict with transportation services. Federal Section 5310 funds cannot be used to purchase vehicles exclusively for meal delivery or equipment such as racks, heating, or refrigeration units. Vehicle capacity is determined only by the number of passengers to be transported.

#### **Out-of-State Usage**

Out-of-state trips are permitted for grantees located in counties bordering state lines. Grantee must include this usage in their Federal Section 5310 application for BPT's review and approval.

### **Ineligible Usage**

#### **Charter Service**

The FTA defines charter bus service as the exclusive use of a vehicle by a group or individual, for a specific purpose, at a negotiated fee. This definition differentiates charter service from public transportation, which is open to the general public. FTA regulations protect private charter operators from unfair competition by FTA recipients.

#### **School Bus Service**

The FTA defines school bus service as transportation to accommodate students, school personnel, and school equipment. This service is offered on school buses and can be part of regularly scheduled mass transportation in metropolitan areas or a dedicated "School Special" service, which are routes specifically designed for students and school personnel. FTA regulations protect private school bus operators from unfair competition by FTA recipients.

# **Program Management**

## **Grant Agreement/Contract**

Federal Section 5310 applications are submitted through BPT's online grant management system, eGrants. To register and submit an application, follow the [eGrants instructions](#) on PennDOT's website. Approved applications become grant agreements, which are legal binding contracts with the Commonwealth of Pennsylvania. The contract governs the purchase and use of capital assets. The contract outlines requirements for reporting, coordination, use and disposition of capital assets, and state and federal regulations.

## **Scoring**

PNP applications will be scored by a BPT Program Manager. The scoring categories are federal requirements and must be complete and accurate for application to be considered eligible. New applicants must complete 1-7. Existing applicants must complete 1-8.

1. Applicant has attached supporting documentation of private non-profit status, such as IRS Certificate 501(c)3.
2. Applicant has provided information that at least 55% of service being provided transports senior citizens and/or persons with disabilities.
3. Applicant has attached a signed and current year-dated letter of support from the **local public transportation agency providing shared-ride service**.
4. Applicant has attached a signed and current year-dated local match letter indicating at least 20% of project cost is **secured and committed** to the project.
5. Applicant is listed in the local human service transportation coordination plan and provided page numbers from the coordination plan or upload a letter provided from the metropolitan planning organization (MPO), regional planning organization (RPO), or council of governments (COG) stating they have or will coordinate.
6. Applicant has attached the signed and current year-dated Title VI Assurances.
7. Applicant has attached the Vehicle Maintenance Plan, which includes preventive maintenance intervals with both time and mileage.

8. Applicant has provided annual asset (vehicle) update to BPT to be entered into the state asset management platform, the Capital Planning Tool (CPT). The Federal Transit Administration (FTA) requires federally funded assets be tracked with annual updates from their subrecipients.

### **Project Selection**

Verification of an existing grantee's last Federal Section 5310 Compliance Review will be conducted. Grantees are expected to have no findings or are current with their action plan to resolve findings. Funding will only be added to an application if the grantee is compliant or current with action plan.

To justify the expense of a vehicle, transportation is to be used regularly by multiple riders, for the service life of the vehicle. Mileage will be tracked in BPT's Capital Planning Tool.

Grants are competitive and restricted by available Federal Section 5310 funds that the FTA allocates to UZAs.

BPT places first consideration to vehicle replacement and secondary consideration to vehicle expansion to keep existing fleets in a state of good repair.

A BPT Program Manager may reach out for clarification or minor revisions to submitted documents during the scoring process. It is the applicant's responsibility to meet all application requirements.

### **Procurement**

To ensure federal compliance, grantees are required to procure vehicles using the Statewide Small Vehicle Contract administered by Susquehanna Regional Transportation Authority (SRTA). PennDOT's [Vehicle Procurement Checklist](#) provides procurement procedures based on funding source to assist grantees in purchasing vehicles from the statewide contract, including the [TVM Award Reporting Form Instructions](#), which must be completed within 30 days of submitting a purchase order. Proof of submission must be retained and will be reviewed during a compliance review. The TVM process is pass or fail and the FTA considers one missed submission a fail.

Under extenuating circumstances, BPT can approve the purchase of a vehicle independent of the Statewide Small Vehicle Contract. If approved for independent purchase, grantees are responsible for following procurement requirements and ensuring federal clauses are included in the purchasing contract from the dealer. Grantees purchasing vehicles independent from the Statewide Contract must complete



procurement procedures based on funding source on PennDOT's [Vehicle Procurement Checklist](#). Procurement documents are to be retained until vehicle is disposed.

### **Reimbursement**

To invoice BPT for reimbursement, grantees must upload invoices to eGrants within 7 days of receiving vendor invoice. Grantee must pay vendor within 7 days of receiving reimbursement from BPT. Reimbursement request must match vendor invoice to be approved. Invoice approval process takes an average of 45 days for grantees to receive reimbursement. Contact your BPT Program Manager for invoice assistance and status.

### **Insurance Requirements**

Grantees must insure each vehicle to cover the actual cash value in the event of damage or destruction. Grantees must co-insure BPT on insurance policies to protect the federal interest in the asset. The grantee must provide BPT with proof of insurance, reflecting the Bureau is co-insured upon each renewal of the policy.

### **Title of Vehicles**

Grantees must hold the title to Federal Section 5310-funded vehicles until they are either disposed or transferred. When disposing of vehicles, recipients must follow PennDOT's [Disposition Procedures](#).

### **Low Usage**

Accessible transit vans and buses accruing 10,000 miles or less annually are considered low mileage usage. If low mileage vehicles are underutilized in serving seniors and/or individuals with disabilities, BPT can transfer vehicles to another subrecipient of the Federal Section 5310 program.

### **Leasing Vehicles Acquired with Federal Section 5310 Funds**

A lessee must operate the vehicles and provide transportation to the grantee's clientele in accordance with the grantee's application.

Leasing agreement between a grantee and lessee must be approved by PennDOT prior to leasing asset.

**PNPs** must submit leasing agreements to their BPT Program Manager. The Program Manager will review, approve, and upload the agreement to the Capital Planning Tool (CPT).

**Public Transportation Providers** must upload leasing agreements into the CPT and notify their BPT Program Manager for review and approval.

The lease agreement between the Federal Section 5310 grantee and the lessee must contain terms and conditions of the FTA master agreement, pertaining to maintenance and use of vehicles and other assets, oversight, and compliance required of the grantee. Incidental use of leased vehicles is permitted if it does not interfere with service to seniors and individuals with disabilities.

Control and responsibility for the operation of leased vehicles and other equipment remains with the grantee unless PennDOT authorizes the transfer of the control and responsibility to another eligible recipient.

### Reporting Requirements

Grantees are required to submit:

#### **PNPs:**

- Annual asset (vehicle) update for CPT
- Documents for Federal Section 5310 compliance reviews
- Annual ridership and trip purpose
- Additional data to show need, use, budget, and progress of program

#### **Public Transportation Providers:**

- Update CPT
- Information in PennTD
- Progress reports
- Documents for Federal Section 5310 compliance reviews
- Additional data to show need, use, budget, and progress of program

### Compliance

Grantees must comply with all federal and state statutes, regulations, and requirements, including, but not limited to applicable sections of 62 Pa. C.S., 74 Pa. C.S., 75 Pa. C.S., 2 CFR, and 49 CFR. The FTA requires BPT to conduct Federal Section 5310 compliance

reviews on grantees with program funded vehicles within their service life. Grantees must complete a questionnaire, submit required documents, and meet with BPT as part of the compliance review process. Grantees must resolve compliance review findings by the due dates in the action plan, which is included in the Findings Letter.

### **Application of Federal, State, and Local Laws and Regulations**

Grantees must comply with changing federal, state, and local regulations applicable to their Federal Section 5310 projects.

### **Project and Grant Closeout**

Capital grants are three-year awards and projects must be invoiced within this time frame. Once a project has been completely invoiced, any remaining balance will be liquidated. Projects not invoiced within the three-year period will be liquidated. Under extenuating circumstances, BPT can approve a grant extension. Projects will be liquidated if grantees have not ordered vehicles within the three-year period. Grantees can reapply if the project is still needed and can be justified.

# **Federal Requirements**

Grantees of the Federal Section 5310 program must follow the federal requirements below and all federal requirements included in the grant agreement.

## **Accessibility**

Services provided by grantees must be accessible and nondiscriminatory for individuals with disabilities in accordance with the 42 U.S.C. Sections 12101 et seq. and DOT regulations, Transportation Services for Individuals with Disabilities (ADA), 49 CFR Part 37; and Joint ATBCB/DOT regulations, Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles, 36 CFR Part 1192 and 49 CFR Part 38.

## **Americans with Disabilities Act**

Grantees must comply with the Americans with Disabilities Act and guidance issued in [FTA Circular 4710.1](#).

## **Coordination**

The FTA requires Federal Section 5310 projects be included in a local coordinated public transit-human services transportation plan. Coordinated plans help reduce transportation issues (e.g., duplication of services, underutilization of resources, etc.) and mitigate gaps between unmet transportation needs.

The local planning organization in your service area is responsible for developing the plans with public, private, non-profit, human services transportation providers, and the general public.

When applying for a Federal Section 5310 grant, applicants must reference the pages in the coordination plan where their organization is listed or provide a letter from the planning organization confirming participation has or will occur. Letter must be signed by an employee at the planning organization and dated in the current year.

## **Distracted Driving, Including Text Messaging While Driving**

Pursuant to Executive Order No. 13513, 23 U.S.C. § 402 note, and DOT Order 3902.10, grantees are to adopt on-the-job policies and programs for its employees when operating vehicles to avoid distracting driving including text messaging and include this provision in

third party contracts or sub-agreements entered in this project.

### **FTA Funding Ratio**

The federal share of eligible capital expenses cannot exceed eighty (80) percent.

**PNPs:** The local share can be no less than twenty (20) percent of the expenses.

**Public Transportation Providers:** The state share can be no less than twenty (20) percent of the expenses.

The remaining non-federal share must be provided from non-federal sources unless permitted in other federal legislation.

### **Maintenance**

Grantees must maintain assets in good operating order and in compliance with the manufacturer's recommendations. Preventive maintenance activities are subject to audit and compliance against the manufacturer's recommendations, including completeness and timeliness.

### **Seat Belt Usage**

Pursuant to Executive Order No. 13043, April 16, 1997, 23 U.S.C. § 402, grantees are to adopt on-the-job seat belt use policies and programs for employees when operating vehicles and include this provision in third party contracts or sub-agreements entered in this project.

### **Title VI of the Civil Rights Act of 1964**

Grantees must follow [FTA C 47012.1B](#)—Title VI Requirements and Guidelines for FTA recipients. No person on the grounds of race, color, or national origin, be excluded from participating, or denied the benefits of, or be subject to discrimination under any program, or activity receiving federal financial assistance.

### **Federal Regulation Changes**

Agency must comply with FTA regulations, policies, procedures, and directives, including those listed directly or by reference in the current FTA Master Agreement between PennDOT and the FTA including amendments made during the term of this project. The agency's failure to comply will constitute a material breach of the contract.

# **Compliance Reviews**

The FTA requires compliance reviews be administered to subrecipients actively operating vehicles funded under the Federal Section 5310 program. BPT conducts compliance reviews on a three-year cycle. Compliance reviews include federal requirements outlined in the FTA Contractor's Manual and circulars. BPT's Federal Section 5310 compliance reviews include:

## **ADA**

Americans with Disabilities Act of 1990 (ADA) dictates no entity discriminates against an individual with a disability. To comply with ADA regulations in providing transportation service, grantees must:

- Establish a compliant procedure with investigation and response guidelines
- Develop a complaint form for reporting disability discrimination
- Add the complaint form on the grantee's website
- Retain complaint records for at least 2 years and provide a complaint summary for the last 5 years
- Provide accessible public information and communications upon request
- Allow service animals to accompany individuals with disabilities in vehicles and facilities
- Deploy lift or ramp upon request for standees as well as wheelchair-users
- Accommodate people who use various mobility devices
- Not deny an individual transportation because a vehicle's securement system is unable to secure the mobility device
- Make public information and communications available in accessible formats
- Accommodate persons using respirators or portable oxygen
- Train operators in the use of accessibility equipment as well as sensitivity to people with disabilities

## **Documents Required for Compliance Review**

### **PNPs:**

- ADA Complaint Procedures
- ADA Complaint Form
- List of ADA Complaints and Resolutions (within last 2 years)

### Public Transportation Providers:

- ADA Complaint Procedures
- ADA Complaint Form
- List of ADA Complaints and Resolutions (within last 2 years)
- General ADA Policy
- Service Animal Policy
- Accommodation of Portable Oxygen Policy
- Requests for Reasonable Modification Policies or Procedures

### Capital

FTA-funded vehicles must continuously be used for the original authorized purpose of transporting seniors and/or individuals with disabilities throughout its service life until disposition. To comply with capital requirements, grantees must follow procedures for:

- **Inventory control:** Submit the annual asset (vehicle) update, which includes condition and mileage, for all Federal Section 5310-funded vehicles
- **Loss prevention:** Implement robust management and security procedures to protect Federal Section 5310-funded vehicles from loss or damage.
- **Insurance requirements:** Insure each vehicle throughout its service life to cover the actual cash value in the event of damage or destruction and co-insure BPT on insurance policies to protect the federal interest in the asset.
- **Disposition requirements:** Follow PennDOT's [Disposition Procedures](#) for all FTA-funded vehicles and reimburse the FTA when sale proceeds are \$10,000 or more.

### Documents Required for Compliance Review

- Capital Project Management Policies and Procedures

### EEO

Grantees must ensure that no person on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program or activity receiving federal financial assistance under the federal transit laws.

Grantees must submit an abbreviated Equal Employment Opportunity (EEO) program if in the previous federal fiscal year, the agency:

- Has 50 to 99 full or part-time employees involved in transportation operations; and
- Receives \$1 million or more in federal capital or operating assistance; or
- Receives \$250,000 or more in federal planning assistance

Grantees must submit a full EEO program if in the previous fiscal year, the agency:

- Has 100 or more part-time employees involved in transportation operations; and
- Receives \$1 million or more in federal capital or operating assistance; or
- Receives \$250,000 or more in federal planning assistance

### **Documents Required for Compliance Review**

- EEO Plan/Program

### **Financial Management**

Grantees must have financial policies and procedures, which include cash management procedures and determination of allowable costs.

Cash management procedures include:

- Safeguards from waste, loss, and misuse of federal funds
- Defining levels of authority for financial matters
- Allowability of costs
- Distribution of funds promptly
- Funding for vehicle operation and maintenance

Grantees must conduct required single audits if receiving \$1 million or more in federal funding in a fiscal year.

### **Documents Required for Compliance Review**

- Board Meeting Minutes (from 3 most recent meetings)
- Most Recent Single Audit (if conducted in last 3 years)

### **Maintenance**

Grantees must keep Federal Section 5310-funded vehicles in good operating condition including all accessibility features. Grantees must have a detailed written maintenance plan outlining the grantee's vehicle maintenance procedures including:

- **Preventative maintenance (PM) intervals:** Specify both in miles and time
  - PM intervals must meet or exceed manufacturer's recommendation
- **Warranty tracking procedures:** Implement a system for tracking warranty claims
- **Maintenance locations:** List authorized mechanics and garages performing vehicle maintenance



- **Accessibility maintenance:** Include specific procedures for maintaining wheelchair lifts, ramps, and other accessibility features
- **Maintenance responsibilities:** Define roles and responsibilities of agency employees involved in vehicle maintenance and cleaning

Grantees must submit PM records (i.e., oil changes) for analysis. The FTA requirement is at least **80%** of oil changes must meet the threshold of 10% before or after the PM intervals specified in grantee's maintenance plan to be on-time.

BPT conducts on-site or virtual inspection of in-service accessible vehicles purchased under the Federal Section 5310 program.

### **Documents Required for Compliance Review**

- Images of Vehicles for Virtual Inspection
- Vehicle Maintenance Plan
- Maintenance Agreement/Contracts
- PM Records (must include date and mileage of oil changes)
- Vehicle Accessibility Features Maintenance Records (e.g., wheelchair lifts, ramps, etc.)
- Vehicle Inspection Checklists (e.g., monthly, quarterly, etc.)
- Pre-Trip and Post-Trip Inspection Forms

### **Procurement**

Grantees must follow PennDOT's [Vehicle Procurement Checklist](#) when purchasing vehicles awarded in the Federal Section 5310 program. The Procurement Checklist verifies both federal and state compliance.

Grantees must follow PennDOT's [TVM Award Reporting Form Instructions](#) and submit the [Transit Vehicle Award Reporting Form](#) within 30 days of executing a purchase order for accessible transit vans and/or cutaway buses (not applicable to minivans). The completed forms (digital or printed) will be audited during an agency's Federal Section 5310 compliance review.

### **Documents Required for Compliance Review**

- Procurement Policy/Procedures
- Vehicle Procurement Checklist
- Pre-Award Review Certification Form
- Post-Delivery Review Certification Form

- Vehicle Inspection Checklist
- Transit Vehicle Award Reporting Form

### **Title VI**

Grantees must establish a Title VI Program which must be approved by their governing body. Every three years the Title VI Program must be updated, reapproved by governing body, and submitted to BPT with meeting minutes or resolution. Title VI Program must include:

- Policy statement
- Evidence of policy approval
- Notice to the public
  - Must be posted on recipient's website, in federally funded vehicles, and in public areas
- Complaint procedures
- Complaint form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public participation plan
- Language assistance plan (with four-factor analysis)
- Demographic breakdown of committees or governing bodies (applicable only if grantee selects its own board members)

### **Documents Required for Compliance Review**

- Title VI Program/Plan
- Title VI Complaint Procedures
- Title VI Complaint Form
- List of Title VI Investigations, Complaints, and Lawsuits (within last 3 years)

# **Definitions**

## **Capital Asset:**

Facilities or equipment with a service life of at least one year and a purchase value of \$5,000 or more. Vans/minivans have a service life of 4 years/100,000 miles and small buses have a service life of 5 years/150,000 miles.

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## **Council of Governments (COGs):**

A multi-service regional organization that delivers various federal, state, and local programs including transportation planning. COGs can be designated as MPOs.

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## **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 an individual with:

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.
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## **Human Service Transportation:**

Transportation service options designed to meet the needs of transportation disadvantaged populations, including older adults, people with disabilities, and/or individuals with lower income.

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## **Metropolitan Planning Organization (MPO):**

The policy board of an organization designated in cooperation with the state and public transportation operators to carry out the metropolitan planning process, including development of long-range transportation plans and Transportation Improvement Programs (TIP) for metropolitan regions of a State or States.

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**Nonprofit Organization:**

A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or determined under state law to be a nonprofit and received documentation from the state certifying the corporation or association is classified a nonprofit organization.

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**Preventive Maintenance:**

Supplies, materials, labor, and associated costs required to maintain and extend the functionality of the vehicle in a cost effective manner.

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**Program of Projects:**

PennDOT projects to be funded in a grant application submitted to the FTA. The program of projects (POP) lists subrecipients, service areas, description of the projects, project cost, and federal share for each project.

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**Regional Planning Organization (RPO):**

A multi-jurisdictional entity that plays a role in statewide transportation planning, particularly in non-metropolitan areas.

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**Seniors:**

Individuals who are 65 years of age or older.

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**Shared-ride Service:**

Demand responsive transportation of individuals, which is not a fixed route system. [49 CFR 37.3].

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**Service Area:**

Area in which a grantee is authorized to provide public transportation service under local, state, and federal law. Service area is determined by grantee and must represent service being provide and advertised.

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